

**LEGAL ADVISORY**

**FROM:** Paul H. Pincus  
**TO:** Clients and Friends  
**DATE:** July 10, 2020  
**RE:** New York State Issues Reopening Requirements and Guidance for Office-Based Work



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As part of its “New York Forward” reopening plan<sup>1</sup> for “Phase II” businesses, New York State authorized office-based businesses (other than medical offices) to reopen on June 22, 2020; provided they meet certain “minimum” requirements in light of COVID-19. These requirements must be met for office-based businesses to reopen, as well as by office-based businesses that have already reopened. They are in addition to requirements of the New York State Department of Health (“DOH”) and applicable federal requirements (such as from the Centers for Disease Control and Prevention (“CDC”) and Occupational Safety and Health Administration (“OSHA”)).

- To reopen, every company must have a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. Companies may use the template attached to this Advisory or develop their own plan. The Safety Plan must be retained on-site, posted conspicuously, and made available to the DOH or local authorities upon request.
- The Safety Plan must comply with the “minimum” requirements contained in the attached “Summary Guidelines” and detailed “Interim Guidance”.
- Companies are required to submit an online affirmation to the State confirming that they have read and understand their obligation to operate in accordance with the State’s Interim Guidance. A copy of the affirmation is attached to this Advisory and a link to the form can be found at <https://forms.ny.gov/s3/ny-forward-affirmation>.

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<sup>1</sup> New York’s staged reopening plans for various industries and locales can be found at its dedicated website <https://forward.ny.gov/>.

Set forth below is a summary of the requirements contained in the Summary Guidelines and Interim Guidance. The Summary Guidelines also contain recommended best practices that companies should review and consider incorporating into their Safety Plans.

### **Physical Distancing**

- Limit the total number of occupants at any given time to no more than 50% of the maximum occupancy (based on the certificate of occupancy).
- Require all individuals to maintain a distance of at least 6 feet from each other.
- Require workers and visitors to wear face masks if they come within 6 feet of each other.
- Close or reconfigure any common seating areas (such as reception areas) to ensure that individuals are at least 6 feet apart in all directions.
- Reconfigure or restrict the number of workstations, employee seating areas, and desks, so that employees are at least 6 feet apart in all directions. When distancing is not feasible between workstations, face masks or physical barriers (such as plastic shielding) are required in accordance with OSHA guidelines.
- Limit the use of shared workstations, and clean and disinfect workstations between users.
- Prohibit the use of small confined spaces (such as elevators, supply rooms, personal offices, and vehicles) by more than one individual at a time unless everyone wears a face mask and occupancy is limited to under 50% of maximum capacity.
- Reduce interpersonal contact and congregation (such as by adjusting workplace hours, limiting in-person presence to necessary staff, design changes, and staggering arrival/departure times).
- Close non-essential common areas (such as gyms, pools, and game areas).
- Consider limiting occupancy or closing nonessential-essential amenities and communal areas that do not allow for social distancing. Provide hand sanitizer or disinfecting wipes next to equipment near amenities (such as vending machines and communal coffee machines).

### **Protective Equipment**

- Provide employees and contractors with face masks at no cost to them, unless they choose to use their own face masks.
- Ensure that face masks are cleaned (if applicable) or replaced after use, and prohibit the sharing of face masks.

- Train employees on how to put on, take off, clean (if applicable), and discard face masks.
- Advise workers and visitors to wear face masks in common areas (such as elevators and lobbies) and when traveling around the office.
- Limit the sharing of equipment (such as laptop computers, telephones, and writing utensils) as well as the touching of shared surfaces.
- Require workers to wear gloves when in contact with shared equipment or frequently touched surfaces, or to sanitize their hands before and after contact.

### **Hygiene, Cleaning, and Disinfection**

- Clean and disinfect the worksite at least daily, and more frequently clean and disinfect high risk areas (such as restrooms) and frequently touched surfaces.
- Adhere to cleaning guidance from the CDC and DOH, and maintain cleaning logs on-site.
- Provide and encourage employees to use hand hygiene stations in the office and hand sanitizer where handwashing is not feasible.
- Provide and encourage employees to use cleaning and disinfecting supplies before and after the use of shared and frequently touched surfaces, and then clean their hands.
- Clean and disinfect exposed areas in the event an individual is confirmed to have COVID-19.
- Prohibit shared food and beverages among employees.

### **Communication**

- Affirm that your company has reviewed and understands the State-issued guidelines, and will implement them.
- Post signs inside and outside of the worksite to remind employees and visitors to adhere to proper hygiene, social distancing rules, wearing face masks, and cleaning and disinfecting rules.
- Train all employees on the new rules and frequently communicate safety information.
- Notify and cooperate with state and local health departments with contact tracing if an employee or visitor tests positive for COVID-19.
- Conspicuously post Safety Plans on-site.

## Screening

- Implement daily health screening practices – of employees (either by questionnaires or temperature checks) and, where practicable, of visitors. Questionnaires must ask about (i) any COVID-19 symptoms in the past 14 days, (ii) a positive COVID-19 test in the past 14 days, and/or (iii) any contact with someone having a confirmed or suspected COVID-19 case in the past 14 days. Employees must immediately disclose if and when their responses to such questions change.
- Protect and train personnel performing screening activities in accordance with CDC, DOH, and OSHA protocols.
- Prevent anyone who screens positive for COVID-19 symptoms from entering the worksite. An individual who screens positive for COVID-19 must be sent home with instructions to contact their healthcare provider for assessment and testing.
- Immediately notify state and local health departments of confirmed positive COVID-19 cases.
- Companies are responsible for screening their own employees and visitors unless they have agreed with building management to perform such screening on their behalf.
- Designate a contact person (site safety monitor) who will receive and review employee questionnaires, temperature checks, and updated information, and who will be responsible for compliance with the site Safety Plan.

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For more information about this Legal Advisory or assistance with compliance, please contact Paul Pincus at (212) 588-0022 or [php@orllp.legal](mailto:php@orllp.legal).\*

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\* This Legal Advisory is provided for informational purposes only. It does not constitute legal or tax advice. Recipients should consult with their own legal and tax counsel before taking any actions based on the information contained in this Advisory.



# NY FORWARD SAFETY PLAN TEMPLATE

Each business or entity, including those that have been designated as essential under Empire State Development's Essential Business Guidance, must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. A business may fill out this template to fulfill the requirement, or may develop its own Safety Plan. **This plan does not need to be submitted to a state agency for approval** but must be retained on the premises of the business and must be made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

Business owners should refer to the State's industry-specific guidance for more information on how to safely operate. For a list of regions and sectors that are authorized to re-open, as well as detailed guidance for each sector, please visit: [forward.ny.gov](https://forward.ny.gov). If your industry is not included in the posted guidance but your business has been operating as essential, please refer to ESD's [Essential Business Guidance](#) and adhere to the guidelines within this Safety Plan. Please continue to regularly check the New York Forward site for guidance that is applicable to your business or certain parts of your business functions, and consult the state and federal resources listed below.

## COVID-19 Reopening Safety Plan

Name of Business:

Industry:

Address:

Contact Information:

Owner/Manager of Business:

Human Resources Representative and Contact Information, if applicable:

## I. PEOPLE

A. Physical Distancing. To ensure employees comply with physical distancing requirements, you agree that you will do the following:

- Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance. Any time personnel are less than 6 ft. apart from one another, personnel must wear acceptable face coverings.
- Tightly confined spaces will be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, will keep occupancy under 50% of maximum capacity.

- Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas on the site (e.g. clock in/out stations, health screening stations)
- Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible.

*List common situations that may not allow for 6 ft. of distance between individuals. What measures will you implement to ensure the safety of your employees in such situations?*

*How you will manage engagement with customers and visitors on these requirements (as applicable)?*

*How you will manage industry-specific physical social distancing (e.g., shift changes, lunch breaks) (as applicable)?*

## **II. PLACES**

**A. Protective Equipment.** To ensure employees comply with protective equipment requirements, you agree that you will do the following:

- Employers must provide employees with an acceptable face covering at no-cost to the employee and have an adequate supply of coverings in case of replacement.

*What quantity of face coverings – and any other PPE – will you need to procure to ensure that you always have a sufficient supply on hand for employees and visitors? How will you procure these supplies?*

- Face coverings must be cleaned or replaced after use or when damaged or soiled, may not be shared, and should be properly stored or discarded.

*What policy will you implement to ensure that PPE is appropriately cleaned, stored, and/or discarded?*

- Limit the sharing of objects and discourage touching of shared surfaces; or, when in contact with shared objects or frequently touched areas, wear gloves (trade-appropriate or medical); or, sanitize or wash hands before and after contact.

*List common objects that are likely to be shared between employees. What measures will you implement to ensure the safety of your employees when using these objects?*

**B. Hygiene and Cleaning. To ensure employees comply with hygiene and cleaning requirements, you agree that you will do the following:**

- Adhere to hygiene and sanitation requirements from the [Centers for Disease Control and Prevention \(CDC\)](#) and [Department of Health \(DOH\)](#) and maintain cleaning logs on site that document date, time, and scope of cleaning.

*Who will be responsible for maintaining a cleaning log? Where will the log be kept?*

- Provide and maintain hand hygiene stations for personnel, including handwashing with soap, water, and paper towels, or an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

*Where on the work location will you provide employees with access to the appropriate hand hygiene and/or sanitizing products and how will you promote good hand hygiene?*

- Conduct regular cleaning and disinfection at least after every shift, daily, or more frequently as needed, and frequent cleaning and disinfection of shared objects (e.g. tools, machinery) and surfaces, as well as high transit areas, such as restrooms and common areas, must be completed.

*What policies will you implement to ensure regular cleaning and disinfection of your worksite and any shared objects or materials, using [products](#) identified as effective against COVID-19?*

**C. Communication. To ensure the business and its employees comply with communication requirements, you agree that you will do the following:**

- Post signage throughout the site to remind personnel to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.
- Establish a communication plan for employees, visitors, and customers with a consistent means to provide updated information.
- Maintain a continuous log of every person, including workers and visitors, who may have close contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means; excluding customers, who may be encouraged to provide contact information to be logged but are not mandated to do so.

*Which employee(s) will be in charge of maintaining a log of each person that enters the site (excluding customers and deliveries that are performed with appropriate PPE or through contactless means), and where will the log be kept?*

- If a worker tests positive for COVID-19, employer must immediately notify state and local health departments and cooperate with contact tracing efforts, including notification of potential contacts, such as workers or visitors who had close contact with the individual, while maintaining confidentiality required by state and federal law and regulations.

*If a worker tests positive for COVID-19, which employee(s) will be responsible for notifying state and local health departments?*

### III. PROCESS

**A. Screening.** To ensure the business and its employees comply with protective equipment requirements, you agree that you will do the following:

- Implement mandatory health screening assessment (e.g. questionnaire, temperature check) before employees begin work each day and for essential visitors, asking about (1) COVID-19 [symptoms](#) in past 14 days, (2) positive COVID-19 test in past 14 days, and/or (3) close contact with confirmed or suspected COVID-19 case in past 14 days. Assessment responses must be reviewed every day and such review must be documented.

*What type(s) of daily health and screening practices will you implement? Will the screening be done before employee gets to work or on site? Who will be responsible for performing them, and how will those individuals be trained?*

*If screening onsite, how much PPE will be required for the responsible parties carrying out the screening practices? How will you supply this PPE?*

**B. Contact tracing and disinfection of contaminated areas.** To ensure the business and its employees comply with contact tracing and disinfection requirements, you agree that you will do the following:

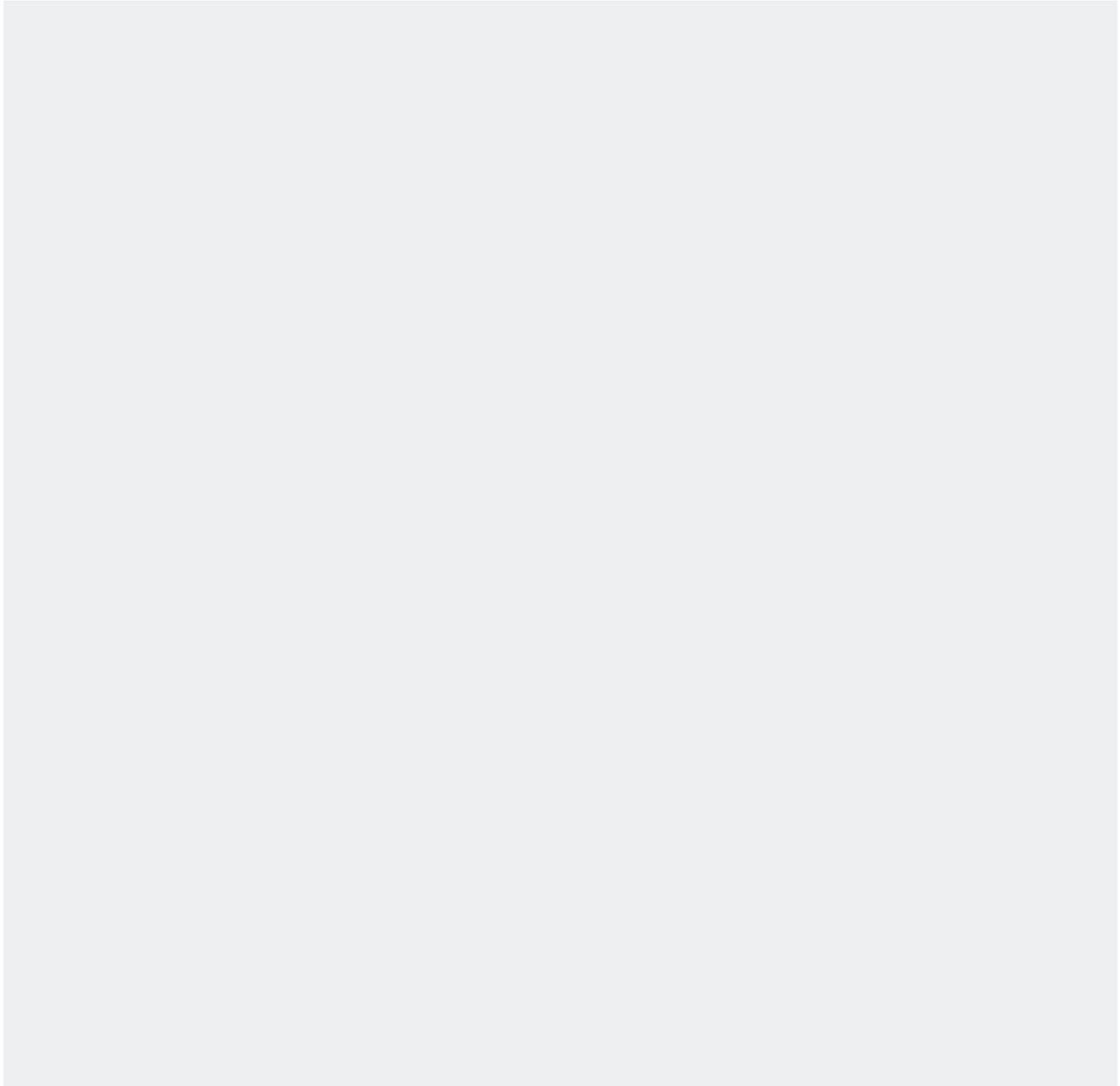
- Have a plan for cleaning, disinfection, and contact tracing in the event of a positive case.

*In the case of an employee testing positive for COVID-19, how will you clean the applicable contaminated areas? What products identified as effective against COVID-19 will you need and how will you acquire them?*

*In the case of an employee testing positive for COVID-19, how will you trace close contacts in the workplace? How will you inform close contacts that they may have been exposed to COVID-19?*

## IV. OTHER

Please use this space to provide additional details about your business's Safety Plan, including anything to address specific industry guidance.



Staying up to date on industry-specific guidance:

To ensure that you stay up to date on the guidance that is being issued by the State, you will:

- Consult the NY Forward website at [forward.ny.gov](https://forward.ny.gov) and applicable Executive Orders at [governor.ny.gov/executiveorders](https://governor.ny.gov/executiveorders) on a periodic basis or whenever notified of the availability of new guidance.

**STAY HOME.**

**STOP THE SPREAD.**

**SAVE LIVES.**

## State and Federal Resources for Businesses and Entities

As these resources are frequently updated, please stay current on state and federal guidance issued in response to COVID-19.

### *General Information*

[New York State Department of Health \(DOH\) Novel Coronavirus \(COVID-19\) Website](#)

[Centers for Disease Control and Prevention \(CDC\) Coronavirus \(COVID-19\) Website](#)

[Occupational Safety and Health Administration \(OSHA\) COVID-19 Website](#)

### *Workplace Guidance*

[CDC Guidance for Businesses and Employers to Plan, Prepare and Respond to Coronavirus Disease 2019](#)

[OSHA Guidance on Preparing Workplaces for COVID-19](#)

### *Personal Protective Equipment Guidance*

[DOH Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees](#)

[OSHA Personal Protective Equipment](#)

### *Cleaning and Disinfecting Guidance*

[New York State Department of Environmental Conservation \(DEC\) Registered Disinfectants of COVID-19](#)

[DOH Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)

[CDC Cleaning and Disinfecting Facilities](#)

### *Screening and Testing Guidance*

[DOH COVID-19 Testing](#)

[CDC COVID-19 Symptoms](#)

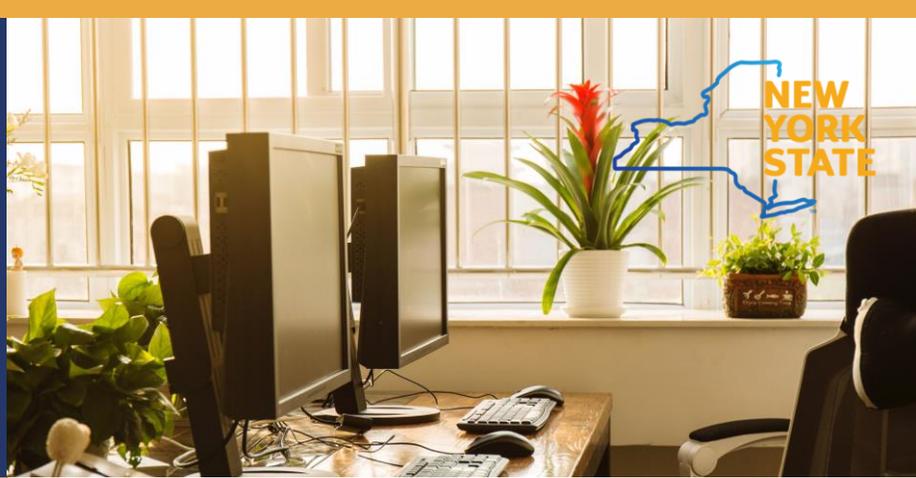
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# Reopening New York



## Office-Based Work Guidelines for Employers and Employees

These guidelines apply to all business activities where the core function takes place within an office setting that have been permitted to [reopen](#) as well as to office-based businesses statewide that were previously permitted to operate as essential. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). See Interim COVID-19 Guidance for Office-Based Work for full details.

During the COVID-19 public health emergency, all operators of office workspaces should stay up to date with any changes to state and federal requirements related to office workspaces and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Physical Distancing	<ul style="list-style-type: none"> <li>✓ In Phase II, limit the total number of occupants at any given time to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy.</li> <li>✓ A distance of at least 6 ft. must be maintained amongst all individuals at all times, unless safety of the core activity requires a shorter distance.</li> <li>✓ Any time workers or visitors must come within 6 ft. of another person, acceptable face coverings must be worn (ensuring that mouth and nose are covered). Individuals must be prepared to don a face covering if another person unexpectedly comes within 6 ft.</li> <li>✓ Prohibit the use of tightly small spaces (e.g. elevators, vehicles) by more than one individual at time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.</li> <li>✓ Shared workstations (e.g. “hot-desks”) must be cleaned and disinfected between users.</li> <li>✓ Reduce interpersonal contact and congregation through various methods (e.g. adjusting workplace hours, limiting in-person presence to necessary staff, shifting design, reducing on-site workforce, staggering arrival/departure times to reduce congestion in lobbies/elevators).</li> <li>✓ If non-essential amenities/communal areas remain open, make hand sanitizer or disinfecting wipes available next to equipment near such amenities (e.g. vending machines, communal coffee stations).</li> </ul>	<ul style="list-style-type: none"> <li>✓ Modify or reconfigure the number of workstations and employee seating areas and desks for their workers, so that workers are at least 6 ft. apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use.</li> <li>✓ Implement strict clean-desk policies, so that non-essential items are stored in enclosed cabinets or drawers, rather than on desks.</li> <li>✓ Limit use of shared workstations (e.g. “hot-desks”), when feasible.</li> <li>✓ Leverage technology, such as room sensors and real-time dashboards, to quantify and display utilization of spaces throughout the office.</li> <li>✓ Mark 6 ft. distance circles around workstations and other common stationary work areas.</li> <li>✓ Reduce bi-directional foot traffic by posting signs with arrows in narrow aisles, hallways, or spaces.</li> <li>✓ Use tele- or video-conferencing for employee meetings whenever possible. In-person meetings should be held in open, well-ventilated spaces with appropriate social distancing among participants.</li> <li>✓ Limit on-site interactions (e.g. designate an egress for individuals leaving their shifts and a separate ingress for individuals starting shifts) and movements (e.g. workers should remain near workstations as often as possible).</li> <li>✓ Mark tables in meeting rooms with appropriate distance markers.</li> <li>✓ Limit occupancy or close non-essential amenities that do not allow for social distancing protocols.</li> </ul>



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	Mandatory	Recommended Best Practices
<b>Physical Distancing (cont'd)</b>	<ul style="list-style-type: none"> <li>✓ Non-essential common areas (e.g. gyms, pools, game rooms) must remain closed.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Stagger worker schedules to observe social distancing for any gathering.</li> <li>✓ Consider limiting all non-essential travel.</li> <li>✓ Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas (e.g. clock in/out stations, health screening stations, restrooms).</li> </ul>
<b>Protective Equipment</b>	<ul style="list-style-type: none"> <li>✓ Provide workers with an acceptable face covering at no-cost to the employees/contractors and have an adequate supply of coverings in case of need for replacement.</li> <li>✓ Acceptable face coverings include but are not limited to cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, and face shields.</li> <li>✓ Clean, replace, and prohibit sharing of face coverings. Consult the CDC <a href="#">guidance</a> for additional information on cloth face coverings and other types of personal protective equipment (PPE), as well as instructions on use and cleaning and disinfection.</li> <li>✓ Train workers on how to don, doff, clean and disinfect (as applicable), and discard PPE (training should be extended to contractors if the building managers/owners supply contractors with PPE).</li> <li>✓ Must advise workers and visitors to wear face coverings in common areas including elevators, lobbies, and when traveling around the office.</li> <li>✓ Limit the sharing of objects, such as tools, laptops, notebooks, telephones, touchscreens, and writing utensils, as well as the touching of shared surfaces; or, require workers to wear gloves when in contact with shared objects or frequently touched surfaces; or, require workers to perform hand hygiene before and after contact.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Maintain adequate supply of face coverings, masks and other required PPE should a worker need a replacement, or should a visitor be in need.</li> </ul>

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	Mandatory	Recommended Best Practices
Hygiene, Cleaning, and Disinfection	<ul style="list-style-type: none"> <li>✓ Adhere to hygiene, cleaning, and disinfection requirements from the <a href="#">Centers for Disease Control and Prevention</a> (CDC) and <a href="#">Department of Health</a> (DOH) and maintain cleaning logs on site that document date, time, and scope of cleaning.</li> <li>✓ Provide and maintain hand hygiene stations in office, including handwashing with soap, running warm water, and disposable paper towels, lined garbage can, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.</li> <li>✓ Provide and encourage participants to use cleaning and disinfecting supplies before and after use of shared and frequently touched surfaces, followed by hand hygiene.</li> <li>✓ Ensure that equipment is regularly cleaned and disinfected, including at least as often as employees and contractors change workstations, using Department of Environmental Conservation (DEC) <a href="#">products</a> identified by the Environmental Protection Agency (EPA) as effective against COVID-19.</li> <li>✓ Regularly clean and disinfect the site and more frequently clean and disinfect high risk areas used by many individuals and for frequently touched surfaces.</li> <li>✓ Rigorous cleaning and disinfection must occur at least after each shift, daily, or more frequently as needed.</li> <li>✓ Regularly clean and disinfect the location or facility and conduct more frequent cleaning and disinfection for high risk areas used by many individuals (e.g. restrooms) and for frequently touched surfaces.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Avoid use of furniture that is not easily cleaned and disinfected (e.g. cloth fabric sofas).</li> <li>✓ Wherever possible, increase ventilation of outdoor air (e.g. opening windows and doors) while maintaining safety precautions.</li> </ul>



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	Mandatory	Recommended Best Practices
<b>Hygiene, Cleaning, and Disinfection (cont'd)</b>	<ul style="list-style-type: none"> <li>✓ Provide cleaning and disinfection of exposed areas in the event that an individual is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. elevators, lobbies, building entrances, badge scanners, restrooms handrails, door handles, vending machines, communal coffee stations).</li> <li>✓ Prohibit shared food and beverages among employees.</li> </ul>	
<b>Communication</b>	<ul style="list-style-type: none"> <li>✓ Affirm you have reviewed and understand the state-issued industry guidelines, and that you will implement them.</li> <li>✓ Post signage inside and outside of the office location to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.</li> <li>✓ Train all personnel on new protocols and frequently communicate safety guidelines.</li> <li>✓ If a worker or visitor was in close or proximate contact with others at the office location and tests positive for COVID-19, immediately notify and cooperate with state and local health departments with contact tracing efforts, including notification of potential contacts, such as workers, visitors, and/or customers (if known) who had close or proximate contact with the individual, while maintaining confidentiality required by state and federal law and regulations.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Develop webpages, text and email groups, and social media campaigns to provide information to workers, customers, and visitors that include instructions, training, signage, and information.</li> <li>✓ Work with building management to help facilitate any building-wide communications.</li> <li>✓ Post signage inside and outside of the building to remind individuals to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.</li> <li>✓ Establish a communication plan for employees and visitors with a consistent means to provide updated information.</li> <li>✓ Provide building managers/owners a list of essential visitors expected to enter the building.</li> </ul>



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	Mandatory	Recommended Best Practices
Communication (cont'd)	<ul style="list-style-type: none"> <li>✓ Conspicuously post safety plans on site.</li> </ul>	
Screening	<ul style="list-style-type: none"> <li>✓ Implement mandatory health screening practices (e.g. questionnaire, temperature check) for employees asking about (1) COVID-19 <a href="#">symptoms</a> in past 14 days, (2) positive COVID-19 test in past 14 days, and/or (3) close or proximate contact with confirmed or suspected COVID-19 case in past 14 days.</li> <li>✓ An individual who screens positive for COVID-19 symptoms must not be allowed to enter the office and must be sent home with instructions to contact their healthcare provider for assessment and testing.</li> <li>✓ Immediately notify state and local health departments of confirmed positive cases.</li> <li>✓ Tenants are responsible for screening their own employees and visitors, unless tenants and building management have agreed to alternate arrangement to ensure screening is in effect.</li> <li>✓ Designate a central point of contact, which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all employees' questionnaires, with such contact also identified as the party for employees and visitors to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>✓ Prevent workers or visitors from intermingling in close or proximate contact with each other prior to completion of the screening.</li> <li>✓ Maintain a continuous log of every person, including workers and visitors, who may have close or proximate contact with other individuals at the work site or area.</li> <li>✓ Temperature checks may be conducted per Equal Employment Opportunity Commission or DOH guidelines.</li> <li>✓ Maintain a log of every person, including workers and visitors, who may have close or proximate contact with other individuals at the work site or area, such that all contacts may be identified, traced and notified in the event a worker is diagnosed with COVID-19.</li> <li>✓ Screen individuals at or near the building entrance (if space allows) to minimize the impact of a positive individual in case of a suspected or confirmed case of COVID-19.</li> <li>✓ Coordinate with building managers to identify individuals who have completed a remote screening.</li> <li>✓ Use screening tools in building entrances, in coordination with building management where possible, to identify potentially symptomatic visitors and direct them to a secondary screening area to complete a follow-on screening.</li> <li>✓ On-site screeners should be trained by employer-identified individuals familiar with CDC, DOH, and OSHA protocols and wear appropriate PPE, including at a minimum, a face covering.</li> </ul>



## INTERIM GUIDANCE FOR OFFICE-BASED WORK DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

### When you have read this document, you can affirm at the bottom.

As of June 26, 2020

### **Purpose**

This Interim Guidance for Office-Based Work during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Office-Based Work”) was created to provide businesses and entities that operate in office spaces and their employees and contractors with precautions to help protect against the spread of COVID-19 as their businesses reopen or continue to operate.

This guidance addresses business activities where the core function takes place within an office setting. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). This guidance does not address medical offices, such as doctors’ offices or dentists’ offices. This guidance also does not address building owners/managers and their employees or contractors. For more information on building management, see, “Interim COVID-19 Guidance for Commercial Building Management.”

These guidelines are minimum requirements only and any employer is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase II of the State’s reopening, and the documentation upon which these guidelines are based can and does change frequently. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to office-based work activities. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any office-based work activities and/or Site Safety Plan.

### **Background**

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing of at least six feet must be maintained between individuals, where possible.

On March 20, 2020, Governor Cuomo issued [Executive Order 202.6](#), directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) [guidance](#), were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by the New York State Department of Health (DOH), and were strongly urged to maintain social distancing measures to the extent possible.

On April 12, 2020, Governor Cuomo issued [Executive Order 202.16](#), directing essential businesses to provide employees, who are present in the workplace, with a face covering, at no-cost, that must be used when in direct contact with customers or members of the public during the course of their work. On April 15, 2020, Governor Cuomo issued [Executive Order 202.17](#), directing that any individual who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. On April 16, 2020, Governor Cuomo issued [Executive Order 202.18](#), directing that everyone using public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, must wear a mask or face covering over the nose and mouth during any such trip. It also directed any operators or drivers of public or private transport to wear a face covering or mask which covers the nose and mouth while there are any passengers in such a vehicle. On May 29, 2020, Governor Cuomo issued [Executive Order 202.34](#), authorizing business operators/owners with the discretion to deny admittance to individuals who fail to comply with the face covering or mask requirements.

On April 26, 2020, Governor Cuomo announced a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor provided that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity. On May 11, 2020, Governor Cuomo announced that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators. On May 29, 2020, Governor Cuomo announced that the second phase of reopening would begin in several regions of the state, and announced the use of a new early warning dashboard that aggregates the state's expansive data collection efforts for New Yorkers, government officials, and experts to monitor and review how the virus is being contained to ensure a safe reopening.

In addition to the following standards, both essential and non-essential businesses must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by DOH.

Please note that where guidance in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.

## **Standards for Responsible Office-Based Work Activities in New York State**

No office-based work activities can operate without meeting the following minimum State standards, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), Centers for Disease Control and Prevention (CDC), Environmental Protection Agency (EPA), and United States Department of Labor's Occupational Safety and Health Administration (OSHA). The State standards apply to all office-based work activities (essential and non-essential) in operation during the COVID-19 public health emergency until rescinded or amended by the State.

The State standards contained within this guidance apply to all office-based work activity – both essential and non-essential – in operation during the COVID-19 public health emergency until rescinded or amended by the State. The owner/operator of the business with office-based functions, or another party as may be designated by the owner/operator (in either case, "the Responsible Parties"), shall be responsible for meeting these standards. The designated party can be an individual or group of individuals responsible for the operations of individual office locations/spaces. The building owner, or their designee, shall be primarily responsible for meeting standards with respect to any unleased or common areas, and the tenant, if not the owner, shall be primarily responsible for meeting these standards with respect to their leased space(s), unless the tenant and building owner reach an alternate

agreement in regard to such responsibilities (e.g. joint screening protocol). Note that the following guidance specifically addresses tenants occupying office space and their employees, contractors, and visitors. Responsible Parties for the entities occupying office spaces should coordinate with building owners/managers, where applicable, on the implementation of practices in accordance with this guidance.

Note that, except where noted otherwise, references made to “employees” are to the office-based businesses/tenants and their employees and/or contractors. Responsible Parties should coordinate with building managers, where applicable, on the implementation of practices in accordance with this guidance. For more information on building managers and their employees, see “Interim COVID-19 Guidance for Commercial Building Management.”

The following guidance is organized around three distinct categories: people, places, and processes.

## I. PEOPLE

### A. Physical Distancing

- Where office-based work is located in a region that is in Phase II, the total number of occupants is limited to no more than 50% of the maximum occupancy at any given time for a particular area as set by the certificate of occupancy. Where applicable, Responsible Parties should work with building owners/managers to maintain capacity limits; and
- Responsible Parties must ensure that a distance of at least six feet is maintained among individuals at all times, unless safety of the core activity requires a shorter distance. Any time individuals must come within six feet of another person, acceptable face coverings must be worn. Individuals must be prepared to don a face covering if another person unexpectedly comes within six feet.
  - Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.
  - However, cloth, disposable, or other homemade face coverings are not acceptable face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment (PPE) due to the nature of the work. For those activities, N95 respirators or other PPE used under existing industry standards should continue to be used, as is defined in accordance with [OSHA guidelines](#).
  - Responsible Parties should consider closing any common indoor or outdoor seating areas (e.g. reception areas) within their office space. To the extent that such spaces remain open, Responsible Parties must modify seating areas arrangements (e.g. chairs, tables) to ensure that individuals are at least six feet apart in all directions (e.g. side-to-side and when facing one another).
- Responsible Parties may modify or reconfigure the use and/or restrict the number of workstations, employee seating areas, and desks, so that employees are at least six feet apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use. When distancing is not feasible between workstations, Responsible Parties must provide and require the use of face coverings or physical barriers (e.g. plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling or ventilation).
  - Physical barriers should be put in place in accordance with [OSHA guidelines](#).
  - Physical barrier options may include: strip curtains, cubicle walls, plexiglass or similar materials, or other impermeable dividers or partitions.

- Responsible Parties should consider implementing strict clean-desk policies, so that non-essential items are stored in enclosed cabinets or drawers, rather than on desks.
- Responsible Parties should limit the use of shared workstations (e.g. “hot-desks”), to the extent practicable. To the extent that such workstations remain in use, they must be cleaned and disinfected between users.
- Responsible Parties should prohibit the use of small spaces (e.g. elevators, supply rooms, personal offices, vehicles) by more than one individual at a time, unless all individuals in such space at the same time are wearing acceptable face coverings. However, even when face coverings in use, occupancy must never exceed 50% of the maximum capacity of the space or vehicle, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g., opening windows and doors in individual office rooms), while maintaining safety protocols. Responsible Parties should take additional measures to prevent congregation in elevator waiting areas and limit density in elevators, by enabling the use of stairs.
  - Responsible Parties may leverage technology, such as room sensors and real-time dashboards, to quantify and display utilization of spaces throughout the office.
  - Responsible Parties must restrict access to areas that have reached maximum capacity under distancing guidelines.
- Responsible Parties should put in place measures to reduce bi-directional foot traffic using tape or signs with arrows in narrow aisles, hallways, or spaces, and post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g. copy rooms, kitchens, reception desks, health screening stations).
  - Responsible Parties should mark six feet distance circles around workstations and other common stationary work areas.
- Responsible Parties must post signs throughout the office, consistent with DOH COVID-19 signage. Responsible Parties can develop their own customized signage specific to their workplace or setting, provided that such signage is consistent with the Department’s signage. Signage should be used to remind individuals to:
  - Cover their nose and mouth with a face covering when six feet of social distance cannot be maintained.
  - Properly store and, when necessary, discard PPE.
  - Adhere to physical distancing instructions.
  - Report symptoms of or exposure to COVID-19, and how they should do so.
  - Follow hand hygiene and cleaning and disinfection guidelines.
  - Follow appropriate respiratory hygiene and cough etiquette.

## **B. Gatherings in Enclosed Spaces**

- Responsible Parties should encourage the use of video or teleconferencing for their employee meetings whenever possible to reduce the density of in-person gatherings, per CDC guidance [“Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)”](#). Responsible Parties should hold in-person meetings in open, well-ventilated spaces and ensure that individuals maintain six feet of social distance between one another (e.g. if there are chairs, leave space between chairs, have employees sit in alternating chairs) or wear appropriate face

coverings. Responsible Parties may consider implementing the following practices to remind participants of appropriate social distancing measures when meetings are held:

- Mark tables in meeting rooms with appropriate distance markers.
- Responsible Parties should encourage social distancing by limiting occupancy or closing non-essential amenities and communal areas that do not allow for social distancing protocols. If open, Responsible Parties must make hand sanitizer or disinfecting wipes available next to equipment near such amenities (e.g. vending machines, communal coffee stations).
- Responsible Parties must put in place practices for adequate social distancing in small areas, such as restrooms and breakrooms, and should develop signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas.
- Responsible Parties should stagger schedules for employees to observe social distancing for any gathering (e.g. coffee breaks, meals, and shift starts/stops).
- If required, employees that don't need to be in the office may be allowed to collect documents from their place of work on a case-by-case basis, but such collection should occur minimally, not with frequency.
- Non-essential common areas (e.g. gyms, pools, game rooms) must remain closed.

### **C. Workplace Activity**

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
  - adjusting workplace hours;
  - reducing in-office workforce to accommodate social distancing guidelines;
  - shifting design (e.g. A/B teams, staggered arrival/departure times to reduce congestion in lobbies and elevators); and/or
  - avoiding multiple teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas.
- Responsible Parties should create policies which encourage employees to work from home when feasible. Responsible Parties may choose to develop return-to-office tiers or waves for employees based on factors such as function, safe transportation, and ability to work remotely, as noted in Section II "People," Subsection C "Phased Reopening."
- Responsible Parties may choose to implement best practices for employees to successfully work from home, such as:
  - Conducting regular surveys of employees to determine what practices are working and what can be improved;
  - Providing tips and tricks for employees to enhance remote work sustainability;
  - Allowing for employees to set morning and evening boundaries and taking regular breaks throughout the day;
  - Informing employees of the resources they have readily available.

### **D. Movement and Commerce**

- Responsible Parties should consider limiting all non-essential travel.

- Responsible Parties must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- Responsible Parties should limit on-site interactions (e.g. designate an egress for employees leaving their shifts and a separate ingress for employees starting their shifts) and movements (e.g. employees should remain near their workstations as often as possible).

## II. PLACES

### A. Protective Equipment

- In addition to the necessary PPE as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable face coverings and provide such coverings to their employees while at work at no cost to the employee. Responsible Parties should have an adequate supply of face coverings, masks and other required PPE on hand should an employee need a replacement, or should a visitor be in need. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, and face shields.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult CDC [guidance](#) for additional information on cloth face coverings and other types of PPE, as well as instructions on use and cleaning.
  - Note that cloth face coverings or disposable masks shall not be considered acceptable face coverings for workplace activities that require a higher degree of protection for face covering requirements. For example, if N95 respirators are traditionally required for specific activities, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow employees to use their own acceptable face coverings but cannot require employees to supply their own face coverings. Further, this guidance shall not prevent employees from wearing their personally owned additional protective coverings (e.g. surgical masks, N95 respirators, or face shields), or if the Responsible Parties otherwise requires employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.
- Responsible Parties must train employees on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings. Such training should be extended to contractors if the Responsible Parties will be supplying the contractors with PPE.
- Responsible Parties must advise employees and visitors to wear face coverings in common areas including elevators, lobbies, and when traveling around the office.
- Responsible Parties must put in place measures to limit the sharing of objects, such as laptops, notebooks, touchscreens, and writing utensils, as well as the touching of shared surfaces, such as conference tables; or, require employees to perform hand hygiene before and after contact.

### B. Hygiene, Cleaning, and Disinfection

- Responsible Parties must ensure adherence to hygiene and cleaning and disinfection requirements as advised by the CDC and DOH, including ["Guidance for Cleaning and Disinfection of Public and Private](#)

Facilities for COVID-19,” and the “STOP THE SPREAD” poster, as applicable. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection.

- Responsible Parties must provide and maintain hand hygiene stations on in the office, as follows:
  - For handwashing: soap, running warm water, and disposable paper towels.
  - For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
  - Make hand sanitizer available throughout common areas in the office. It should be placed in convenient locations, such as at entrances, exits, and reception desks. Touch-free hand sanitizer dispensers should be installed where possible.
- Responsible Parties should place signage near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- Responsible Parties should place receptacles around the building for disposal of soiled items, including PPE.
- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage their employees (or cleaning staffs) to use these supplies, following manufacturer’s instructions, before and after use of these surfaces, followed by hand hygiene.
  - To reduce high-touch surfaces, Responsible Parties should install touch-free amenities such as water fountains, trash-cans, and hand-dryers.
- Responsible Parties must conduct regular cleaning and disinfection of the building and more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces. Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed. Please refer to DOH’s “Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19” for detailed instructions on how to clean and disinfect facilities.
  - Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
    - Responsible Parties must ensure distancing rules are adhered to by using signage, occupied markers, or other methods to reduce restroom capacity where feasible.
  - Responsible Parties must ensure that materials and tools are regularly cleaned and disinfected using registered disinfectants, including at least as often as employees or visitors change workstations or move to a new set of materials. Refer to the Department of Environmental Conservation (DEC) list of products registered in New York State and identified by the EPA as effective against COVID-19.
  - If cleaning or disinfection products or the act of cleaning and disinfection causes safety hazards or degrades the material or machinery, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.
  - Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event an individual is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. touchscreens, printers, keypads, telephones, hand rails, door handles, vending machines, communal coffee stations).

- CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" if someone is suspected or confirmed to have COVID-19 are as follows:
  - Close off areas used by the person suspected or confirmed to have COVID-19.
    - Responsible Parties do not necessarily need to close operations, if they can close off the affected areas.
    - Shared building spaces used by the person suspected or confirmed to have COVID-19 (e.g. elevators, lobbies, building entrances) must also be shut down and cleaned and disinfected in coordination with the building manager (For more information, see, "[Interim COVID-19 Guidance for Commercial Building Management](#)").
  - Open outside doors and windows to increase air circulation in the area.
  - Wait 24 hours before you clean or and disinfect. If 24 hours is not feasible, wait as long as possible.
  - Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, bathrooms, common areas, and shared equipment.
  - Once the area has been appropriately cleaned and disinfected, it can be reopened for use.
    - Employees without close or proximate contact with the person suspected or confirmed to have COVID-19 can return to the work area immediately after cleaning and disinfection.
    - Refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" for information on "close or proximate" contacts.
  - If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit shared food and beverages among employees (e.g. self-serve meals and beverages), encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

### C. Phased Reopening

- Responsible Parties are encouraged to phase-in reopening activities so as to allow for operational issues to be resolved before production or work activities return to normal levels. Responsible Parties should consider limiting the number of employees, hours, and number of customers available to be served when first reopening so as to provide operations with the ability to adjust to the changes.

### D. Communications Plan

- Responsible Parties must affirm that they have reviewed and understand the state-issued industry guidelines, and that they will implement them.
- Responsible Parties should develop a communications plan for employees and visitors, and customers that includes applicable instructions, training, signage, and a consistent means to provide employees with information. Responsible Parties should work with building management to help facilitate any building-wide communications. Responsible Parties may consider developing webpages, text and email groups, and social media.

- Responsible Parties should encourage customers to adhere to CDC and DOH guidance regarding the use of PPE, specifically face coverings when a social distance of six feet cannot be maintained, through verbal communication and signage.
- Responsible Parties should post signage inside and outside of the retail location to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfection protocols.
- Responsible Parties should provide building managers/owners a list of essential visitors expected to enter the building.

### III. PROCESSES

#### A. Screening and Testing

- Responsible Parties must implement mandatory daily health screening practices of their employees and, where practicable, visitors, but such screening shall not be mandated for delivery personnel.
  - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee or visitor reports to the office, to the extent possible; or may be performed on site.
  - Screening should be coordinated to prevent employees or visitors from intermingling in close or proximate contact with each other prior to completion of the screening.
  - At a minimum, screening must be required for all employees or visitors and completed using a questionnaire that determines whether the employee or visitor has:
    - (a) knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19;
    - (b) tested positive for COVID-19 in the past 14 days; and/or
    - (c) has experienced any symptoms of COVID-19 in the past 14 days.
- Responsible Parties should coordinate with building managers to facilitate screening. Responsible Parties are responsible for screening their own employees and visitors, unless Responsible Parties and building management have agreed to an alternate arrangement to ensure screening is in effect. Screening best practices include:
  - If space and building configuration allows, screen individuals at or near the building entrance to minimize the impact in case of an individual suspected or confirmed to have COVID-19;
  - Allow for adequate social distancing while individuals queue for screening and/or building entry;
  - Coordinate with building managers to identify individuals who have completed a remote screening;
  - Use contactless thermal cameras in building entrances, in coordination with building management, to identify potentially symptomatic visitors and direct them to a secondary screening area to complete a follow-on screening.
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.

- Responsible Parties must require employees to immediately disclose if and when their responses to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of work hours.
- In addition to the screening questionnaire, temperature checks may also be conducted per U.S. Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g. pass/fail, cleared/not cleared).
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious employees or visitors entering the office. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols.
- Screeners should be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield.
- An individual who screens positive for COVID-19 symptoms must not be allowed to enter the office and must be sent home with instructions to contact their healthcare provider for assessment and testing.
  - Responsible Parties should remotely provide such individuals with information on healthcare and testing resources.
  - Responsible Parties must immediately notify the state and local health department about the case if test results are positive for COVID-19.
- Responsible Parties should refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" regarding protocols and policies for employees seeking to return to work after a suspected or confirmed case of COVID-19 or after the employee had close or proximate contact with a person with COVID-19.
- Responsible Parties must designate a central point of contact, which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all employees' questionnaires, with such contact also identified as the party for employees and visitors to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire.
  - If Responsible Parties and building management have agreed to an alternate screening arrangement whereby building management administers screening on behalf of tenants, then building management shall be responsible for maintaining a record of the screening process. Maintaining records of employee health data (e.g. the specific temperature data of an individual) is prohibited; the only records to be maintained on a daily basis regarding the screening process are those individuals who were screened and confirmation that no employee or visitor who failed the screening process was granted access.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- To the extent possible, Responsible Parties should maintain a log of every person, including employees and visitors, who may have close or proximate contact with other individuals at the worksite or area; excluding deliveries that are performed with appropriate PPE or through contactless means. The log should contain contact information, such that all contacts may be identified, traced

and notified in the event an employee is diagnosed with COVID-19. Responsible Parties must cooperate with state and local health department contact tracing efforts.

## **B. Tracing and Tracking**

- Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 test result by an employee in their office.
- In the case of an employee or visitor testing positive, the Responsible Parties must cooperate with the state and local health department as required to trace all contacts in the workplace, and the state and local health department where the building is located must be notified of all individuals who entered the site dating back 48 hours before the employee or visitor first experienced COVID-19 symptoms or tested positive, whichever is earlier. Confidentiality must be maintained as required by federal and state law and regulations.
  - As a best practice, Responsible Parties may offer optional tracing and tracking technology (e.g. Bluetooth enabled mobile applications) to streamline contact tracing and communication process among their workforce and others.
- Responsible Parties must ensure that in the case of an employee showing symptoms while in the workplace, the building managers are immediately notified with information on where the individual has been throughout the building and notify building management if the symptomatic employee tests positive.
- State and local health departments will implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.
- Individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of alert and shall follow the protocol referenced above.

## **IV. EMPLOYER PLANS**

Responsible Parties must conspicuously post completed safety plans on site. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

### **Additional safety information, guidelines, and resources are available at:**

New York State Department of Health Novel Coronavirus (COVID-19) Website  
<https://coronavirus.health.ny.gov/>

Centers for Disease Control and Prevention Coronavirus (COVID-19) Website  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Occupational Safety and Health Administration COVID-19 Website  
<https://www.osha.gov/SLTC/covid-19/>

**At the link below, affirm that you have read and understand your obligation to operate in accordance with this guidance:**

<https://forms.ny.gov/s3/ny-forward-affirmation>

**New York Forward**

## Business Affirmation

**Use this form to affirm business compliance with the New York Forward reopening guidance.**

What industry does your company belong to? \*

- Agriculture, Forestry, Fishing and Hunting
- Arts & Entertainment - Low-Risk: Indoor
- Arts & Entertainment - Low-Risk: Outdoor
- Child Care and Day Camps
- Commercial Building Management
- Construction
- Dentistry
- Dining - Outdoor and take-out/delivery food services
- Food Services - Phase III
- Hair Salons and Barbershops
- Higher Education Institutions
- Higher Education Research
- Malls
- Manufacturing
- Media Production
- Offices
- Personal Care Services
- Private operator of lake or ocean beach
- Professional Sports Competitions - No Fans
- Professional Sports Training
- Public Transportation
- Racing - Auto Racetracks
- Racing Activities
- Real Estate
- Religious organization or funeral service operator
- Retail - Essential and Phase II Retail: In-Store Shopping
- Retail - Phase I Retail: Curbside and In-Store Pickup
- Retail - Rental, Repair, and Cleaning
- Sports and Recreation
- Vehicle Sales, Leases, and Rentals
- Wholesale Trade

Business Name \*

First Name

Last Name

Phone Number \*

Business Email Address \*

Business Location Address

*Enter the address of your physical place of business in New York State or, if a construction project, the primary address of the construction site.*

Street Address \*

Apt/Suite/Office

City \*

State \*

Zip Code \*

County \*

*I am the owner or agent of the business listed. I have reviewed the New York State interim guidance for business re-opening activities and operations during the COVID-19 public health emergency and I affirm that I have read and understand my obligation to operate in accordance with such guidance.*