



Restarting Our Neighborhood

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1. Physical Distancing



2. Protective Equipment



3. Hygiene and Cleaning



4. Communication



5. Screening



Physical Distancing

- Limit the total number of occupants at any given time to no more than 50% of the maximum occupancy for a particular area (based upon certificates of occupancy)
- Require that individuals maintain a 6 foot distance from others at all times
- **Require workers and visitors to wear face coverings (i.e. facemasks) when within 6 feet of another person**
- Limit the use of tightly-confined spaces (e.g. elevators or vehicles) to one individual at a time (unless individuals are wearing face coverings), and limit occupancy of confined areas to no more than 50% capacity
- Post instructive signage through offices denoting 6 foot of spacing
- Limit in-person gatherings as much as possible and use teleconferencing or video conferencing wherever possible
- Clean shared workstations between users
- Reduce interpersonal contact and congregation through various methods (for example, options include limiting in-person presence to “necessary” staff, shifting workplace hours, or staggering arrival and departure times)
- Close non-essential common areas such as gyms or recreation rooms

Protective Equipment

- **Provide workers with protective equipment such as face coverings** (which was already a **requirement** under a previous executive order) and ensure that face coverings are cleaned or replaced regularly
- Train employees on the use of protective equipment
- **Advise workers and visitors to wear face coverings** when using common areas and traveling around the office
- Limit the sharing of equipment (e.g. laptops, writing utensils) and the touching of shared surfaces (e.g. doorknobs and elevators buttons)
- **Require workers to use gloves when touching shared surfaces** or to wash or sanitize their hands prior to and after contact

Hygiene and Cleaning

- **Clean and disinfect all office areas at least daily**, or more frequently as needed in high risk areas (e.g. restrooms)
- Adhere to cleaning guidance from the **CDC** and **DOH**
- **Maintain logs of cleanings and disinfections**
- Use **approved**, environmentally sound cleaning products that are effective against COVID-19
- Install hygiene stations in the workplace (e.g. hand sanitizing stations)
- Provide employees with appropriate cleaning supplies for their personal spaces
- Prohibit shared food and beverages
- Ensure equipment is regularly cleaned using shared disinfectants

Communication

- **Affirm that the business understands and will implement the state-issued guidelines**
- Maintain a continuous log of every person (including visitors) who has been present at the worksite and may have close contact with others
- Cooperate with state and local health departments and building management if an employee or visitor tests positive, including affirmatively notifying state and local health departments and participating in contact tracing efforts to identify workers, visitors, or customers who may have been in contact with the infected person (while also maintaining confidentiality pursuant to applicable regulations)
- Develop a communications plan for employees and visitors
- Training employees on applicable instructions
- **Post safety plans and signs reminding individuals to adhere to these rules**
- Provide building managers with a list of expected visitors

Screening and Testing

- Mandate that employees who are sick stay home (or return home) if ill
- Implement daily health screening practices, which includes (at minimum) a questionnaire of employees regarding potential COVID-19 exposure and symptoms over the past 14 days
- Review all screening responses daily and maintaining records of this review
- Require that employees who test positive for COVID-19, are symptomatic, and/or are potentially exposed due to close contact with a confirmed or suspected case complete at least a 14-day self-quarantine before returning to the office
- Report any positive COVID-19 cases to state and local health departments immediately
- Coordinate screening procedures with building managers
- Ensure health screeners are protected from potential exposure and trained pursuant to appropriate protocols from the CDC, DOH, and OSHA
- Prohibit employees with COVID-19 related symptoms from entering the office
- Designate a site safety monitor who will ensure compliance with safety plans

Employer Takeaways

As demonstrated above, businesses will have to undertake a number of measures prior to and after reopening to ensure a safe and healthy workplace. Here are a few key takeaways:

- **The guidelines require businesses to certify their affirmative compliance with the state's obligations. Employers must do so online through the NY Forward portal.**
<https://forms.ny.gov/s3/ny-forward-affirmation>
- An early version of the guidelines *required* businesses to allow only “necessary” workers to work on-site (without defining “necessary” workers), but this language has since been removed. Still, the guidelines encourage employers to create broad remote working policies and encourage continued teleworking wherever feasible.
- The guidelines require daily screenings of employees, but do not require temperature screenings. However, where temperature checks are utilized (pursuant to EEOC and DOH guidance), the New York guidelines state that businesses are prohibited from keeping records of employee health data (e.g. temperature data). This is a new requirement over and above similar EEOC guidance and CDC guidance – New York employers must now ensure that they do not retain any personal temperature information.
- Adequate safety and health measures.

Employer Takeaways (cont)

- **For the first time, New York employers have new affirmative obligations to report suspected or confirmed COVID-19 cases in their workplaces, and must log all individuals in the workplace.** These requirements are aimed at enhancing health departments' contact tracing efforts.
- Employers also have new daily recording obligations, such as **logging cleaning times/routines and reviewing and keeping all employee screening efforts.**
- Businesses should proactively work with building managers and any other tenants of shared floors (e.g. where multiple businesses use shared facilities) to ensure compliance with these measures.
- Many of the guidelines' measures aim to prevent multiple individuals from being in shared spaces at the same time. Employers should also consider how to prevent bottlenecking situations where employees share space when waiting (e.g. for elevators, for screening checks, or at other points of ingress/egress).
- **Individuals, including employees and customers, can now file complaints against non-compliant businesses.** Businesses should note that failure to comply with the state guidance may lead to fines or other liability, and employers may not threaten or retaliate against employees for complaining that the business has failed to take