



Reopening New York



Mall Guidelines for Employers and Employees

These guidelines apply to all indoor, strip, and outlet malls once they are permitted to reopen.

Pursuant to the Governor's Executive Orders, malls previously remained closed until Friday, July 10, 2020 when malls could reopen in regions that had reached Phase 4, in accordance with the following guidance. Specifically, any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease remained closed to the public until Friday, July 10, 2020 when malls in Phase 4 regions could reopen; however, any stores without their own external entrance(s) may operate via curbside pickup in Phase 1 and 2 providing purchased items to customers at or near the general mall entrance and any stores with their own external entrance(s) separate from the general mall entrance (e.g. strip malls, anchor tenants), may open for curbside and in-store pickup in Phase 1 and all in-store retail activities in Phase 2. See "Interim COVID-19 Guidance for Malls" for full details.

During the COVID-19 public health emergency, all proprietors/owners/ operators of malls should stay up to date with any changes to state and federal requirements related to mall activities 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"> ✓ In coordination with any tenants, ensure that workforce and customer presence is limited to no more than 50% of the maximum occupancy, inclusive of customers, who must maintain 6 ft. of separation from individuals who are not in their immediate party/household/family and, in all cases, must only be permitted entry into the mall and businesses within the mall if they wear an acceptable face covering; provided that they are over age 2 and able to medically tolerate one. ✓ Ensure 6 ft. distance between employees and customers, unless safety or the core activity requires a shorter distance (e.g. operating cash registers, moving merchandise). Employees must wear face coverings when they're within 6 ft. of another person and any time they interact with customers. ✓ Monitor and control the flow of traffic into the mall to ensure adherence to maximum capacity requirements, and prohibit congregating and loitering by customers. ✓ Maintain sufficient employee/security presence to monitor traffic flow and ensure that groups adhere to social distancing limitations and do not congregate. ✓ Close or modify amenities where applicable, including: <ul style="list-style-type: none"> • Closing self-serve bars and samplers. • Closing water fountains. ✓ Establish designated areas for deliveries, limiting contact to the extent possible. ✓ Effective August 20, 2020, Responsible Parties may open limited food court seating areas; provided, however, that such seating areas and the food services establishments located within the food courts operate in accordance with DOH's "Interim Guidance for Food Services during the COVID-19 Public Health Emergency," including any required separation between tables with seating, social distancing between parties of customers, and occupancy limits. 	<ul style="list-style-type: none"> ✓ Adjust mall hours to reduce interpersonal contact and congregation and allow for enhanced cleaning and disinfection procedures. ✓ Modify the use and/or restrict the number of work spaces and seating areas to maintain 6 ft. distance in all directions. ✓ Modify mall layouts and 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, in-mall kiosks, breakrooms). ✓ Create one-way corridors or aisles, or otherwise rearrange traffic flow. ✓ Designate curbside pick-up areas for interior stores. ✓ Provide clearly designated, separate entrances and exits. ✓ Implement a touchless delivery system for merchandise deliveries, where drivers stay in the vehicle while delivery takes place. If not feasible, provide acceptable protective equipment for the delivery process, including, at minimum, a face covering. ✓ Encourage customers to use touchless payment options or pay ahead.



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	Mandatory	Recommended Best Practices
<h3>Air Filtration & Building Systems</h3>	<ul style="list-style-type: none"> ✓ Before occupants return to a building that has been entirely closed, complete pre-return checks, tasks, and assessments to ensure a healthy and safe environment. These systems include but are not limited to mechanical systems, water systems, elevators, and HVAC systems. ✓ For malls that are greater than 800,000 square feet, ensure building HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems, at a minimum MERV-13, or industry equivalent or greater (e.g., HEPA), as applicable, and as certified and documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York-licensed professional building engineer. ✓ If a mall greater than 800,000 square feet is unable to meet a building HVAC system filtration rating of MERV-13 or greater, malls must have a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York licensed professional building engineer certify and document that the currently installed filter rack and air handling system would be unable to perform to the minimum level of heating and cooling that it was otherwise able to provide prior to the COVID-19 public health emergency if such a high degree of filtration (i.e., MERV-13 or greater) was installed. Further, malls must submit such documentation to DOH for review and approval to operate at a lesser filtration rating of MERV-11 or MERV-12 with additional ventilation and air filtration mitigation protocols. In all instances, however, Responsible Parties must maintain a building HVAC system filtration rating of, at least, MERV-11. • In addition, malls that are unable to meet a filtration rating of MERV-13 or greater must put in place additional ventilation and air filtration mitigation protocols per CDC recommendations, where appropriate, including: 	<ul style="list-style-type: none"> ✓ For malls that are greater than 800,000 square feet and meet a building HVAC system filtration rating of MERV-13 or greater, and for malls that are less than 800,000 square feet, consider adopting additional ventilation and air filtration mitigation protocols per CDC recommendations, particularly for buildings older than 15 years, including: <ul style="list-style-type: none"> • Increasing ventilation rates and outdoor air ventilation to the extent possible; • Keeping systems running for longer hours (e.g., 24/7 if possible); • Disabling demand-controlled ventilation, where reasonable, but still maintaining systems that increase fresh air supply (e.g., conference or meeting rooms); • Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible; • Considering the installation of appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; • Sealing edges of the filter to limit bypass; and/or • Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life. <p>(For specific guidance on air filtration and building systems, please consult "Interim COVID-19 Guidance for Malls").</p>



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	Mandatory	Recommended Best Practices
Air Filtration & Building Systems (cont'd)	<ul style="list-style-type: none"> Increasing ventilation rates and outdoor air ventilation to the extent possible; Keeping systems running for longer hours (e.g., 24/7 if possible); Disabling demand-controlled ventilation, where reasonable, but still maintaining systems that increase fresh air supply (e.g., conference or meeting rooms); Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible; Considering the installation of appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; Sealing edges of the filter to limit bypass; and/or Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life. <p>✓ For malls that are less than 800,000 square feet, ensure building HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems, at a minimum MERV-11, or industry equivalent or greater (e.g., HEPA), but ideally MERV-13, as applicable, and as certified and documented by a certified HVAC technician, 8 professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York-licensed professional building engineer.</p>	
Protective Equipment	<p>✓ Employees must wear face coverings when they are within 6 ft. of other individuals and any time they interact with customers (e.g. providing information to customers, ringing up a purchase).</p> <p>✓ 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.</p> <p>✓ Acceptable face coverings include but are not limited to cloth (e.g. homemade sewn, quick cut, bandana) and surgical masks, unless the nature of the work requires stricter PPE (e.g. N95 respirator, face shield).</p>	

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	Mandatory	Recommended Best Practices
Protective Equipment (cont'd)	<ul style="list-style-type: none"> ✓ Face coverings must be cleaned or replaced after use and may not be shared. ✓ Employers must train employees on how to put on, take off, clean and discard PPE, including face coverings. ✓ Limit the sharing of objects (e.g. tools, registers, and vehicles) 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. ✓ Require employees to wear gloves while handling any food products. 	
Hygiene, Cleaning, and Disinfection	<ul style="list-style-type: none"> ✓ Adhere to hygiene and sanitation requirements from the Centers for Disease Control and Prevention (CDC) and Department of Health (DOH) and maintain logs on site that document date, time, and scope of cleaning and disinfection. ✓ Provide and maintain hand hygiene stations, including handwashing with soap, water, and paper towels, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not available/practicable. ✓ Make hand sanitizer available throughout the mall for use by employees and customers. ✓ Conduct regular cleaning and disinfection of the mall and more frequent cleaning and disinfection for high-risk areas used by many individuals and for frequently touched surfaces. Refer to Department of Environmental Conservation (DEC) products identified by the Environmental Protection Agency (EPA) as effective against COVID-19. ✓ Sanitize hands before and after transferring a load (e.g. truckload) of merchandise. 	<ul style="list-style-type: none"> ✓ Place hand sanitizer at mall entrances, information kiosks, and entrances to stores.

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Hygiene, Cleaning, and Disinfection (cont'd)	<ul style="list-style-type: none"> ✓ Put in place measures to limit the sharing of objects (e.g. registers), as well as the touching of shared surfaces; or, require employees to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touch surfaces; or, require employees to sanitize or wash their hands before and after contact. 	
Communication	<ul style="list-style-type: none"> ✓ Affirm you have reviewed and understand the state-issued industry guidelines, and that you will implement them. ✓ Post signage inside and outside of the mall to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfection protocols. ✓ Conspicuously post completed safety plans on site. 	<ul style="list-style-type: none"> ✓ Develop a communication plan for employees and customers with a consistent means to provide updated information. Consider developing webpages, text and email groups, and social media.
Screening	<ul style="list-style-type: none"> ✓ Implement mandatory health screening assessment (e.g. questionnaire) for employees and, where practicable, customers (but do not mandate for customers or delivery personnel), asking about (1) COVID-19 symptoms 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. Review all responses collected by the screening process on a daily basis and maintain a record of such review. ✓ Individuals who screen positive for COVID-19 symptoms must not be allowed to enter the workplace and must be sent home with instructions to contact their healthcare provider for assessment and testing. ✓ Immediately notify the state and local health department of any positive COVID-19 test result and cooperate with health department contact tracing efforts. ✓ Provide for the cleaning and disinfection of exposed areas in the event of a positive case, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. bathrooms, door knobs, vending machines). 	<ul style="list-style-type: none"> ✓ Perform screening remotely (e.g. by telephone or electronic survey), before reporting to the mall location, to the extent possible. ✓ Screeners should be trained by employer identified individuals familiar with CDC, DOH, and OSHA protocols and wear appropriate employer-provided PPE, including, at a minimum, a face covering. ✓ Temperature checks may also be conducted per Equal Employment Opportunity Commission or DOH guidelines ✓ Maintain a log of employees and visitors who may have close or proximate contact with other individuals at the work site; excluding customers (unless they opt in); and excluding deliveries that are performed with appropriate PPE or through contactless means. ✓ Refer to DOH guidance 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.

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