



## INTERIM GUIDANCE FOR COMMERCIAL BUILDING MANAGEMENT DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

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

As of June 8, 2021

### Purpose

This Interim Guidance for Commercial Building Management during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Commercial Building Management”) was created to provide non-residential/commercial building owners/managers and their employees and contractors with precautions to help protect against the spread of COVID-19 as buildings reopen or continue to operate.

This guidance applies to commercial/non-residential property management entities and related activities. This guidance does not address tenants occupying office space and their employees and contractors; for more information, see the State’s “Interim COVID-19 Guidance for Office-Based Work.” This guidance also does not address residential property management or real estate agents and brokers; for more information, see the State’s “Interim COVID-19 Guidance for Real Estate.”

Commercial/non-residential property management entities are authorized to require masks and six feet of social distancing for employees and/or individuals within their establishments or adhere to DOH guidance, consistent with [Centers for Disease Control and Prevention’s \(CDC\) “Interim Public Health Recommendations for Fully Vaccinated People.”](#) If choosing to adhere to CDC guidance, commercial/non-residential property management entities generally do not congregate patrons or operate above the State’s social gathering limits, and, as such, must follow applicable guidelines for masks, distancing, and capacity, as outlined in New York State’s guidelines on [Implementing CDC Guidance](#).

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 building management. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into management and/or any Site Safety Plan.

### Background

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state disaster in response to the COVID-19 public health emergency. Since May 15, 2020, New York State has developed and deployed a phased economic reopening strategy based on science and data, which has allowed specific industries to safely resume or increase activities and operations while protecting public health during the COVID-19 pandemic.

In addition to the following standards, Responsible Parties must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by the New York State Department of Health (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 Commercial Building Management in New York State

No building management activities can occur 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 contained within this guidance apply to all building management activities – both essential and non-essential – in operation during the COVID-19 public health emergency until rescinded or amended by the State. The building owner/manager, or another party as may be designated by the building owner/manager (in either case, “the Responsible Parties”) shall be responsible for meeting these standards.

The building owner/manager, 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, except where noted otherwise, references made to “employees” (1) include employees and contractors, and (2) references to “employees and/or visitors” are to building owners/managers and their employees and/or visitors. Responsible Parties should coordinate with tenant entities occupying office space, where applicable, on the implementation of practices in accordance with this guidance. For more information on tenant entities and their employees, contractors, and visitors, see “Interim COVID-19 Guidance for Office-Based Work.”

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

### I. PEOPLE

#### A. Physical Distancing

- Responsible Parties must ensure that capacity is limited by the space available for individuals or parties of individuals to maintain the required social distance as set forth by the State’s [guidance](#), consistent with the CDC’s guidelines for fully vaccinated individuals.
  - Full vaccination status is defined as having completed the COVID-19 vaccination series of an FDA or DOH authorized vaccine at least 14 days prior to the date of the event.

- In accordance with the State’s guidance, Responsible Parties may allow for fully vaccinated individuals or parties of individuals to be spaced at full capacity without six feet distancing within either the entire establishment or a separate, designated part of the establishment provided that all individuals are fully vaccinated.
- Responsible Parties must ensure that a distance of at least six feet is maintained between all employees and individuals at all times in locations where vaccination status is unknown or in unvaccinated sections (e.g., common areas), unless safety or the core activity requires a shorter distance.
- Responsible Parties must abide by the face covering requirements set forth by the State’s guidance, consistent with the CDC’s guidelines for fully vaccinated individuals.
  - Where face coverings are required, acceptable face coverings shall include but are not limited to cloth masks surgical masks, and N-95 respirators.
  - 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.
  - Any face covering requirement must be applied in a manner consistent with the federal Americans with Disabilities Act (ADA) and New York State and City Human Rights Laws, as applicable.
- In the elevators they control and in situations where individuals are unvaccinated or vaccination status is unclear, Responsible Parties must ensure individuals maintain social distancing and wear face coverings as set forth by the State’s guidance, unless it is designed for use by a single occupant.
  - Businesses may use their discretion to apply these guidelines, for example:
    - Post signage asking unvaccinated individuals to social distance and continue to wear face coverings.
    - Separate elevators for vaccinated and unvaccinated individuals.
    - Enforce a maximum capacity to maintain the required social distancing for unvaccinated individuals.
  - Responsible Parties should take additional measures to prevent congregation in elevator waiting areas and limit density in elevators, such as enabling the use of stairs.
- In other small spaces (e.g., storage or supply closets), Responsible Parties should ensure occupancy never exceeds the capacity required to maintain the required social distance as set forth by the State’s guidance, unless it is designed for use by a single occupant or all individuals are fully vaccinated.

- Responsible Parties should consider closing any common indoor or outdoor seating areas. To the extent that such spaces remain open, Responsible Parties should 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 the use and/or restrict the number of workstations seating areas for their own employees, so that individuals 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).
  - If used, physical barriers should be put in place in accordance with OSHA guidelines.
  - Physical barrier options may include: strip curtains, cubicles, plexiglass or similar materials, or other impermeable dividers or partitions.
  - Shared workstations (e.g. “hot-desks”) must be cleaned and disinfected between users.
- In the space they control, 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., elevator entrances, escalators, lobbies, clock in/out stations, health screening stations).
- In the space they control, Responsible Parties must post signs throughout the building, 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 if not fully vaccinated.
  - 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 individuals sit in alternating chairs) or wear appropriate face coverings.

- In the space they control, 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).
- In the space they control, Responsible Parties must put in place practices for adequate social distancing in small areas, such as restrooms and breakrooms, and 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 their own employees to observe social distancing (i.e., six feet of space) for any gathering (e.g., coffee breaks, meals, and shift starts/stops).
- All non-essential common areas (e.g., gyms, pools, game rooms) may reopen in accordance with any applicable industry-specific guidance. Specifically, gyms and fitness centers must follow the guidelines outlined in DOH’s [“Interim Guidance for Gyms and Fitness Centers during the COVID-19 Public Health Emergency;”](#) pool operations must follow the guidelines outlined in DOH’s [“Interim Guidance for Pools and Recreational Aquatic Spray Grounds During the COVID-19 Public Health Emergency;”](#) and recreational activities, such as pool and billiards, must follow the guidelines outlined in DOH’s [“Interim Guidance for Sports and Recreation during the COVID-19 Public Health Emergency.”](#) Social gatherings in non-essential common areas must follow the relevant social gathering guidelines (i.e., 50 people in residential settings, 250 for indoor social gatherings, and 500 people for outdoor social gatherings as of May 19, 2021); furthermore, capacity is limited by the space available for employees and individuals to maintain the required social distance as set forth by the [State’s guidance](#), consistent with the CDC’s guidelines for fully vaccinated individuals.

### C. Workplace Activity

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
  - limiting in-person presence to only those staff who are necessary to be on site;
  - adjusting workplace hours;
  - reducing on-site workforce to accommodate social distancing guidelines;
  - shifting design (e.g. A/B teams, staggered arrival/departure times);
  - prioritizing tasks that allow for social distancing over those that do not; and/or
  - avoiding multiple crews and/or teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas.

### D. Movement and Commerce

- Responsible Parties must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- Responsible Parties should limit interactions (e.g., designate an egress for individuals leaving their shifts and a separate ingress for individuals starting their shifts) and movements (e.g. their employees should remain near their workstations as often as possible) of persons in the common space(s) of the building.
- Responsible Parties should limit the numbers of entrances in order to (1) manage the flow of visitors into the building and (2) facilitate health screenings, as described below in Section III “Processes,” Subsection A “Screening and Testing,” while remaining in compliance with fire safety and other regulations.
  - Develop a plan for people to maintain six feet of social distance while queuing inside or outside of the building for screening, as applicable.

## II. PLACES

### A. Building Systems

- Before occupants return to a building that has been entirely closed, Responsible Parties must 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.
  - Depending on the length of time equipment has been inactive, Responsible Parties should run systems with careful observation to ensure machinery (e.g., valves and switches) are operating correctly.
  - Specific system actions may be required to restart systems after prolonged shutdown. Responsible Parties may determine necessity for each of these items based on length of shutdown and condition as inspected.
  - As appropriate and applicable, Responsible Parties should flush building with fresh air based on the design of the makeup/outside air system for a minimum of 24 hours.
  - Responsible Parties must ensure air filters are replaced as needed (e.g., after flushing the building).
  - Responsible Parties must ensure maintenance and monitoring of cooling towers have been conducted in accordance with state regulations and that chemical and microbial levels are within defined ranges for any closed water systems and/or water features, and drain any devices that may contain stagnant water.
  - Responsible Parties must flush cold- and hot-water systems in accordance with the building’s water management plan, if applicable.

- Responsible Parties must ensure any water filters are replaced as needed after flushing the building’s water systems.
- For buildings that were entirely closed, Responsible Parties should ensure that the operation of all mechanical equipment and systems has been restored prior to reopening the building.

## B. Protective Equipment

- Responsible Parties must abide by the face covering requirements set forth by the State’s guidance, consistent with the CDC’s guidelines for fully vaccinated individuals.
  - Any face covering requirement must be applied in a manner consistent with the federal Americans with Disabilities Act (ADA) and New York State and City Human Rights Laws, as applicable.
- 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 of the building management be in need. Acceptable face coverings include, but are not limited to, cloth (e.g., homemade sewn, quick cut, bandana), and surgical masks.
  - Responsible Parties must work with any entities with which they have contracted to agree upon who will provide PPE to contractors physically present in the building if required by the State’s guidance.
  - As mentioned in the State’s “Interim COVID-19 Guidance for Professional Services,” tenant entities are responsible for providing PPE to their own employees and contractors.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult the CDC guidance for additional information on cloth face coverings and other types of PPE 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 their 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, tenants, and visitors to wear face coverings in common areas including elevators, lobbies, and when traveling around the building.
- Responsible Parties must ensure that their own employees wear face coverings when interacting with one another and/or other individuals within six feet distance AND without a physical barrier (e.g., plexiglass).
- Responsible Parties should install physical barriers at reception and security desks.
  - As mentioned above in Section I “PEOPLE,” Subsection A “Physical Distancing,” physical barriers (e.g. plexiglass or similar materials) should be put in place in accordance with [OSHA guidelines](#).
- Responsible Parties must put in place measures to limit their employees sharing of objects, such as equipment, machinery, materials, and vehicles, as well as the touching of shared surfaces, such as handrails or touchscreens; or, require employees and visitors to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require employees and visitors to perform hand hygiene before and after contact.

### C. 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 site, 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 building (e.g. lobbies). It should be placed in convenient locations, such as at entrances, exits, elevators, and security/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 to use these supplies, following manufacturers’ instructions, before and after use of these surfaces, followed by hand hygiene.



- 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 public restrooms or restrooms used by more than one tenant. 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 equipment and tools are regularly cleaned and disinfected using registered disinfectants, including at least as often as employees change workstations or move to a new set of tools. 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 for 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. elevators, lobbies, building entrances, badge scanners, restrooms handrails, 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 area(s).
    - Shared building spaces used by the individual must also be shut down, cleaned and disinfected (e.g. elevators, lobbies, outdoor common space).
  - Open outside doors and windows to increase air circulation in the area.
  - Wait 24 hours before you clean 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.

- Responsible Parties must immediately communicate information about individuals suspected or confirmed to have COVID-19 to all impacted entities occupying space in the building and inform them of which common spaces are shut down and once they are re-opened.
- 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 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.
- For their own employees, Responsible Parties must prohibit shared food and beverages among employees, encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals and encourage tenants to do the same.

#### D. 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 when first reopening so as to provide operations with the ability to adjust to the changes.

#### E. 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 work with tenants to develop a communications plan for employees, tenants, and visitors that includes applicable instructions, training, signage, and a consistent means to provide employees with information. Responsible Parties may consider developing webpages, text and email groups, and social media.
- Responsible Parties should encourage individuals 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 building to remind individuals to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfection protocols.
- Where applicable and appropriate, Responsible Parties should coordinate with tenants to receive 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 visitors. Health screenings may be performed via signage, at point of entry.
  - Screening practices may be performed remotely (e.g., by telephone or electronic survey), before the employee or visitor reports to the building, 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 or signage that determines whether the employee or visitor has:
    - (a) COVID-19 Symptoms: Is currently experiencing, or has recently (within the past 48 hours) experienced, any symptoms of COVID-19;
      - CDC advises that COVID-19 symptoms may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea; however, a few of these symptoms may occur with pre-existing medical conditions, such as allergies or migraines, that have been diagnosed by a health care practitioner. In those cases, individuals should only answer "yes" if symptoms are new or worsening.
    - (b) COVID-19 Contacts: Has had close contact (or proximate contact as determined by health authorities) in the past 10 days with any person confirmed by diagnostic test, or suspected based on symptoms, to have COVID-19; and/or
      - DOH advises that close contact is being within six feet of an individual for 10 minutes or more within a 24-hour period, starting from 2 days before their symptoms developed or if asymptomatic, 2 days before they were tested. (Close contact does not include individuals who work in a health care setting wearing appropriate, required PPE.)
      - This exclusion shall not apply for individuals who (1) have been fully vaccinated against COVID-19 with an FDA or DOH authorized COVID-19 vaccine – defined as 14 days after completion of the vaccine series or (2) fully recovered from a lab-confirmed COVID-19 case within the past 3 months. (In lieu of quarantine following close contact, such individuals will need to monitor for COVID-19 symptoms for 14 days following an exposure.)
    - (c) COVID-19 Positive Test: Has tested positive for COVID-19 through a diagnostic test in the past 10 days.

- While tenants are responsible for screening their own employees and visitors, Responsible Parties should coordinate with tenants to facilitate screening. 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 a suspected or confirmed case of COVID-19.
  - Allow for adequate social distancing while individuals queue for screening and/or building entry.
  - Coordinate with tenants to identify individuals who have completed a remote screening.
  - Use contactless thermal cameras in building entrances to identify potentially symptomatic individuals and direct them to a secondary screening area to complete a follow-on screening.
  - If unable to screen at or near building entrances, remind tenants that they are responsible for screening their employees within a space under their control.
- 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 or visitors 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 building. 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 workplace and must be sent home with instructions to contact their healthcare provider for assessment and testing. This policy does not apply if the employee or visitor is entering the building for medical evaluation or treatment (e.g., to visit a doctor’s office in the building).
  - 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, contractors, and visitors’ 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 tenants have agreed to an alternate screening arrangement whereby Responsible Parties screen on behalf of tenants, then Responsible Parties shall be responsible for maintaining a record of the screening process. Maintaining record 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 (unless the individual was entering the building for medical evaluation or treatment).
  - Identified point of contact for the building should be prepared to receive notifications from tenants of positive cases and initiate the respective cleaning and disinfection procedures.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan, for tenants, employees, and visitors.
  - When notified of a positive case, the identified point of contact must notify the contacts of all impacted entities occupying shared spaces of the positive cases and the respective cleaning and disinfection procedures taken.
- To the extent possible, Responsible Parties should make best efforts to maintain a log of every person, including their own employees and visitors, who may have close or proximate contact with other individuals at the building; excluding deliveries that are performed with appropriate PPE or through contactless means. Logs should contain contact information, such that all contacts may be identified, traced and notified in the event an employee or visitor 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 at their workplace.
- The Responsible Parties must be prepared to receive reports of positive cases from tenants.
- In the case of an employee or visitor, or a tenant’s 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 notify the state and local health department where the building is located of all individuals who entered the site dating back to 48 hours before the employee or visitor – or tenant’s 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.

- In the case of an employee or visitor, or tenant's employee, contractor, or visitor, showing symptoms while in the workplace, Responsible Parties must notify all entities occupying space in the building immediately with information on where the individual has been throughout the building and notify them if the symptomatic employee, contractor, or visitor tests positive.
- State and local health departments may, under their legal authority, 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>