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 8, 2021

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.”

Owners and operators of offices are authorized to require masks and six feet of social distancing for employees within their establishments or adhere to DOH guidance, consistent with the Centers for Disease Control and Prevention’s (CDC) “Interim Public Health Recommendations for Fully Vaccinated People.” If choosing to adhere to CDC guidance, offices generally do not congregate patrons or operate above the State’s social gathering limits, and 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 publication, 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 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 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

- Responsible Parties must ensure that capacity is limited by the space available for employees 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 employees 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 abide by the face covering requirements set forth by the State’s guidance, consistent with the CDC’s guidelines for fully vaccinated individuals.
  - Per Executive Order 202.34, as extended, Responsible Parties may deny admittance to individuals who fail to wear face coverings.
  - 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.

- Responsible Parties may accept proof of vaccination status through paper form, digital application, or the State’s Excelsior Pass, which provides secure, digital proof of vaccination status, as well as recent negative diagnostic test results.

- Responsible Parties should ensure that a distance of at least six feet is maintained between all employees 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 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).
  - If used, 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 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.

• 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.
  
  o Businesses may use their discretion to apply these guidelines, e.g.:
    
    ▪ 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
  
  o 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 doesn’t exceed the capacity required to maintain social distance, if necessary, 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 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).
  
  o 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:
  
  o Cover their nose and mouth with a face covering when six feet of social distance, as set forth by the State’s guidance, consistent with the CDC’s guidelines for fully vaccinated individuals.
  
  o Properly store and, when necessary, discard PPE.
  
  o Adhere to physical distancing instructions, as set forth by the State’s guidance, consistent with the CDC’s guidelines for fully vaccinated individuals.
- 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).
- 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.”

**C. Workplace Activity**

- Responsible Parties should take measures to reduce interpersonal contact and congregation, through methods such as:
  - adjusting workplace hours;
  - reducing in-office workforce to accommodate social distancing guidelines;
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. When face coverings are required, acceptable face coverings include, but are not limited to, cloth masks, surgical masks, and N-95 respirators.

- 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.
o 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 in the office, as follows:
  o For handwashing: soap, running warm water, and disposable paper towels.
  o For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
  o 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.

  o 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.

  o 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.

  o 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.

  o 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.

  o 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:

  o 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").
C. 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 health screening for individuals. Health screenings may be performed via signage, at point of entry, by e-mail/website, by telephone, or by electronic survey before individuals enter the establishment. Health screenings should include questions on:
  
  o **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.

  o **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.)

  o **COVID-19 Positive Test**: Has tested positive for COVID-19 through a diagnostic test in the past 10 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:

  o 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;

  o Allow for adequate social distancing while individuals queue for screening and/or building entry;
o Coordinate with building managers to identify individuals who have completed a remote screening;

o 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.

  o Responsible Parties should remotely provide such individuals with information on healthcare and testing resources.

  o 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.
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.

- 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.
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

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