



## INTERIM GUIDANCE FOR NEW YORK CITY INDOOR FOOD SERVICES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

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

As of September 11, 2020

**Pursuant to [Executive Order 202.61](#), indoor food services in New York City may resume beginning Wednesday, September 30, 2020 in accordance with this interim guidance.**

### Purpose

This Interim Guidance for New York City Indoor Food Services during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Indoor Food Services in New York City”) was created to provide owners/operators of food service businesses in the New York City region and their employees, contractors, and patrons with precautions to help protect against the spread of COVID-19.

This guidance will apply to indoor food service and dining in restaurants, establishments and other food vendors and concessions in New York City. Once effective, food services establishments in New York City may open indoor spaces with seating for customers in accordance with this guidance; **however, indoor bar service must remain closed at this time (i.e., no seating or service at the bar, all alcoholic beverages must be served to the table), and indoor food and beverage service shall not be permitted between midnight (12:00AM) local time and 5:00AM, as detailed below. All service must cease at midnight (12:00AM) and cannot resume until 5:00AM.**

As announced, the City of New York will establish and deploy a team of 400 enforcement personnel to ensure businesses that offer indoor food services and dining in New York City comply with the State-issued requirements contained herein. **Any individual who observes a violation of this guidance should report such violation by calling 1-833-208-4160, texting ‘VIOLATION’ to 855-904-5036, or completing the online [complaint form](#).**

This interim guidance is subject to change as public health officials assess its impact, including any changes in transmission of COVID-19, and monitor compliance of owners/operators. Additionally, these guidelines as they pertain to indoor occupancy restrictions will be reassessed by no later than November 1, 2020 in contemplation of an increase from 25% to 50% capacity so long as the rate of COVID-19 transmission has not increased.

For any outdoor and take-out/delivery food service, businesses must follow the guidance outlined in the New York State Department of Health’s (DOH) [“Interim Guidance for Outdoor and Take-Out/Delivery Food Services During the COVID-19 Public Health Emergency.”](#)

These guidelines are minimum requirements only and any owner/operator 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 food services. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any food service operations and/or Site Safety Plan.

The Centers of Disease Control and Prevention, U.S. Food and Drug Administration, and United States Department of Labor's Occupational Safety and Health Administration are not aware of any reports that suggest that COVID-19 can be transmitted through food. Therefore, adherence to NYS Sanitary Codes for food service establishments along with additional requirements identified as part of these guidelines are expected to be sufficiently protective against COVID-19.

## Background

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

On March 16, 2020, Governor Cuomo issued Executive Order 202.3, restricting all on-premises consumption of food and beverage at eating and drinking establishments statewide.

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

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

On April 26, 2020, Governor Cuomo announced a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor provided that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity. On May 11, 2020, Governor Cuomo announced that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators. On May 29, 2020, Governor Cuomo announced that the second phase of reopening would begin in several regions of New York. On June 3, 2020, Governor Cuomo announced outdoor dining at restaurants would be permitted in phase two of reopening, in accordance with state-issued guidance. On June 11, Governor Cuomo announced that the third phase of reopening would begin on June 12 in several regions of New York. On June 24, 2020, Governor Cuomo announced that several regions of the state were on track to enter the fourth phase of reopening starting on June 26.

On September 9, 2020, Governor Cuomo announced that indoor dining in New York City would be allowed to resume beginning September 30 with a 25% occupancy limit and additional requirements

contained herein. The Governor also announced that the City of New York would provide a team of 400 enforcement personnel to work with the State Police Task Force to ensure compliance with this guidance.

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

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

## **Standards for Responsible Indoor Food Services in New York City**

No indoor food service operation can occur in New York City 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 indoor food services in operation in New York City during the COVID-19 public health emergency until rescinded or amended by the State. The owner/operator of the food service site, or another party as may be designated by the operator (in either case, "the Responsible Parties"), shall be responsible for meeting these standards.

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

## **I. PEOPLE**

### **A. Physical Distancing**

- Responsible Parties must ensure that indoor capacity is limited to no more than 25% of the maximum occupancy for a particular area as set by the certificate of occupancy, exclusive of employees.
  - Responsible Parties must conspicuously post the number of patrons that constitutes 25% capacity in their establishment, and must make such posting visible to employees and patrons inside the restaurant, as well as visible to individuals from the exterior of the restaurant (e.g., posting on the door).
  - Responsible Parties must only permit entrance to the food services establishment to employees or patrons if they have their temperature taken before or immediately upon entering the food service establishment and have a temperature no greater than 100.0°F (as described below in Section III: Processes, Subsection A: Screening and Testing); and
  - Responsible Parties must only permit patrons to dine indoors if one person from each party signs-in before or immediately upon entering the food services establishment, providing the full name, address, and phone number for use in contact tracing efforts.
    - The sign-in process may be conducted through any means that the Responsible Parties establish to collect the above contact information, including but not limited to a digital application and/or paper form.
    - Responsible Parties must maintain a record of the aforementioned sign-in data for a minimum period of 28 days and make such data available to state and local health departments upon request.

- Responsible Parties should ensure that a distance of at least six feet is maintained among workers at all times, unless the core activity requires a shorter distance (e.g., cooking, cleaning, clearing tables, maintenance). Regardless of physical distance, Responsible Parties must ensure all employees wear an acceptable face covering at all times.
  - Patrons must also wear face coverings at all times, except while seated; provided, however, that the patron is over the age of two and able to medically tolerate such covering.
  - Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.
  - However, cloth, disposable, or other homemade face coverings are not acceptable face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment (PPE) due to the nature of the work. For those activities, N95 respirators or PPE used under existing industry standards should continue to be used, as is defined in accordance with OSHA guidelines.
- Responsible Parties must ensure that indoor tables with seating for customers are separated by a minimum of six feet in all directions. Wherever distancing is not feasible between tables, Responsible Parties must erect physical barriers between such tables. The physical barriers must be at least five feet in height and must not block emergency and/or fire exits.
- Responsible Parties must limit the number of patrons to any event at the food services establishment to the lesser of 25% of the maximum occupancy or the current social gathering restrictions that are in effect for the region as a part of the State's phased reopening (i.e., 50 or fewer people in Phase 4 regions, as of September 10, 2020).
- Responsible Parties may seat as many individuals at a single table as the table allows, with a maximum of 10 individuals per table.
  - Individuals seated at a table must be members of the same party but may be from different households. Further, individuals who are members of the same party may arrive, be seated, and depart at different times so long as their interactions remain limited to only other party members.
  - Communal tables in which multiple parties are seated at the same large table are only permitted if a distance of at least six feet can be maintained between the parties.
- Responsible Parties must prohibit seating and service at bars. Bars may be used only as a source for employees to prepare beverages for service to patrons at their table.
  - Further, Responsible Parties must prohibit customers from walking up to, or standing at, the bar to order, pay, or be served.
- Responsible Parties offering restroom access to customers must promote social distancing within and while waiting for restrooms.
- Responsible Parties may modify the use and/or restrict the number of work stations and employee seating areas, 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 areas without cleaning and disinfection between use. When distancing is not feasible (e.g., pick-up stations, cash registers), Responsible Parties may enact physical barriers (e.g., plastic shielding walls) in areas where they would not affect air flow, heating, cooling, or ventilation) and must not block emergency and/or fire exits.
  - If used, physical barriers should be put in place in accordance with OSHA guidelines.

- Physical barrier options may include strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties must prohibit the use of small spaces (e.g., freezers or storage rooms) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings. However, even with face coverings in use, occupancy must never exceed 25% of the maximum capacity of the space, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g., opening windows and doors to kitchen), while maintaining safety protocols.
- Responsible Parties must put in place measures to reduce bi-directional foot traffic, for example, by 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., clock in/out stations, health screening stations, breakrooms).
  - Responsible Parties must clearly signal six foot spacing in:
    - Any lines for customers waiting to order, pick up food, be seated, or use the restroom (e.g., by using tape or other equally effective means); and
    - Any pick-up or payment location (e.g., counter, table, register).
- Responsible Parties must designate entrances/exits for customers and separate entrances/exits for employees, where possible.
- Responsible Parties should encourage customers to wait in their car or outside at an appropriate social distance until food is ready to be picked up or they are ready to be seated.
- Responsible Parties should encourage customers to place remote orders online or by phone.
- Where possible, Responsible Parties should allow for contactless order, payment, delivery, and pick-up and/or implement curbside pick-up.
  - When contactless payment is not feasible, Responsible Parties should minimize the use of billfolds and present paper receipts only.
- Responsible Parties should consider allowing customers that will be seated to order ahead of time to limit the amount of time spent in the establishment.
- Responsible Parties must post signs throughout the site, 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 must be used to remind employees and patrons to:
  - Stay home if sick.
  - Cover their nose and mouth with a face covering at all times if they are an employee, and at all times except while seated, if they are a patron.
  - Quarantine if they have recently been to a state with significant community transmission of COVID-19, pursuant to the DOH [travel advisory](#).
  - Properly store and, when necessary, discard PPE.
  - Adhere to social 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.
- Report any violations by calling 833-208-4160, or by texting 'VIOLATION' to 855-904-5036.

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

- Responsible Parties must limit in-person employee gatherings (e.g., staff meetings) to the greatest extent possible and use other methods such as video or teleconferencing whenever possible, per CDC guidance "[Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)". When videoconferencing or teleconferencing is not possible, Responsible Parties should hold 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).
- Responsible Parties should encourage social distancing by limiting occupancy or closing non-essential employee amenities and communal areas that do not allow for appropriate social distancing. If open, Responsible Parties must make hand sanitizer or disinfecting wipes available 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; and
- Responsible Parties should stagger schedules for their employees to observe social distancing (i.e., six feet of space) during, for example, breaks, meals, shift starts/stops.

## **C. Workplace Activity**

- Responsible Parties must stop serving food and beverages to customers between midnight (12:00AM) local time and 5:00AM; although, Responsible Parties may permit customers to remain seated after midnight for thirty minutes after service ends, only for the purpose of finishing consumption of their meal. All service must cease at midnight (12:00AM) and cannot resume until 5:00AM.
- 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;
  - 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;
  - avoiding multiple crews and/or teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas; and/or
  - segmenting and batching activities, where possible, so individuals can adhere to social distancing and reduce the number of hands touching equipment at the same time.



- Where practicable, Responsible Parties should discourage food preparation employees from changing or entering others' workstations during shifts, unless they are appropriately cleaned and/or disinfected, as appropriate.
- Responsible Parties should designate discrete work zones for servers, where possible. Servers should serve specific zones in the restaurant to minimize overlap.
- Responsible Parties should encourage customer reservations for seating, where practicable, to reduce the congregation of patrons waiting to be seated and served.
  - Responsible Parties must not provide customers with devices (e.g., buzzers) to provide alerts that seating or an order is available, unless such devices are thoroughly cleaned and disinfected between each use.
    - Responsible Parties are encouraged to use audio announcements, text messages, or notices on screens to communicate with customers awaiting an order or seating.
- Responsible Parties may open buffets, provided that they are not self-serve and that they are sufficiently staffed to ensure that there is no customer touching of common objects (e.g., serving spoons, tongs) and that appropriate social distance is maintained.
- [As mentioned above, Responsible Parties may open indoor bar areas for employees to prepare beverages to be served to customers tableside; however, bar seating must remain closed and no patron may be served at the bar for any reason.](#)

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

- Responsible Parties must strictly monitor and control the flow of traffic into and within the food services establishment to ensure adherence to maximum capacity, and social distancing requirements, and at all times must maintain an accurate count of current capacity of the establishment to ensure it does not exceed 25% of the maximum occupancy. Responsible Parties must establish designated areas for vendor pickups and and/or deliveries, limiting contact to the extent possible.
- Responsible Parties should limit on-site interactions (e.g., designate an egress for workers leaving their shifts and a separate ingress for workers starting their shifts) and movements (e.g., employees should remain near their workstations as often as possible).
- For vendors that need to come on premises, Responsible Parties should ensure a one-at-a-time process, in which only one vendor delivers a product at a time, employees clean and disinfect high touch surfaces, and the next vendor can enter the premises.
- Where practicable, Responsible Parties should limit the numbers of entrances in order to (1) manage the flow of traffic into the building and (2) facilitate health screenings, as described below while remaining in compliance with fire safety and other applicable regulations.
- Responsible Parties must develop a plan for people to maintain six feet of social distance while queuing inside or outside of the establishment for screening, as applicable.

## **II. PLACES**

## A. Air Filtration and Ventilation Systems

- For food service establishments in New York City with central air handling systems, Responsible Parties must ensure central 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.
  - Responsible Parties should also consider adopting additional ventilation and air filtration mitigation protocols per CDC and ASHRAE recommendations, particularly for buildings with air handling systems older than 15 years, including:
    - Performing necessary retro-commissioning of central systems, as well as testing, balancing, and repairs as needed;
    - Increasing ventilation rates and outdoor air ventilation to the extent possible;
    - Keeping systems running for longer hours, especially for several hours daily before and after occupancy;
    - Disabling demand-controlled ventilation, where reasonable, and maintain systems that increase fresh air supply;
    - Maintaining relative humidity between 40-60% where possible;
    - Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible;
    - Sealing edges of the filter to limit bypass;
    - Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life;
    - Opening windows to the extent allowable for occupant safety and comfort;
    - Installing appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; and/or
    - Using portable air cleaners (e.g., electric HEPA units), consider units that provide highest air change rate at appropriate performance level and do not generate harmful byproducts.
- For food service establishments in New York City with central air handling systems that cannot handle the abovementioned minimum level of filtration (i.e., MERV-13 or greater), Responsible Parties 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 is incompatible with abovementioned minimum level of filtration (i.e., MERV-13 or greater) and/or the 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, Responsible Parties must retain such documentation for review by state or local health department officials to operate at a lesser filtration rating with additional ventilation and air filtration mitigation protocols.
  - In addition, Responsible Parties with facilities that have a central air handling system who are unable to meet a filtration rating of MERV-13 or greater must adopt additional ventilation and/or air filtration mitigation protocols per CDC and ASHRAE recommendations, including:
    - Performing necessary retro-commissioning of central systems, as well as testing, balancing, and repairs as needed;



- Increasing ventilation rates and outdoor air ventilation to the extent possible;
  - Keeping systems running for longer hours, especially for several hours daily before and after occupancy;
  - Disabling demand-controlled ventilation, where reasonable, and maintain systems that increase fresh air supply;
  - Maintaining relative humidity between 40-60% where possible;
  - Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible;
  - Sealing edges of the filter to limit bypass;
  - Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life;
  - Opening windows to the extent allowable for occupant safety and comfort;
  - Installing appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; and/or
  - Using portable air cleaners (e.g., electric HEPA units), considering units that provide highest air change rate at appropriate performance level and do not generate harmful byproducts.
- For food service establishments in New York City that do not have central air handling systems or do not operate or otherwise control the central air handling systems, Responsible Parties must adopt additional ventilation and air filtration mitigation protocols per [CDC](#) and [ASHRAE](#) recommendations, including:
    - Regularly inspecting any room ventilation systems (e.g., window units, wall units) to ensure they are properly operating, and filters are appropriately installed, serviced and within service life.
    - Keeping any room ventilation systems running for longer hours, especially for several hours daily before and after occupancy;
    - Setting room ventilation systems to maximize fresh air intake, set blower fans to low speed and point away from occupants to the extent possible;
    - Maintaining relative humidity between 40-60% where possible;
    - Opening windows to the extent allowable for occupant safety and comfort;
    - Setting any ceiling fans to draw air upwards away from occupants, if applicable;
    - Prioritizing window fans to exhaust indoor air where possible;
    - Avoiding using fans that only recirculate air or only blow air into a room without providing for appropriate exhaust;
    - Installing appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles; and/or
    - Using portable air cleaners (e.g., electric HEPA units), considering units that provide highest air change rate at appropriate performance level and do not generate harmful byproducts.

## **B. Kitchen Area**

- Before returning to work, Responsible Parties must complete pre-return checks and assessments of kitchen systems to ensure a healthy and safe environment.
- Responsible Parties must ensure kitchen staff wear face coverings at all times.

- Responsible Parties should reconfigure kitchens to maintain six feet distance, to the extent possible.
  - Responsible Parties should stagger shifts, if possible, to do work (e.g., food prep) ahead of time.
- To the extent possible, Responsible Parties should ensure kitchen staff are dedicated to one station throughout their shift (e.g., salad or grill or desserts).
- Where applicable, Responsible Parties should establish markers in workstations and areas with tape on the floor to signal six feet distance in all directions.
- Responsible Parties should encourage kitchen staff to place items on the counter for the next person to pick up rather than pass items from hands to hands.
- Responsible Parties must minimize sharing of kitchen equipment between staff (e.g., knives, pots, rags/towels), where possible.

### C. Protective Equipment

- Responsible Parties must ensure that all staff wear face coverings at all times. Responsible Parties must ensure staff practice hand hygiene and use bare hand barriers consistent with State and Local Sanitary Codes.
  - If employees wear gloves during non-food preparation activities, Responsible Parties must:
    - Ensure employees replace gloves frequently; and
    - Encourage employees to change gloves when switching tasks (e.g., serving customers to pre-rolling silverware).
  - If employees do not wear gloves, Responsible Parties must ensure employees frequently wash and/or sanitize their hands.
    - Responsible Parties must ensure that employees who are bussing tables wash their hands with soap and water and, if they are wearing gloves, replace their gloves, before and after cleaning and disinfecting tables.
- Responsible Parties must only permit customer entry into the establishment if they wear an acceptable face covering; provided, however, that the customer is over the age of two and able to medically tolerate such covering.
  - Responsible Parties must require customers to wear face coverings when not seated at a table (e.g., when waiting for pickup, walking to/from table, walking to/from restroom).
  - Once seated, Responsible Parties should encourage, but not require, customers to wear face coverings when interacting with staff or otherwise not eating and/or drinking.
- 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 vendor be in need. Acceptable face coverings include, but are not limited to, cloth (e.g., homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields.
- 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, as well as instructions on use and cleaning.

- Note that cloth face coverings or disposable masks shall not be considered acceptable face coverings for workplace activities that impose a higher degree of protection for face covering requirements. For example, if N95 respirators are traditionally required for specific food service activities, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow their employees to use their own acceptable face coverings but cannot require their 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 require employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.
- Responsible Parties must put in place measures to limit the sharing of objects, such as kitchen tools, pens and pads, as well as the touching of shared surfaces, such as doorknobs, keypads, and touchscreens; or, require workers to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require workers to wash their hands before and after contact.
- 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.

#### **D. 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.
  - Responsible Parties must make hand sanitizer available throughout high touch areas (e.g., outside restrooms). It should be placed in convenient locations, such as at entrances, exits, cashiers. Touch-free hand sanitizer dispensers are encouraged.
- 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.
- Place receptacles around the site for disposal of soiled items, including PPE.
- For take-out/delivery, Responsible Parties must:
  - Provide hand hygiene stations for customers waiting for food and/or drinks;
  - Ensure staff wash hands with soap and water or use hand sanitizer, and, if staff use gloves, regularly replace them; and
  - Ensure, if pick-up/delivery is in indoors/enclosed space, windows and/or doors are opened to allow for ventilation.

- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage their employees to use these supplies following manufacturer’s instructions for use before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of the site and more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces. Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed. Please refer to DOH’s [“Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19”](#) for detailed instructions on how to clean and disinfect facilities.
  - Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
    - Responsible Parties must ensure distancing rules are adhered to by using signage, occupied markers, or other methods to reduce restroom capacity where feasible.
    - Responsible Parties must ensure that 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 disinfecting 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., shared tools, equipment, machines, work stations, keypads, telephones, 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.
    - Affected areas need to be close off and cleaned and disinfected.
    - If an employee of a food truck is suspected or confirmed to have COVID-19, the food truck must be closed until cleaned and disinfected.
  - 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.
  - Once the area has been appropriately cleaned and disinfected, it can be reopened for use.
    - Workers without close or proximate contact with the person who is suspected or confirmed to have COVID-19 can return to the work area immediately after cleaning and disinfection.
    - Refer to DOH’s [“Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure”](#) for information on “close or proximate” contacts.

- If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit employees from sharing food and beverages among themselves, encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals. If Employees are eating indoors at a table normally reserved for customer use, they may remove facemask while eating or drinking, but must utilize the face covering if they stand or move from the table, and will be counted as part of the 25% occupancy restriction for such dining area. An employee who is able to eat a meal in non-public area of the restaurant may be excluded from such capacity.
- Responsible Parties must ensure that all condiments provided directly to customers be in single-use disposable containers or reusable containers that are regularly cleaned and disinfected, ideally between each party's use.
- Responsible Parties should ensure that guests are provided with single use, paper, disposable menus and/or that menus are displayed on white boards/chalk boards/televisions/projectors, where possible. If non-disposable menus are used, Responsible Parties must clean and disinfect the menus between each party's use.
  - Responsible Parties should encourage customers to view menus online (e.g., on their own smartphone or electronic device) where possible.
- Responsible Parties must use pre-packaged silverware or pre-rolled silverware. Silverware must be pre-rolled while wearing masks and gloves.
- Responsible Parties must not offer or otherwise provide unwrapped straws and toothpicks.

## **E. Phased Reopening**

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

## **F. 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 must conspicuously post for employees and patrons both inside the restaurant, as well as on exterior of the restaurant (e.g., posting on the door):
  - The number of patrons that constitutes 25% capacity in their establishment; and
  - The phone number and text number to report violations.
    - Individuals who observe violations can report issues by calling 833-208-4160 or by texting 'VIOLATION' to 855-904-5036.
- Responsible Parties must develop a communications plan for employees, vendors, and customers 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.

### III. PROCESSES

#### A. Screening and Testing

- Responsible Parties must require staff and customers to complete a temperature check before or immediately upon arriving at the food services establishment.
  - Any individual with a temperature greater than 100.0°F must not be permitted enter the establishment, whether they are an employee or a patron.
    - Responsible Parties may use contactless thermal cameras in building entrances to identify potentially symptomatic individuals and direct any such individuals to a secondary screening area to complete a follow-on screening.
  - Temperature checks must be conducted in accordance with U.S. Equal Opportunity Employment Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee or customer 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 require at least one person from each customer party to sign-in upon entering the food services establishment (or prior via remote sign-in), providing the full name, address, and phone number for use in contact tracing efforts.
- In addition to the required temperature checks mentioned above, Responsible Parties must implement mandatory daily health screening practices of their employees and, where practicable, vendors, but such screening shall not be mandated for customers and delivery personnel.
  - Screening practices may be performed remotely (e.g., by telephone or electronic survey), before the employee reports to the site, to the extent possible; or may be performed on site.
  - Screening should be coordinated to prevent employees from intermingling in close or proximate contact with each other prior to completion of the screening.
  - At a minimum, screening should be required of all employees and vendors completed using a questionnaire that determines whether the employee or vendor has:
    - (a) knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19;
    - (b) tested positive for COVID-19 in the past 14 days;
    - (c) has experienced any symptoms of COVID-19 in the past 14 days; and/or
    - (d) traveled within a state with significant community spread of COVID-19 for longer than 24 hours within the past 14 days.
- Responsible Parties cannot mandate that that customers complete a health questionnaire but may encourage customers to do so.
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.



- Refer to DOH [travel advisory](#) for the most up to date information on states with significant spread of COVID-19 and quarantine requirements.
- 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.
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious workers or vendors entering the site. 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 premises and employees who screen positive must be sent home with instructions to contact their healthcare provider for assessment and testing.
  - Responsible Parties should provide the employee 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 questionnaires, with such contact also identified as the party for individuals to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- To the extent possible, Responsible Parties should maintain a log of every person, including employees and vendors, who may have close or proximate contact with other individuals at the work site or area; excluding customers and deliveries that are performed with appropriate PPE or through contactless means. The log should contain contact information, such that all contacts may be identified, traced and notified in the event an individual 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 a patron or employee at their establishment
- In the case of an employee, vendor, or patron who interacted at the business testing positive, the Responsible Parties must cooperate with the state and local health department to trace all contacts in the workplace, and the health department where the site is located must be notified of all employees

logged and vendors/patrons (as applicable) who entered the food service location dating back 48 hours before the individual 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 individual showing symptoms while in the food services establishment, Responsible Parties must notify employees in the surrounding areas or who may have been affected immediately with information on where the individual has been throughout the area and notify them if the symptomatic person tests positive.
- The State and local health department 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 for employees. 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)**

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