



NEW YORK STATE

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New York City Indoor Food Services Guidelines for Employees and Employers

Pursuant to [EO 202.61](#), indoor food services in New York City may resume beginning September 30, 2020 in accordance with the guidelines below and DOH’s “[Interim COVID-19 Guidance for Indoor Food Services in New York City](#).”

These guidelines will apply to all indoor food service and dining in restaurants, establishments, and other food vendors/concessions in New York City. **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 12AM-5AM, as detailed below. All service must cease at 12AM and cannot resume until 5AM.**

Report violations of this guidance: Call 1-833-208-4160, text ‘VIOLATION’ to 855-904- 5036, or use the [complaint form](#).

During the COVID-19 public health emergency, all owners/operators of food services businesses should stay up to date with any changes to state and federal requirements related to such establishments and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Physical Distancing	<ul style="list-style-type: none"> ✓ Limit indoor capacity to no more than 25% of maximum occupancy, exclusive of employees. <ul style="list-style-type: none"> • Conspicuously post the number of patrons that constitutes 25%, making such posting visible to patrons inside and outside of the restaurant; • Conspicuously post, both inside and outside of the establishment (e.g., on the door), the phone 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; • Only permit entrance to employees or patrons if they have their temperature taken before or immediately upon entering the establishment and have a temperature no greater than 100.0°F (as described below in the “Screening” section); and • Only permit patrons to dine indoors if 1 person from each party signs in before or immediately upon entering the establishment, providing the full name, address, and phone number for use in contact tracing efforts. ✓ All employees must wear an acceptable face covering at all times. ✓ Ensure patrons wear face coverings at all times, except while seated; provided that the patron is over the age of 2 and able to medically tolerate such covering. ✓ Indoor tables with seating for customers must be separated by a minimum of 6 ft. in all directions. Where distancing is not feasible, erect physical barriers between such tables. These barriers must be at least 5 ft. in height and must not block emergency/fire exits. ✓ Limit the number of patrons to any event at the food services establishment to the lesser of 25% of maximum occupancy or the current social gathering restrictions that are in effect for the region (i.e., 50 or fewer people in Phase 4 regions, as of September 10, 2020). ✓ No more than 10 people may be seated per table; individuals must be members of the same party but may be from different households. 	<ul style="list-style-type: none"> ✓ Ensure a distance of at least 6 ft. is maintained among workers at all times, unless the core activity requires a shorter distance. (e.g., cooking, cleaning, clearing tables). ✓ Modify the use and/or restrict the number of work stations/employee seating areas to maintain 6 ft. distance in all directions; when distancing is not feasible, erect physical barriers in accordance with OSHA guidelines. ✓ Designate discrete work zones for services, where possible. Servers should serve specific zones in the restaurant to minimize overlap. ✓ Ensure kitchen staff are dedicated to one station throughout their shift (e.g., salad or grill or desserts), to the extent possible. ✓ Reconfigure kitchens to maintain 6 ft. of distance, to the extent possible. ✓ Encourage kitchen staff to place items on the counter for the next person to pick up, rather than passing items from hands to hands. ✓ Stagger shifts, if possible, to do work (e.g., food prep) ahead of time. ✓ Encourage customer reservations for seating. ✓ Encourage customers to wait in their car or outside at an appropriate social distance until food is ready to be picked up/they’re ready to be seated. ✓ Encourage customers to place orders online or by phone. ✓ Allow for contactless order, payment, delivery, and pick-up, where possible.



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	Mandatory	Recommended Best Practices
Physical Distancing (cont'd)	<ul style="list-style-type: none"> Members may arrive, be seated, and depart at different times, so long as their interactions remain limited to only other party members. Communal tables are only permitted if 6 ft. can be maintained between parties. <ul style="list-style-type: none"> ✓ Prohibit seating and service at bars. Bars may be used only for employees to prepare beverages to be served to customers at their table. ✓ Prohibit the use of small spaces (e.g., freezers) by more than one individual at a time, unless all employees are wearing face coverings. Occupancy must never exceed 25% of maximum capacity. ✓ Implement measures to reduce bi-directional foot traffic. ✓ Strictly monitor control and flow of traffic into and within the establishment to ensure adherence to capacity and social distancing requirements, and at all times maintain an accurate count of current capacity to ensure it does not exceed 25%. ✓ Stop serving food and beverages to customers between 12AM-5AM. Customers may be permitted to remain seated after midnight for 30 mins. after service ends, only for the purpose of finishing their meal. ✓ Ensure buffets are not self-serve and are sufficiently staffed to ensure there is no customer touching of common objects (e.g., serving spoons, tongs) and that social distance is maintained. ✓ Develop a plan for people to maintain 6 ft. of social distance while queuing for screening. 	<ul style="list-style-type: none"> ✓ Ensure a one-at-a-time process for vendors, 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. ✓ Limit the number of entrances in order to manage the flow of traffic into the building and facilitate health screenings. ✓ Designate entrances/exits for customers and separate entrances/exits for employees, where possible.
Protective Equipment	<ul style="list-style-type: none"> ✓ Ensure that all staff wear face coverings at all times and that staff practice hand hygiene and use bare hand barriers consistent with State and Local Sanitary Codes. <ul style="list-style-type: none"> If employees wear gloves during non-food preparation activities, ensure they replace gloves frequently, and encourage them to change gloves when switching tasks (e.g., serving customers to pre-rolling silverware). 	<ul style="list-style-type: none"> ✓ Once seated, encourage, but do not require, customers to wear face coverings when interacting with staff or otherwise not eating/drinking.



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Protective Equipment (cont'd)	<ul style="list-style-type: none"> If employees do not wear gloves, ensure they frequently wash and/or sanitize their hands. <ul style="list-style-type: none"> ✓ Ensure that employees who are bussing tables wash their hands with soap/water and, if they wear gloves, replace the gloves before and after cleaning tables. ✓ Provide employees with an acceptable face covering at no-cost to the employee. ✓ Only permit customer entry into the establishment if they wear an acceptable face covering; provided that the customer is over age 2 and medically able to tolerate such covering. ✓ Require customers to wear face coverings when not seated at a table (e.g., when waiting for pickup, placing order at counter/window, walking to/from table, walking to/from restroom). ✓ Clean, replace, and prohibit sharing of face coverings. Consult CDC guidance for additional information. ✓ Train employees on how to don, doff, clean (as applicable), and discard PPE. 	
Air Filtration and Ventilation Systems	<ul style="list-style-type: none"> ✓ For establishments with central air handling systems, 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 equivalent or greater (e.g., HEPA), as applicable, and as documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York licensed professional building engineer. 	<ul style="list-style-type: none"> ✓ For establishments with central air handling systems and MERV-13 (or greater) filtration, 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: <ul style="list-style-type: none"> • 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;

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Air Filtration and Ventilation Systems (cont'd)	<p>✓ For establishments with central air handling systems that cannot handle the abovementioned minimum level of filtration (i.e., MERV-13 or greater), 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 the abovementioned minimum level of filtration (i.e., MERV-13 or greater) and/or the handling system would be unable to perform the minimum heating and cooling that it was otherwise able to provide prior to the COVID-19 emergency if such a high degree of filtration was installed.</p> <ul style="list-style-type: none"> 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. Establishments with central air handling systems that are unable to meet a filtration rating of MERV-13 or greater must adopt additional ventilation and/or filtration mitigation protocols per CDC and ASHRAE, including: <ul style="list-style-type: none"> 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, 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 installed, serviced and within service life; Opening windows to the extent allowable for occupant safety and comfort; 	<ul style="list-style-type: none"> 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.



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Air Filtration and Ventilation Systems (cont'd)	<ul style="list-style-type: none"> 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. <p>✓ For establishments that do not have central air handling systems or without the ability to control them, adopt additional ventilation and air filtration mitigation protocols per CDC and ASHRAE recommendations, including:</p> <ul style="list-style-type: none"> 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; Avoiding using fans that only recirculate air or only blow air into a room without providing for 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. 	
Hygiene, Cleaning, and Disinfection	<p>✓ Adhere to hygiene, cleaning, and disinfection requirements from the Centers for Disease Control and Prevention (CDC) and Department of Health (DOH) and maintain logs that document date, time, and scope of cleaning and disinfection.</p>	<p>✓ Discourage food preparation employees from changing or entering each other's work stations during shifts, unless they are appropriately cleaned and/or disinfected.</p>



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Hygiene, Cleaning, and Disinfection (cont'd)	<ul style="list-style-type: none"> ✓ Provide and maintain hand hygiene stations including handwashing with soap, running warm water, and disposable paper towels, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not available or practical. Make hand sanitizer available throughout high-touch areas. ✓ Regularly clean and disinfect the establishment and more frequently clean and disinfect high risk areas used by many individuals and for frequently touched surfaces (e.g., restrooms). Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently if needed. ✓ Ensure that equipment is regularly cleaned and disinfected using registered disinfectants, including at least as often as employees change workstations. Refer Department of Environmental Conservation (DEC) products identified by the Environmental Protection Agency (EPA) as effective against COVID-19. ✓ Complete pre-return checks and assessments of kitchen systems to ensure a healthy and safe environment. ✓ Minimize sharing of kitchen equipment between staff (e.g., knives, pots, rags/towels), where possible. ✓ Do not provide customers with devices (e.g., buzzers), unless they are thoroughly cleaned and disinfected between each use. ✓ Prohibit employees from sharing food and beverages among themselves, encourage them to bring lunch from home, and reserve adequate space for them to observe distancing while eating; 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 mask if they stand or move from the table, and will be counted as part of the 25% 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. 	<ul style="list-style-type: none"> ✓ Touch-free hand sanitizer dispensers are encouraged. ✓ Provide guests with a single-use, paper, disposable menus and/or display menus on white boards/chalk boards/televisions/projectors, where possible. ✓ Encourage customers to view menus online (e.g., on their own smartphone or electronic device), where possible.



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Hygiene, Cleaning, and Disinfection (cont'd)	<ul style="list-style-type: none"> ✓ For take-out/delivery: <ul style="list-style-type: none"> • Provide hand hygiene stations for customers waiting for food and/or drinks; • Ensure staff wash hands with soap/water or use hand sanitizer; if staff use gloves, regularly replace them; and • If pick-up/delivery is indoors, ensure windows/doors are opened to allow for ventilation. ✓ Ensure all condiments provided directly to customers are in single-use disposable containers or reusable containers that are regularly cleaned/disinfected. ✓ If non-disposable menus are used, clean and disinfect the menus between each party's use. ✓ Use pre-packaged silverware or pre-rolled silverware. Silverware must be pre-rolled while wearing masks and gloves. Unwrapped straws/toothpicks are prohibited. ✓ If cleaning or disinfecting products causes hazards or degrades materials/ machinery, 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. 	
Communication	<ul style="list-style-type: none"> ✓ Affirm you have reviewed and understand the state-issued industry guidelines, and that you will implement them. ✓ Conspicuously post for employees and patrons inside and outside the restaurant: <ul style="list-style-type: none"> • The number of patrons that constitutes 25% capacity in the establishment; and • The phone 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. ✓ Develop a communications plan for employees, vendors, and customers with instructions, training, signage and a consistent means to provide information. 	<ul style="list-style-type: none"> ✓ Use audio announcements, text messages, or notices on screens to communicate with customers awaiting an order/seating.

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Screening	<ul style="list-style-type: none"> ✓ Require staff and customers to complete a temperature check before or immediately upon arriving at the establishment. Any individual with a temperature greater than 100.0°F must not be permitted to enter, whether they are an employee or patron. Temperature checks must be conducted in accordance with U.S. Equal Opportunity Employment Commission or DOH guidelines. ✓ Do not keep records of employee or customer health data (e.g., the specific temperature data of an individual), but records to confirm individuals were screened (e.g., pass/fail, cleared/not cleared) may be maintained. ✓ In addition to the required temperature checks mentioned above, implement mandatory daily health screening practices of employees and, where practicable, vendors, but such screening shall not be mandated for customers and delivery personnel. ✓ Screening must ask about, at minimum: (1) COVID-19 symptoms in past 14 days, (2) positive COVID-19 diagnostic test in past 14 days, (3) close contact with confirmed or suspected COVID-19 case in past 14 days; and/or (4) travel within a state with significant community spread of COVID-19 for longer than 24 hours within the past 14 days. ✓ Refer to DOH travel advisory for the most up to date information on states with significant spread of COVID-19 and quarantine requirements. ✓ An individual who screens positive for COVID-19 symptoms must not be allowed to enter the premises. ✓ Designate a central point of contact to attest to having reviewed all questionnaires and for individuals to inform if they are later experiencing symptoms. ✓ Require at least 1 person from each customer party to sign-in upon entering the establishment (or prior via remote sign-in), providing the full name, address, and phone number for use in contact tracing efforts. 	<ul style="list-style-type: none"> ✓ 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. ✓ Prevent employees from intermingling in close or proximate contact prior to completion of the screening. ✓ Screeners should be trained by employer-identified individuals familiar with CDC, DOH, and OSHA protocols. ✓ 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 performed with PPE or through contactless means), so all contacts may be identified, traced, and notified in the event an individual is diagnosed with COVID-19. ✓ Refer to DOH guidance regarding protocols and policies for employees seeking to return to work after a suspected or confirmed case of COVID-19 or after the employee had close or proximate contact with a person with COVID-19.

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