

## Reopening New York City: Frequently Asked Questions What Outdoor and Take-Out and Delivery Food Services Need to Know

Once New York City (NYC) has met the public health milestones that allow Phase Two reopening, **outdoor and takeout and delivery food services** can restart. Outdoor or takeout and delivery food services that are reopening, and outdoor or takeout and delivery food services that have been operating as an essential business, must follow new mandates. We have created this document to help answer key questions about reopening in NYC.

Check [nyc.gov/health/coronavirus](https://nyc.gov/health/coronavirus) for updates. City and State requirements may change as we learn more about COVID-19 and the best ways to reduce transmission and keep New Yorkers safe.

### **Remember the four key actions to prevent COVID-19 transmission:**

- **Stay home if sick:** Stay home if you are sick unless you are leaving for essential medical care (including [testing](#)) or other essential errands.
- **Physical distancing:** Stay at least 6 feet away from other people.
- **Wear a face covering:** Protect those around you. You can be contagious without symptoms and spread the disease when you cough, sneeze or talk. A face covering may help reduce the spread of COVID-19.
- **Practice healthy hand hygiene:** Wash your hands often with soap and water or use hand sanitizer if soap and water are not available; clean frequently touched surfaces regularly; avoid touching your face with unwashed hands; and cover your cough or sneeze with your sleeve, not your hands.

Although you may be able to reopen your worksite once you follow the below steps **and** NYC enters Phase Two reopening, the best way to reduce the spread of COVID-19 and protect employees is to continue work from home as much as possible. Together we can reduce COVID-19 transmission in New York City and enter the next phase of reopening.

### **What do I have to do to legally reopen my business?**

#### **Required steps before you reopen**

- Develop a [Safety Plan](#) and post it at your work site.
- Read [New York State \(NYS\) guidelines](#) and affirm compliance. The State requires that you affirm that you have reviewed and understand the State-issued industry guidelines and that you will implement them. You can fill out the affirmation form at [forms.ny.gov/s3/ny-forward-affirmation](https://forms.ny.gov/s3/ny-forward-affirmation).

## **When should I return to the workplace?**

There continues to be community transmission of COVID-19 in NYC. The best way to protect your employees and prevent the spread of COVID-19 is to continue remote work policies as long as possible. Continuing remote work can help protect people who must work in-person and help keep our communities safe, especially communities of color that have been disproportionately impacted by COVID-19.

Consider whether there are other changes you can make to your operations to allow as many employees as possible to work from home. If you must require employees to leave home to work, review these FAQs and the requirements in [New York Forward](#), and implement the risk reduction strategies to keep your employees safe from COVID-19.

## **What NYC resources are available?**

- NYC is providing guidance and tools to help maintain safe environments, including multilingual signage.
- NYC has a robust COVID-19 [Test and Trace](#) program to protect you, your employees, and your customers. For more information, see “Screening, Testing and Contact Tracing” below.
- NYC has resources available to help you and your employees access health care resources, including mental health care. For more information, see “Access to Health Care” below.
- NYC representatives will be in the community to assist businesses in understanding their obligations.

## **Screening, Testing and Contact Tracing**

### **How should I screen my employees for COVID-19?**

NYS requires employers to conduct employee health screening. Review the NYC Department of Health and Mental Hygiene’s (NYC Health Department) [Screening Tool](#). Remind staff to monitor their health closely and stay home if sick. Staff who arrive to work sick or become sick at work should be sent home immediately.

Employers should relax leave policies to encourage staff to stay home until they meet the criteria for ending self-isolation. It is also essential to promote physical distancing, good hand hygiene and regular use of face coverings — these precautions are essential to protecting against the spread of COVID-19, especially if someone is sick but does not have symptoms.

### **What confidentiality rules apply to information I learn about employees from screenings?**

An employer must maintain medical information about employees in files that are separate from other personnel files. Employers must protect the confidentiality of the medical information. There are some exceptions to the confidentiality requirement. For example,

supervisors and managers may be informed regarding necessary restrictions on work or duties of an employee and necessary accommodations; first aid and safety personnel may be informed, when appropriate, if someone requires emergency treatment; and government officials investigating compliance with federal discrimination law must be provided relevant information on request.

**What options does employer have if an employee refuses to be screened? Can they be terminated?**

It is important to explain to employees that screening is in place to protect them, their coworkers and customers. Answer any questions and concerns they may have. If an employee refuses to be screened, an employer may discipline the employee. The nature of the discipline will depend on the employer's policies and any rights provided under collective bargaining agreements.

**Should I retain the screening health data?**

New York State requires that businesses implement mandatory health screening assessments. Businesses must document that they have reviewed the responses to these daily health screening assessments. Businesses are prohibited from keeping records of employee health data (e.g. temperature data). See NYC Health Department's [Screening Tool](#) and [model log](#) for screening and documentation examples.

**What is the NYC Test and Trace program?**

The NYC Test and Trace Corp is deploying thousands of contact tracers to investigate cases of COVID-19, and identify and monitor close contacts of those cases. This work will allow the City to immediately isolate and care for those who test positive for the virus, and then do the same for their close contacts. For more information, please visit: [nychealthandhospitals.org/test-and-trace/testing](https://nychealthandhospitals.org/test-and-trace/testing).

**State guidance says “Responsible parties must immediately notify the State and local health department about the case if test results are positive for COVID-19.” How do I notify the City’s health department?**

You can email the NYC Test and Trace Corps at [CovidEmployerReport@nychhc.org](mailto:CovidEmployerReport@nychhc.org).

**Are employees required to alert employers if they have or may have COVID-19?**

Individuals with COVID-19 will be directed by the NYC Test and Trace Corps to isolate at home, and should alert their employer. During this isolation period they should not leave home to attend work, although they can work from home if they feel able to do so.

**Should businesses notify other staff if an employee tests positive for COVID-19?**

You may notify other staff or customers/clients that they may have been exposed, but do not share the name of the employee who tested positive. Explain to employees and customers/clients that you must protect employee privacy and cannot discuss particular employee medical conditions. The NYC Test and Trace Corps will attempt to interview all people diagnosed with COVID-19 to identify close contacts who were potentially exposed. These close

contacts will be directed to get tested and isolate based on their exposure. If a person is concerned that they were exposed to a case but the person has not been contacted by the NYC Test and Trace Corps, the person can speak to their health care provider to discuss COVID-19 testing options or visit [nyhealthandhospitals.org/test-and-trace/testing](https://nyhealthandhospitals.org/test-and-trace/testing).

**When can an employee who tested positive for or had symptoms consistent with COVID-19 return to work?**

Based on NYS Reopening guidance, most staff who have been out sick should not return to work until **all** the following are true:

1. It has been at least 14 days since their symptoms started, or if no symptoms develop, 14 days after their first positive test.
2. They have not had a fever for the prior three days without the use of fever-reducing drugs, such as Tylenol or ibuprofen.
3. Their overall health has improved.

**What should I say when sending a sick worker home to avoid them being harassed or discriminated against by coworkers?**

You should not disclose the reason the worker is being sent home to others. Health information is confidential and should not be disclosed to other employees. Tell coworkers that it is a violation of the NYC Human Rights Law to harass or discriminate against an employee because of a medical condition, such as COVID-19.

**Must an employee who was out sick be required to get a COVID-19 diagnostic or antibody test before returning to work?**

No, there is no testing requirement for returning to work. However, NYC recommends that all New Yorkers receive COVID-19 diagnostic testing whether or not they have symptoms or are at increased risk. It is not currently recommended that people who previously tested positive get retested, unless advised to do so by public health guidance or their health care provider.

**If an employee tests positive for COVID-19, how should we clean their immediate workspace and the overall business?**

Clean and disinfect all areas, such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards. Follow cleaning and disinfection [guidance](#).

**If an employee tests positive for COVID-19 antibodies, does it mean that they cannot get re-infected?**

We do not yet know whether the presence of COVID-19 antibodies means that a person has lasting immunity. You should not exclude someone from work or make other employment decisions based on an antibody test result.

## **Staying Home if Sick**

### **Many of my employees cannot isolate at home. What resources does the City offer?**

New Yorkers who have COVID-19 or live with someone who does and cannot isolate at home may be able to stay in a hotel at no charge. Share information with your employees about the NYC COVID-19 Hotel Program available at [nyc.gov/covid19hotels](https://nyc.gov/covid19hotels).

### **My employee has used all their paid sick leave but has symptoms of COVID-19 or has been confirmed to have COVID-19. Will the government provide sick leave wages to them?**

For information about Paid Sick Leave, visit [nyc.gov/health](https://nyc.gov/health) and search for “Paid Sick Leave Commissioner’s Order” and “Paid Sick Leave FAQ.” You can also visit [NYC DCWP](https://nyc.gov/dcwp) for more information.

Employers should be aware that they have an obligation under New York City and New York State Human Rights Laws, and under the Americans with Disabilities Act, to provide reasonable accommodations for employees with “disabilities” (which includes medical conditions). Leave time is a form of reasonable accommodation. These discrimination laws do not require that leave with pay be provided, but they may require an employer to allow more unpaid leave time than is provided under the employer’s policy (and more than is required under the Family and Medical Leave Act), if that can be done without causing the employer undue hardship.

### **Will I assume any liability if my business adheres to all requirements and yet employees and/or customers contract COVID-19?**

Check with your insurance carrier and attorney regarding liability concerns.

## **Access to Health Care and Mental Health Support**

### **Some of my employees may not have a doctor. Where can I refer them?**

- Distribute the current health care provider directory for your company’s health insurance plan to help employees find care.
- If you are a small business and do not provide employees with insurance, inform employees that they can call **311** to find free or low-cost health care.
- Provide information about free [COVID-19 testing](https://nyc.gov/health).
- Provide information about [what to do when sick](https://nyc.gov/health).

### **Many of our employees lost friends or family to COVID-19. What mental health resources are available?**

Assure your employee that it is natural to feel overwhelmed, sad, anxious and afraid, or to experience other symptoms of distress, such as trouble sleeping. Visit the “[App Library](https://nyc.gov/nycwell)” at [nyc.gov/nycwell](https://nyc.gov/nycwell) for online tools to help manage health and emotional well-being. Staff can connect with counselors at NYC Well, a free and confidential mental health support service. NYC Well staff are available 24/7 and can provide brief counseling and referrals to care:

- Call 888-NYC-WELL (888-692-9355).

- Text “WELL” to 65173.
- Chat online at [nyc.gov/nycwell](https://nyc.gov/nycwell).

New York State’s COVID-19 Emotional Support Helpline is also available and staffed with specially trained volunteer professionals. They are there to listen, support and offer referrals to care from 8 a.m. to 10 p.m., seven days a week, at 844-863-9314.

Consider ways for your workplace to acknowledge employees who passed away, such as establishing a moment of silence, creating an online page for remembrances or holding gatherings remotely to share tributes. What is appropriate will depend on factors such as the workplace culture and the wishes of the family.

## **Physical Distancing**

### **Should my employees continue to work remotely if possible?**

Yes. Continuing work from home (telework) policies will help NYC reduce transmission of COVID-19 and help protect workers who must report to the worksite to perform their job.

### **My employees cannot work from home. Are there other ways to reduce the number of people at the worksite?**

Yes. Reduce the number of workers on site by staggering work times and days. The fewer people on site the easier to maintain physical distancing.

### **Do my employees have to practice physical distancing at work? How long will physical distancing protocols last?**

Yes, employees must follow physical distancing. Physical distancing is critical to stopping the spread of COVID-19. Even once other restrictions are lifted, it will be important to continue physical distancing, use of face coverings and good hand hygiene practices. Monitor notices from NYS and NYC to learn about changes to physical distancing mandates.

### **What should I do if, due to the nature of their jobs and the physical workplace, my employees are unable to physically distance themselves from others?**

If staff must be within 6 feet of others, they must wear a face covering at all times. For office work and other jobs that do not require direct face-to-face interaction with customers or others, consider allowing some or all staff to telework. If telework is not an option, create as much space as possible between employees. Stagger work shifts to minimize the number of employees present at any given time. Move desks apart, if possible. Convert meeting rooms to workspaces. Ask staff for ideas. Get creative!

### **Are there safeguards or protocols I should institute in high-traffic areas? For example, how many individuals should be allowed on an elevator at a time?**

If possible, reconfigure high-traffic areas to allow employees to practice physical distancing. If tightly confined spaces, like elevators, are occupied by more than one person at a time, keep occupancy under 50% of maximum capacity and occupants must wear face coverings. Post

signs at elevator banks stating the number per elevator car, directing people to wait for the next elevator if that number has been reached, and to wear face coverings. Encourage staff to take the stairs.

Manage lines inside and outside. Put tape or other markers to show people where to stand so they will be 6 feet from the person on either side of them. Leave enough room for people to pass by. Post signs reminding waiting customers of physical distancing requirements.

**Can I have in-person meetings? Is there a maximum number for meeting attendees?**

Use alternative methods to meet, such as telephone and video conferences, as much as possible. Keep in-person meetings to a small number of staff, use larger conference rooms or open spaces to meet, and maintain physical distancing of at least 6 feet.

**What does “ensure 6 ft unless safety or core function of the work requires a shorter distance” mean?**

This means that if employees cannot maintain a distance of 6 feet for an essential function of their work, they need to wear a face covering. For example, if safety protocols require one worker to hold a ladder while another employee is climbing the ladder, it will not be possible to maintain 6 feet of distance. In this case, both must wear face coverings.

**How do staff — such as those at a warehouse or stockroom — interact with delivery workers or others who come to the warehouse?**

When interacting with delivery workers, employees must follow all of the precautions they are doing at work already — maintaining distance as much as possible, wearing face coverings if within 6 feet of another person, and washing their hands regularly and avoiding touching their face. Institute other precautions such as asking drivers to remain in the vehicle and having employees use their own pens when signing for packages.

**Wearing Face Coverings**

**Are my employees required to wear a face covering at work?**

Employees must wear a face covering if they cannot maintain at least 6 feet of distance between themselves and others. Employees should have a face covering ready to put on in case someone comes within 6 feet of them.

If an employee who cannot medically tolerate a face covering has a job that cannot be done while maintaining physical distance, the City’s Human Rights Law requires you to have a cooperative dialogue with the employee about whether there is a reasonable accommodation that you could make that will not cause your business undue hardship. For example, you may be able to reassign the employee to a position that doesn’t require working in close proximity to others, or you may be able to offer the employee the opportunity to telecommute. If other options do not work, you may be able to provide a leave of absence.

### **Do I need to provide face coverings for employees or do employees need to supply their own?**

You need to provide face coverings, at no cost, to your employees. Always maintain an adequate supply. You can allow employees to bring and wear their own face coverings if they meet minimum standards. A face covering with an exhalation valve should **not** be used as a face covering as it allows unfiltered exhaled air to escape to others. Small businesses may be able to obtain face coverings for free. To learn more, visit [nyc.gov/nycbusiness/article/free-face-coverings](https://nyc.gov/nycbusiness/article/free-face-coverings).

### **How should I handle a customer, client, or visitor who refuses to follow physical distancing and face covering rules?**

Under NYS Executive Order 202.34, a business may set stricter rules for customers about wearing face coverings, including refusing service for those not wearing face coverings. And they can post signs to educate customers about the NYS Executive Order requiring people to wear a face covering when outside their home if physical distancing cannot be maintained. If a customer refuses to follow a business's rules, including rules on face coverings and physical distancing, you may ask the person to leave.

However, if the individual states that they cannot wear a face covering because they have a disability, you must discuss with the individual whether there is a way to provide a reasonable accommodation that will not cause you an undue hardship. You should try to provide alternative arrangements that are workable for your business, your staff, and your other customers. These arrangements will vary based on ability of each business to make accommodations without creating a hardship on the business. If an emergency situation or condition arises that might cause danger to life or personal property, call **911**.

### **What is considered an "acceptable" face covering?**

Please see this FAQ regarding face coverings:

[www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-face-covering-faq.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-face-covering-faq.pdf).

### **If employees are wearing face coverings, do they need to maintain 6 feet of distance between themselves and others?**

Use of face coverings should not take the place of physical distancing. Employees should stay at least 6 feet apart from others whenever possible. When maintaining 6 feet of distance is not possible, employees must wear a face covering.

### **Can I require employees to wear a face covering at all times, even if physical distancing is maintained?**

Yes, in general, the requirement is to wear face coverings when employees cannot stay at least 6 feet apart from others. Employers can set a stricter policy and require the use of face coverings even if 6 feet of distance between people is maintained. However, as explained above, if the individual states that they cannot wear a face covering because they have a medical condition, you must discuss with the individual whether there is a way you can provide a reasonable accommodation that will not cause you an undue hardship.



There may be different requirements depending on the industry. Check [NY Forward](#) for details.

**What if my employee refuses to wear a face covering because they don't want to do so?**

Educate all employees about the importance of wearing face coverings. If an employee refuses to wear a face covering at times when the Governor's and Mayor's orders or the employer's policy requires the employee to do so, and there is no medical reason for the refusal, the employer may impose discipline.

**Should I use face coverings with an exhalation valve?**

No. A face covering with an exhalation valve allows unfiltered exhaled air to escape, making the face covering less effective.

**How many face coverings should I provide for each worker?**

Provide employees with multiple disposable face coverings or multiple cloth coverings to ensure they have a clean, undamaged face covering each day.

**Good Hand Hygiene and Cleaning Protocols**

**My office space has been vacant for some time now. Are there special cleaning preparations I should take before my workforce returns?**

Before returning to the workplace, conduct a routine cleaning and disinfection, with a special focus on frequently touched surfaces and objects, such as doorknobs, handles and faucets. If building has systems such as air or water circulation, follow the manufacturer's recommendations for restarting the system after extended dormancy.

**My business space has been vacant for a while. Is the water safe for employees and others to drink?**

If a building has been vacant or has had low occupancy, water in the plumbing system has likely become stagnant. Stagnant water can create risks for building occupants. Speak with your building manager about steps taken to address these risks by replacing stagnant water with fresh water from the municipal water supply. Detailed guidance for building owners, managers, engineers, operators and superintendents can be found in [Guidance for Returning Building Water Systems to Service After Prolonged Shutdown](#).

**Should I provide contact-free hand sanitizer?**

Yes. Placing contact-free hand sanitizer with at least 60% alcohol in all areas where there are shared surfaces, equipment and tools is a great way to promote good hand hygiene for your staff, clients, visitors and customers.

**Should my staff wear gloves?**

Routine glove use is not recommended. The [CDC](#) explains that in general, gloves are appropriate when cleaning or caring for someone who is sick. In most other situations, wearing gloves is not necessary and may still lead to the spread of germs. The best way to protect

yourself is to regularly wash your hands with soap and water for 20 seconds or use hand sanitizer with at least 60% alcohol.

### **How often should I clean common spaces, like meeting rooms, kitchens and bathrooms?**

Conduct regular cleaning and disinfection at least every day, and more frequent cleaning and disinfection of shared objects (such as tools), frequently touched surfaces, and high transit areas, such as restrooms and common areas. Examples of high-touch surfaces and objects include meeting tables, chair armrests, doorknobs, cabinet pulls, refrigerator door handles, faucets, toilets and light switches. See [Cleaning Guidance](#).

Employer-owned and controlled equipment, such as hard hats and any face shields, should be sanitized at the end of each shift. Clean and disinfect the inside of the equipment, then the outside, then wash hands with soap and water.

Encourage workers who own their own hard hats and tools to follow the same cleaning protocol, including by providing the proper cleaning and sanitation products. Allow paid work time to complete such cleaning.

### **Can the ventilation system transmit COVID-19? What steps can I take to protect employees and others?**

Current evidence is limited and does not suggest that air entering a ventilation system will transmit the virus. However, strong air movement across spaces from air conditioning units, supply air ducts or fans (personal or room fans) may move droplets beyond 6 feet. Consider:

- Directing air vents and fans to circulate air upwards from source
- Positioning employees and customers so that they are not directly in front of air flow
- In rooms with strong air flows, requiring employees to wear face coverings even when 6 or more feet from others.

Also, take these steps to improve ventilation, as appropriate for your space:

- Increase the percentage of outdoor air potentially as high as 100% (first verify compatibility with HVAC system capabilities for both temperature and humidity control as well as compatibility with outdoor/indoor air quality considerations).
- Increase total airflow supply to occupied spaces, if possible.
- Disable demand-control ventilation (DCV) controls that reduce air supply based on temperature or occupancy.
- Consider using natural ventilation (for example, opening windows if possible and safe to do so) to increase outdoor air dilution of indoor air when environmental conditions and building requirements allow.
- Improve central air filtration as high as possible (MERV 13 or 14) without significantly diminishing design airflow
  - Inspect filter housing and racks to ensure appropriate filter fit and checking for ways to minimize filter bypass
- Consider running the ventilation system even during unoccupied times to maximize dilution ventilation.

- o Ensure exhaust fans in restroom facilities are functional and operating at full capacity when the workplace is occupied.

### **How should we handle packages received by mail?**

Practice good hand hygiene when handling mail, including packages.

## **Communication and Training**

### **Where can I find signs to remind my employees about COVID-19 safety protocols?**

The NYC Health Department has free signs available in multiple languages. Call **311** or download at [www1.nyc.gov/site/doh/covid/covid-19-posters-and-flyers.page](http://www1.nyc.gov/site/doh/covid/covid-19-posters-and-flyers.page):

- o Prevent the Spread
- o Physical distancing
- o Wash your hands
- o Cover your cough

### **How should I train my employees on COVID-19 safety protocols?**

- Monitor how well your staff are implementing COVID-19 safety protocols.
- Post your safety plan in a place where employees can review it. Distribute the plan to your employees so they know what's expected.
- Repeat training and education as needed. Have a mechanism for employees to ask questions and raise concerns.
- Be sure to train new hires, interns, volunteers, temporary workers and contractors. Use multiple means of communications: email, posting on bulletin boards, announcements.
- Communicate in languages employees understand.

### **Is there a visibility or size standard for the signs suggested in the guidance?**

There is no requirement regarding size of signs. Post signs that can be easily seen and read by workers, customers and clients. The signs are meant to remind people about the COVID-19 mitigation practices and make it easy for them to understand requirements and best practices.

## **Commuting, Travel, and Visitors**

### **Can my employees take public transportation to work?**

Allow employees to telecommute if the job allows. Encourage staff to walk or bike to work. Create staggered schedules to support staff commuting by subway or bus so they can avoid crowds. Establish flexible lateness policies so employees can let a crowded subway go by, while also reminding employees to allow extra time for commuting.

### **Can my employees travel for business?**

Promote use of videoconferencing or teleconferencing when possible for meetings and gatherings that would normally require travel. Consider canceling, adjusting or postponing work-related meetings or gatherings that can only occur in-person.

**When will schools and child care facilities reopen? How will child care be provided if schools are still physically closed but businesses reopen?**

NYC is working hard to plan for the next stages of the COVID-19 response but does not yet have a date for reopening schools and child care.

**Will City inspectors be visiting businesses to confirm compliance?**

Yes. New York City will be educating businesses about how to comply with reopening requirements. Inspectors may visit businesses to promote compliance.

**The NYC Health Department may change recommendations as the situation evolves.**

6.21.20