

REOPENING YOUR BUSINESS:

New York Forward and Preparing Your Business Safety Plan

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CDC DECISION TREE

WORKPLACES DURING THE COVID-19 PANDEMIC



The purpose of this tool is to assist employers in making (re)opening decisions during the COVID-19 pandemic, especially to protect vulnerable workers. It is important to check with state and local health officials and other partners to determine the most appropriate actions while adjusting to meet the unique needs and circumstances of the local community.

Should you consider opening?

- ✓ Will reopening be consistent with applicable state and local orders?
- ✓ Are you ready to protect employees at higher risk for severe illness?

ANY NO



ALL YES

Are recommended health and safety actions in place?

- ✓ Promote healthy hygiene practices such as hand washing and employees wearing a cloth face covering, as feasible
- ✓ Intensify cleaning, disinfection, and ventilation
- ✓ Encourage social distancing and enhance spacing between employees, including through physical barriers, changing layout of workspaces, encouraging telework, closing or limiting access to communal spaces, staggering shifts and breaks, and limiting large events, when and where feasible
- ✓ Consider modifying travel and commuting practices. Promote telework for employees who do not live in the local area, if feasible.
- ✓ Train all employees on health and safety protocols

ANY NO



ALL YES

Is ongoing monitoring in place?

- ✓ Develop and implement procedures to check for signs and symptoms of employees daily upon arrival, as feasible
- ✓ Encourage anyone who is sick to stay home
- ✓ Plan for if an employee gets sick
- ✓ Regularly communicate and monitor developments with local authorities and employees
- ✓ Monitor employee absences and have flexible leave policies and practices
- ✓ Be ready to consult with the local health authorities if there are cases in the facility or an increase in cases in the local area

ANY NO



ALL YES

OPEN AND MONITOR



cdc.gov/coronavirus

NEW YORK FORWARD

- Is your business in a region that is reopened?
 - See [Regional Dashboard](#) to see your region's status
 - See [NY Forward Reopening Guide](#) for a full explanation of metrics
- In what “phase” can your business reopen?

Phase One	Phase Two	Phase Three	Phase Four
<ul style="list-style-type: none">• Construction• Limited Retail• Agriculture, Forestry, Fishing, and Hunting• Manufacturing• Wholesale Trade	<ul style="list-style-type: none">• Professional Services• Retail• Administrative Support• Real Estate / Rental and Leasing	<ul style="list-style-type: none">• Restaurants / Food Services	<ul style="list-style-type: none">• Arts / Entertainment / Recreation• Education

- [NY Forward Business Reopening Lookup Tool](#)

- Is your business able to reopen safely?
 - Guidelines / Business Safety Plan / Affirmation

INDUSTRY GUIDANCE ON REOPENING

- [Phase One Guidance](#) has been issued on an industry-by-industry basis:

- [Construction](#),
- [Agriculture](#),
- [Forestry](#),
- [Fishing](#),
- [Retail Trade](#),
- [Manufacturing](#), and
- [Wholesale Trade](#)

- [Affirmation](#)

- *I am the owner or agent of the business listed. I have reviewed the New York State interim guidance for business re-opening activities and operations during the COVID-19 public health emergency and I affirm that I have read and understand my obligation to operate in accordance with such guidance.*

STRUCTURE OF THE GUIDANCE

The Guidance

I. PEOPLE

- A. Physical Distancing
- B. Gatherings in Enclosed Spaces
- C. Workplace Activity
- D. Movement and Commerce

II. PLACES

- A. Protective Equipment
- B. Hygiene and Cleaning
- C. Phased Reopening
- D. Communications Plan

III. PROCESSES

- A. Screening and Testing
- B. Tracing and Tracking

IV. EMPLOYER PLANS



INTERIM GUIDANCE FOR MANUFACTURING ACTIVITIES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

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

As of May 13, 2020

Purpose

This Interim Guidance for Manufacturing Activities during the COVID-19 Public Health Emergency ("Interim COVID-19 Guidance for Manufacturing") was created to provide owners/operators of manufacturing sites and their employees and contractors with precautions to help protect against the spread of COVID-19 as manufacturing sites reopen.

These guidelines are minimum requirements only and any employer is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase I of the State's reopening, and the documentation upon which these guidelines are based can and does change frequently. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to manufacturing activities. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any manufacturing activities and/or Site Safety Plan.

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 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 the New York State Department of Health (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.

PEOPLE

- **Physical Distancing**

- Restrictions on number of employees
- 6 feet of distance between employees
- Masks
- Rearranging work stations
- Physical barriers
- Tightly confined spaces
- Signage

- **Workplace Activity**

- Restrict to necessary staff
- Adjusting workplace hours
- Reducing onsite work force
- Stagger shifts, arrival, and departure

- **Gatherings in Enclosed Spaces**

- Stagger schedules
- Limit in person meetings
- Ventilation
- Restrooms / Breakrooms

- **Movement and Commerce**

- Prohibit non-essential visitors
- Designate delivery and pickup areas
- Designate paths of ingress and egress

PLACES

- **Protective Equipment**

- Facemasks
- PPE Training

- **Phased Reopening**

- Limiting employees, hours, customers

- **Hygiene and Cleaning**

- [Daily Cleanings](#)
- [Disinfectants](#)
- Cleaning logs
- Hand hygiene stations
- [Suspected Case?](#)

- **Communications Plan**

- Training
- [Signage](#)
- Posting of Business Safety Plan

PROCESSES

- **Screening and Testing**

- Designation of Safety Monitor
- Mandatory daily health screenings
- Positive screen - close contact
- Positive screen - [COVID-19 symptoms](#)
- Contact log

- **Tracing and Tracking**

- LHD and DOH notification
- Cooperation required with tracers
- Employee notification to employer

MANDATES v. RECOMMENDED BEST PRACTICES

	Mandatory	Recommended Best Practices
Physical Distancing	<ul style="list-style-type: none"> ✓ Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance. ✓ Any time personnel are less than 6 ft. apart from one another, personnel must wear acceptable face coverings. ✓ For any work occurring indoors, limit workforce presence to no more than 1 worker per 250 sq. ft. on site, excluding supervisors in this calculation, unless additional personal protective measures are implemented (e.g. face coverings at all times). ✓ Tightly confined spaces (e.g. elevators, hoists) should be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity. ✓ Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas on the site (e.g. clock in/out stations, health screening stations). ✓ Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants. ✓ Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible. 	<ul style="list-style-type: none"> ✓ Create additional space for employees by limiting in-person presence to only personnel necessary for the current task(s), adjusting workplace hours, staggering arrival/departure times, creating A/B teams, and/or scheduling only one team in an area at a time. ✓ Modify alignment of workstations to maintain 6 ft. distance and avoid multiple crews and/or teams working in one area. If not feasible, provide and require face coverings or enact physical barriers (e.g. plastic shielding walls), in accordance with OSHA guidelines, in areas where they would not impair air flow, heating, cooling, or ventilation. ✓ Reduce bi-directional foot traffic by posting signs with arrows in narrow aisles, hallways, or spaces. ✓ Have employees work from home whenever possible. ✓ Prohibit non-essential visitors on the site.

Summary Guidance

- [Construction](#)
- [Non-Food Related Agriculture](#)
- [Forestry](#)
- [Fishing](#)
- [Retail Trade](#)
- [Manufacturing](#)
- [Wholesale Trade](#)

BUSINESS SAFETY PLAN TEMPLATE



NY FORWARD SAFETY PLAN TEMPLATE

Each business or entity, including those that have been designated as essential under Empire State Development's Essential Business Guidance, must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. A business may fill out this template to fulfill the requirement, or may develop its own Safety Plan. **This plan does not need to be submitted to a state agency for approval** but must be retained on the premises of the business and must be made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

Business owners should refer to the State's industry-specific guidance for more information on how to safely operate. For a list of regions and sectors that are authorized to re-open, as well as detailed guidance for each sector, please visit: forward.ny.gov. If your industry is not included in the posted guidance but your business has been operating as essential, please refer to ESD's [Essential Business Guidance](#) and adhere to the guidelines within this Safety Plan. Please continue to regularly check the New York Forward site for guidance that is applicable to your business or certain parts of your business functions, and consult the state and federal resources listed below.

COVID-19 Reopening Safety Plan

Name of Business: _____

Industry: _____

Address: _____

Contact Information: _____

Owner/Manager of Business: _____

Human Resources Representative and Contact Information, if applicable: _____

I. PEOPLE

A. Physical Distancing. To ensure employees comply with physical distancing requirements, you agree that you will do the following:

- Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance. Any time personnel are less than 6 ft. apart from one another, personnel must wear acceptable face coverings.
- Tightly confined spaces will be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, will keep occupancy under 50% of maximum capacity.

- Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas on the site (e.g. clock in/out stations, health screening stations)
- Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible.

List common situations that may not allow for 6 ft. of distance between individuals. What measures will you implement to ensure the safety of your employees in such situations?

How will you manage engagement with customers and visitors on these requirements (as applicable)?

How will you manage industry-specific physical social distancing (e.g., shift changes, lunch breaks) (as applicable)?

II. PLACES

A. Protective Equipment. To ensure employees comply with protective equipment requirements, you agree that you will do the following:

- Employers must provide employees with an acceptable face covering at no-cost to the employee and have an adequate supply of coverings in case of replacement.

What quantity of face coverings – and any other PPE – will you need to procure to ensure that you always have a sufficient supply on hand for employees and visitors? How will you procure these supplies?

- Face coverings must be cleaned or replaced after use or when damaged or soiled, may not be shared, and should be properly stored or discarded.

What policy will you implement to ensure that PPE is appropriately cleaned, stored, and/or discarded?

- Limit the sharing of objects and discourage touching of shared surfaces; or, when in contact with shared objects or frequently touched areas, wear gloves (trade-appropriate or medical); or, sanitize or wash hands before and after contact.

List common objects that are likely to be shared between employees. What measures will you implement to ensure the safety of your employees when using these objects?

B. Hygiene and Cleaning. To ensure employees comply with hygiene and cleaning requirements, you agree that you will do the following:

- Adhere to hygiene and sanitation requirements from the [Centers for Disease Control and Prevention](#) (CDC) and [Department of Health](#) (DOH) and maintain cleaning logs on site that document date, time, and scope of cleaning.

Who will be responsible for maintaining a cleaning log? Where will the log be kept?

- Provide and maintain hand hygiene stations for personnel, including handwashing with soap, water, and paper towels, or an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

Where on the work location will you provide employees with access to the appropriate hand hygiene and/or sanitizing products and how will you promote good hand hygiene?

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

BUSINESS SAFETY PLAN TEMPLATE

- Conduct regular cleaning and disinfection at least after every shift, daily, or more frequently as needed, and frequent cleaning and disinfection of shared objects (e.g. tools, machinery) and surfaces, as well as high transit areas, such as restrooms and common areas, must be completed.

What policies will you implement to ensure regular cleaning and disinfection of your worksite and any shared objects or materials, using [products](#) identified as effective against COVID-19?

C. Communication. To ensure the business and its employees comply with communication requirements, you agree that you will do the following:

- Post signage throughout the site to remind personnel to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.
- Establish a communication plan for employees, visitors, and customers with a consistent means to provide updated information.
- Maintain a continuous log of every person, including workers and visitors, who may have close contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means; excluding customers, who may be encouraged to provide contact information to be logged but are not mandated to do so.

Which employee(s) will be in charge of maintaining a log of each person that enters the site (excluding customers and deliveries that are performed with appropriate PPE or through contactless means), and where will the log be kept?

- If a worker tests positive for COVID-19, employer must immediately notify state and local health departments and cooperate with contact tracing efforts, including notification of potential contacts, such as workers or visitors who had close contact with the individual, while maintaining confidentiality required by state and federal law and regulations.

If a worker tests positive for COVID-19, which employee(s) will be responsible for notifying state and local health departments?

III. PROCESS

A. Screening. To ensure the business and its employees comply with protective equipment requirements, you agree that you will do the following:

- Implement mandatory health screening assessment (e.g. questionnaire, temperature check) before employees begin work each day and for essential visitors, asking about (1) COVID-19 [symptoms](#) in past 14 days, (2) positive COVID-19 test in past 14 days, and/or (3) close contact with confirmed or suspected COVID-19 case in past 14 days. Assessment responses must be reviewed every day and such review must be documented.

What type(s) of daily health and screening practices will you implement? Will the screening be done before employee gets to work or on site? Who will be responsible for performing them, and how will those individuals be trained?

If screening onsite, how much PPE will be required for the responsible parties carrying out the screening practices? How will you supply this PPE?

B. Contact tracing and disinfection of contaminated areas. To ensure the business and its employees comply with contact tracing and disinfection requirements, you agree that you will do the following:

- Have a plan for cleaning, disinfection, and contact tracing in the event of a positive case.

In the case of an employee testing positive for COVID-19, how will you clean the applicable contaminated areas? What products identified as effective against COVID-19 will you need and how will you acquire them?

In the case of an employee testing positive for COVID-19, how will you trace close contacts in the workplace? How will you inform close contacts that they may have been exposed to COVID-19?

IV. OTHER

Please use this space to provide additional details about your business's Safety Plan, including anything to address specific industry guidance.

Staying up to date on industry-specific guidance:

To ensure that you stay up to date on the guidance that is being issued by the State, you will:

- Consult the NY Forward website at forward.ny.gov and applicable Executive Orders at governor.ny.gov/executiveorders on a periodic basis or whenever notified of the availability of new guidance.

PHASE 2 AND BEYOND

- Specific guidance from the State concerning Phase 2 businesses was posted this morning.
 - [Office-Based Work](#)
 - [Real Estate](#)
 - [Essential and Phase II In-Store Retail](#)
 - [Vehicle Sales, Leases, and Rentals](#)
 - [Retail Rental, Repair, and Cleaning](#)
 - [Commercial Building Management](#)

- OSHA General Duty Clause

- General Federal Guidance:
 - [CDC's Interim Guidance for Businesses and Employers Responding to COVID-19](#)
 - [CDC Covid-19 Employer Information for Office Buildings](#)
 - [CDC General Business Frequently Asked Questions](#)
 - [OSHA Guidance on Preparing Workplaces for COVID-19](#)

- American Industrial Hygiene Association
 - [Back to Work Safely](#) Webpage

OFFICE SETTINGS

- Work from home when possible
- Limited to 50% of the maximum occupancy set by C/O
- Reconfiguring workspaces / Physical barriers / Providing PPE
- Safety Monitor
- Clean Desk Policy
- Regular cleaning and disinfection
- Reduce capacity of and reorganize cafeterias and other common spaces

RECALL AND REHIRE ISSUES

- Who, How, and When
 - Voluntary Versus Mandatory Recall
 - Phased or Full
 - Method of Selection
 - Seniority
 - Volunteers
 - Job Title
 - Collective bargaining agreement
 - Other legitimate business reason
 - Need to Document Reasons for Decisions
 - Use Objective, Measurable Business Criteria

ADDITIONAL RESOURCES

[Hodgson Russ Coronavirus Resource Page](#)

- Business Safety Plan
 - [OSHA Guidance For COVID-19 Health and Safety Plans Required for Phased Reopenings of New York Businesses](#)
 - [Preparing Your Required COVID-19 Health and Safety Plan for Business Reopening in New York State](#)

- Medical Testing
 - [EEOC Gives Green Light to Employers Testing Employees for COVID-19](#)
 - [NYS Department of Health Issues Temperature Monitoring and Return to Work Protocols after a COVID-19 Exposure or Infection](#)

- Employee Leave
 - [Federal and State Legislation Enacted to Address Paid Sick Time and Other Leave Related to COVID-19](#)
 - [DOL Provides More Clarity on Families First Coronavirus Response Act Leave Provisions](#)

. . . Time for Q & A