

Reopening New York, Part II

Still Going Through a Phase

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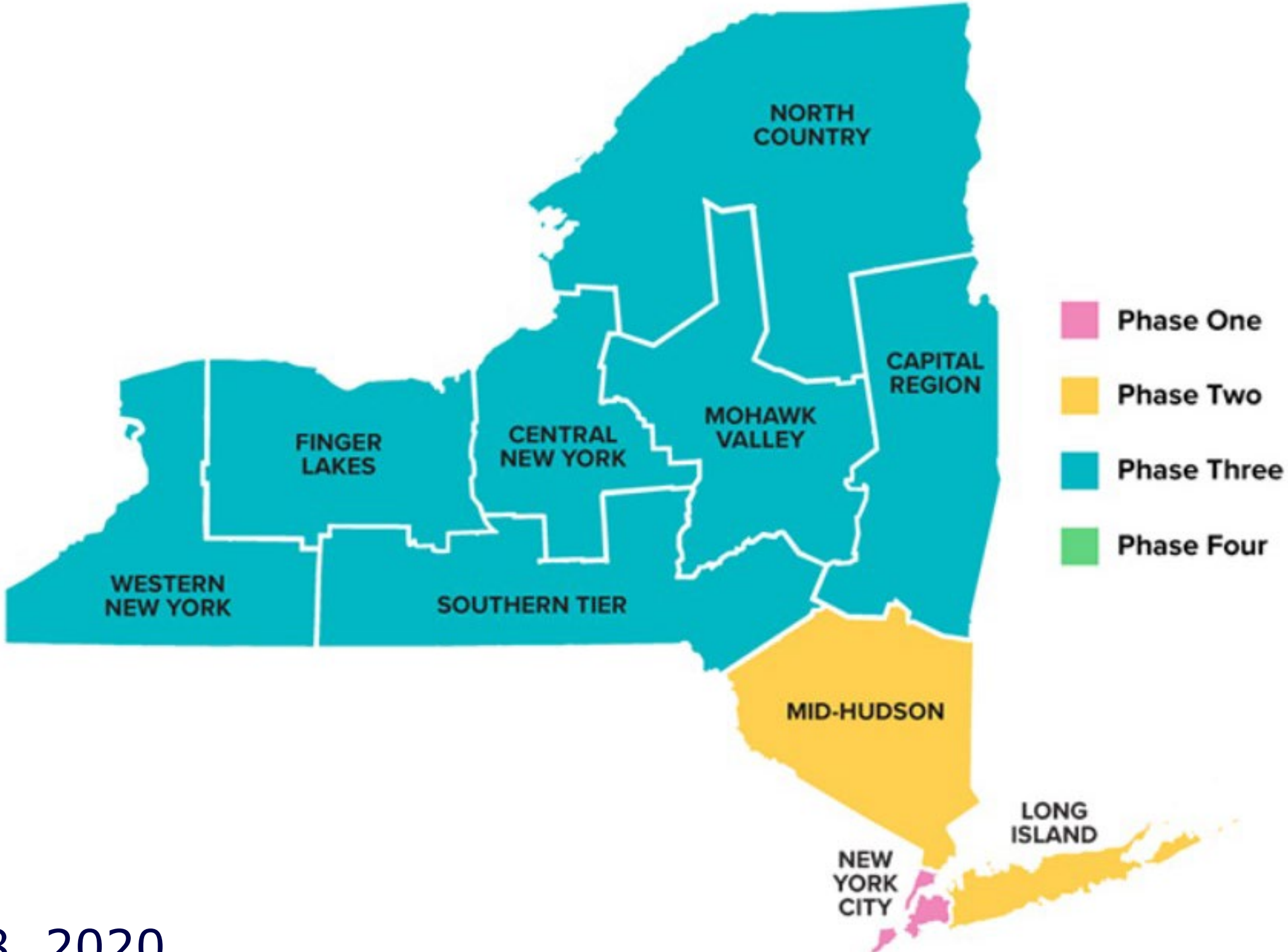
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Expect Changes (from Part I)

- Guidelines warn they might change
- Transition between stages is uncertain
- Going backward is a possibility
- Federal government could step in (or not)

REGIONAL REOPENING



As of June 18, 2020

Phase Three Dates

- Central NY, Finger Lakes, Mohawk Valley, North Country, Southern Tier: June 15th
 - Western New York: June 16th
 - Capital Region: June 17th
 - Mid-Hudson Valley: June 23rd (expected)
 - Long Island: June 24th (expected)
- *New York City: Phase 2 on June 22nd (expected)

Phase One Businesses (Original)

- Construction
- Agriculture, Forestry, Fishing and Hunting
- Retail (Limited to curbside or in-store pickup or drop off)
- Manufacturing
- Wholesale Trade

Phase One Businesses (Current)

- Construction
- Agriculture, Forestry, Fishing and Hunting
- Retail (Limited to curbside or in-store pickup or drop off)
- Manufacturing
- Wholesale Trade
- Higher Education Research

Phase Two Businesses (Original)

- Professional Services
- Retail
- Administrative Support
- Real Estate / Rental & Leasing



Phase Two Businesses (Current)

- Offices
- Real Estate
- In-Store Retail*
- Vehicle Sales, Leases, and Rentals
- Retail Rental, Repair, and Cleaning
- Commercial Building Management
- Hair Salons and Barbershops
- Outdoor and Take-Out/Delivery Food Services



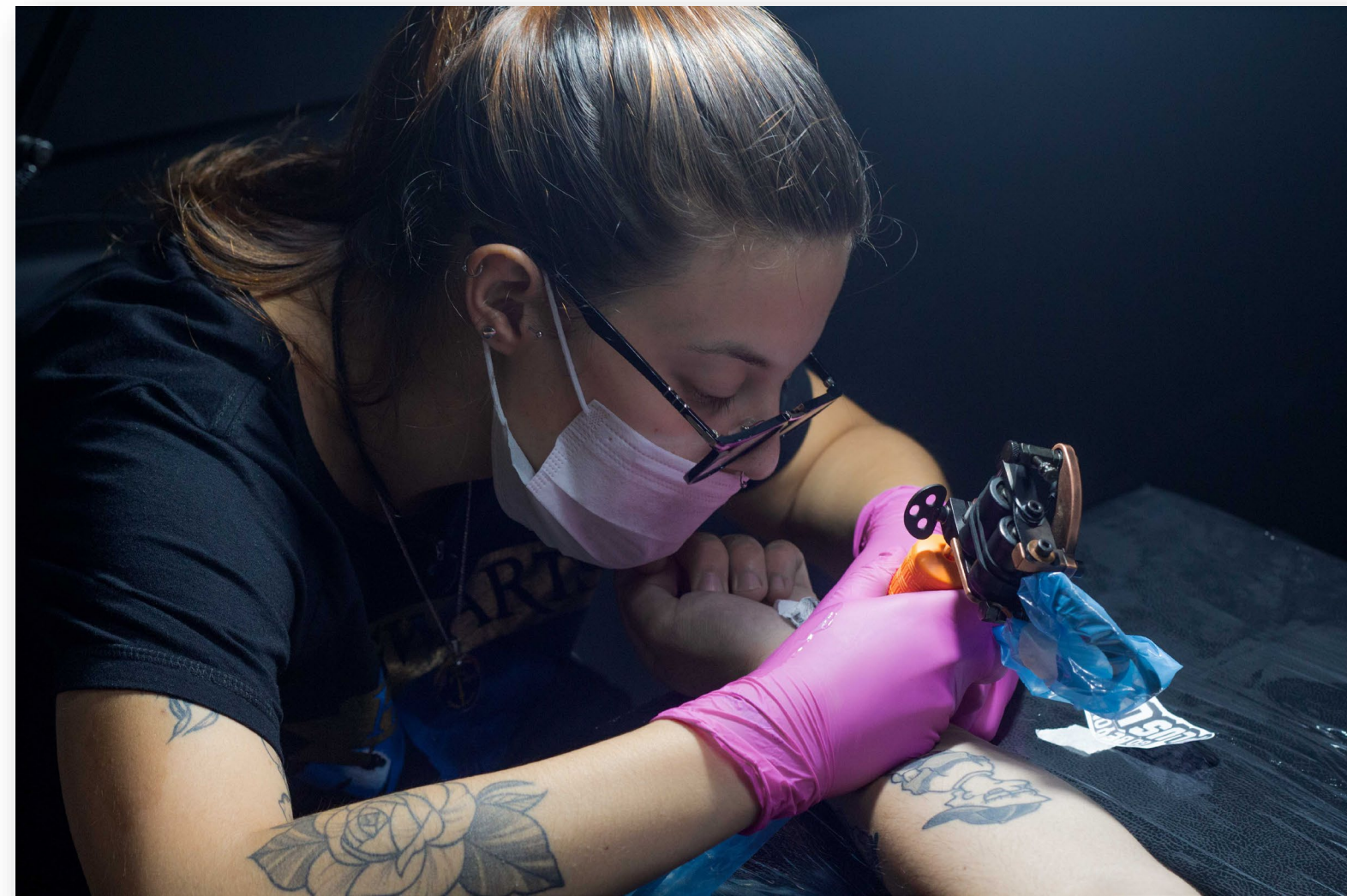
Phase Three Businesses (Original)

- Restaurants
- Food Service



Phase Three Businesses (Current)

- Food Services
- Personal Care



Phase Four Businesses

- Arts / Entertainment / Recreation
- Education



Statewide Guidelines

- Child Care and Day Camps
- Lake and Ocean Beaches
- Religious and Funeral Services
- Racing Activities
- Dentistry
- Auto Racing
- Public Transportation
- Sports and Recreation



For help determining whether or not your business is eligible to reopen, use the reopen lookup tool. You can also scroll down to find the guidance for each phase.

NY FORWARD BUSINESS REOPEN LOOKUP TOOL

Link: businesssexpress.ny.gov/app/nyforward

New York Reopening Documents

» **Summary Guidelines**

» **Detailed Guidelines**

» **Safety Plan Template**

NYS Guidance – Notable Components

- Mandatory health screening assessments before employees begin work each day
- Employees must maintain 6 feet between each other, unless safety or a core work function requires closer proximity
- Employers must provide employees with an acceptable face covering at no cost to employees, but employees may wear their own suitable face covering
- In-person gatherings must be limited as much as possible
- Signs throughout the worksite must emphasize proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols
- Companies must maintain logs of all workers and visitors who might have close contact with other individuals at the site
- Employers must notify State and local health departments if a worker tests positive for COVID-19 and assist with contact tracing efforts

NYS Guidance Updates

- Signs for respiratory hygiene, cough etiquette, and washing soiled hands with soap and water
- “Hygiene and Cleaning” → “Hygiene, Cleaning, and Disinfection”
- Receptacles for disposal of soiled items, including PPE
- Referral to to CDC “Symptoms of Coronavirus”
- Must designate central point of contact regarding questionnaires

Mandatory Screening

- Remotely or on-site before beginning work each day
- Minimally requires questionnaire
- Could include temperature checks or possibly COVID-19 test
- Screening personnel need to be properly trained
- In-person screeners must wear face masks

Screening Questionnaire

- 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?
- Tested positive for COVID-19 in the past 14 days?
- Experienced **any** symptoms of COVID-19 in the past 14 days?

COVID-19 Symptoms

Source: CDC as of 6/17/2020

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

NYS DOH “Interim Guidance”

- Symptomatic: 10-day isolation from onset of symptoms or upon receipt of a negative test
- Positive Test: 10-day isolation from onset of symptoms or from the first positive test
- Close Contact with person with COVID-19
 - With symptoms: 10-day isolation from onset
 - No symptoms: 14-day self-quarantine, unless “essential and critical for the operation or safety of the workplace”

Antibody Testing

- EEOC updated its COVID-19 guidance on 6/17/20
- Prohibits employers from requiring employees to be tested for coronavirus antibodies
- CDC guidelines currently say antibody tests “should not be used to make decisions about returning persons to the workplace”
- Thus, this would be unlawful medical examination that is not “job related and consistent with business necessity”

Safety Plans

- General template available on NYS website
- Must be individualized for the business and put in writing
- Must post “conspicuously” on site
- Don’t have to submit plan to the government, but can be used to hold businesses accountable
- Applies to previously open essential businesses as well

Looming Questions

- When will the restrictions be relaxed?
- What happens when schools “reopen” in the fall?
- Will there be a second “surge”?
- Vaccine???

Stay Updated!

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Thanks for your time!

Questions?

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