



INTERIM GUIDANCE FOR STATE AGENCIES AND AUTHORITIES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

As of May 15, 2020

Purpose

This interim guidance for New York State agencies and authorities is intended to inform the operations of State agencies and authorities as restrictions on private and public sector activities are lifted in different regions of the state during the next phase of the COVID-19 public health emergency. Specifically, this guidance provides protocols and policies to implement before state agencies and authorities (1) resume any non-essential, in-person activities and (2) require state employees whose service is currently considered non-essential, or not otherwise required to support the COVID-19 response, to report inperson to work. This guidance represents the minimum requirements necessary to operate in a manner that is consistent with public health and safety but should not be considered exhaustive. Each agency and authority will need to develop further protocols and policies to address the specific risks and needs associated with their workforce and nature of work.

Background

On March 16, 2020, Governor Andrew M. Cuomo issued [Executive Order 202.4](#), which provided that “[r]estrictions on reporting to work for any state worker whose service is non-essential, or not required to support the COVID-19 response, are expanded to all counties in the State of New York.” In a corresponding [memorandum](#) from Director of State Operations and Infrastructure Kelly Cummings, nonessential employees were defined as “anyone who does not need to be physically present to perform job functions, or they are not required to meet the core function and programs of their agency during this emergency response.” To date, all non-essential state employees have not reported to work but have worked from home, to the extent practicable. These restrictions, along with other restrictions on nonessential businesses and gatherings, are together known as “New York State on PAUSE.”

Standards for Responsible Agency and Authority Activities in New York State:

On Monday, May 4, 2020, Governor Andrew M. Cuomo [announced](#) precautions and practices that the private sector must develop and implement to resume in-person activities and operations as regions of New York are “unpaused” on Friday, May 15, 2020:

- Adjust workplace hours and shift design as necessary to reduce density in the workplace;
- Enact social distancing protocols;
- Restrict non-essential travel for employees;
- Require all employees and customers to wear masks if in frequent contact with others;
- Implement strict cleaning and sanitation standards;
- Enact a continuous health screening process for individuals to enter the workplace; and
- Continue tracing, tracking and reporting of cases

This guidance applies the principles of the “unpausing” efforts for the private sector to the public sector. For state agencies and authorities, this guidance provides the set of protocols and policies to protect the health and safety of the workforce and people served by the State of New York.

No state agency or authority activity can occur 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 statewide agency and authority activities – both essential and non-essential – in operation during the COVID-19 public health emergency until rescinded or amended by the State.

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

I. PEOPLE

A. Physical Distancing

- State agencies and authorities must ensure that a distance of at least six feet is maintained among employees at all times, unless safety of the core activity requires a shorter distance (e.g. moving and lifting equipment). Any time employees must come within six feet of another person, acceptable face coverings must be worn. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet.
 - 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 due to the nature of the work. For those activities, N95 respirators or other personal protective equipment (PPE) used under existing industry standards should continue to be used, as is defined in accordance with [OSHA guidelines](#).
- State agencies and authorities may modify the use and/or restrict the number of workspaces 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 workstations or spaces without cleaning and disinfection between use. When distancing is not feasible between workstations or spaces, State agencies and authorities must provide and require the use of face coverings, or should erect physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
 - If used, physical barriers should be put in place in accordance with [CDC guidelines](#).
 - ✦ Physical barrier options may include strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- State agencies and authorities must prohibit the use of tightly confined spaces (e.g. supply rooms, elevators, kitchens) by more than one individual at a time, unless all employees in such spaces at the same time are wearing acceptable face coverings. However, occupancy must never exceed 50% of the maximum capacity of the space, unless it is designed for use by a single occupant. State agencies and authorities should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows, leaving doors open), while maintaining safety protocols.

- State agencies and authorities should put in place measures to reduce bi-directional foot traffic 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, break rooms, water coolers, etc.).
- State agencies and authorities must post signs, consistent with DOH COVID-19 signage. State agencies and authorities can develop their own customized signage specific to their workplace or setting, provided that such signage is consistent with the Department's signage. Signage should be used to remind employees to:
 - Adhere to social distancing instructions.
 - Cover their nose and mouth with an acceptable face covering when six feet of social distance cannot be maintained.
 - Properly store and, when necessary, discard personal protective equipment.
 - Follow hand hygiene and cleaning guidelines. ○ Report symptoms of or exposure to COVID-19, and how they should do so.

B. Gatherings in Enclosed Spaces

- State agencies and authorities must limit in-person gatherings (e.g. employee meetings, break rooms, stock rooms) 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, State agencies and authorities 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, and/or have employees sit in alternating chairs).
- To limit density in the workspace, State agencies and authorities are strongly encouraged to implement telecommuting using guidance provided by the Governor's Office of Employee Relations, which sets forth the requirements and expectations of employers and employees when using telecommuting, including who may participate, general guidelines for participation, responsibilities for acquiring equipment and supplies, and information security requirements.
- State agencies and authorities must put in place practices for adequate social distancing in confined 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.
- State agencies and authorities should stagger schedules for employees to observe social distancing (i.e., six feet of space) for any gathering (e.g. while taking breaks).

C. Workplace Activity

- State agencies and authorities must take measures to reduce interpersonal contact and congregation, through methods such as:
 - Limiting in-person presence to only those staff who are necessary to be on site;
 - Adjusting workplace hours to spread employee and client traffic over a longer period of time;
 - Reducing on-site workforce to accommodate social distancing guidelines;

- Shifting design (e.g. A/B teams, staggered arrival/departure times);
 - Batch activities, where possible, so employees can adhere to social distancing and reduce the number of hands touching materials at the same time (e.g. one employee organizes and files folders in a shared cabinet); and/or
 - Consider the Voluntary Reduction in Work Schedule (VRWS) Program as a tool to reduce the number of employees in the workplace where participation is operationally feasible.
- State agencies and authorities must consider the use of alternative work schedules to alleviate density in the workplace. The common types of alternative work schedules are: (1) staggered hours, which provides for assignment or selection of beginning and ending times at different fixed intervals that do not vary from day to day; (2) the compressed workweek, which shortens the number of days in a workweek by lengthening the number of hours worked per day; (3) the compressed pay period, which employees work a full pay period in less than ten days; and (4) and use of part-time employees on a year-round basis.
 - State agencies and authorities should adjust office hours as necessary to enable enhanced cleaning procedures.

D. Movement and Commerce

- State agencies and authorities must prohibit non-essential visitors on site, to the extent possible.
- State agencies and authorities must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- State agencies and authorities should arrange client waiting areas (e.g. lines, parking areas) to maximize social distance among other clients and minimize interaction with others in the area.
- For deliveries, State agencies and authorities should implement a touchless delivery system whereby drivers stay in the cab of the vehicle while delivery takes place or, where not practicable, State agencies and authorities must provide acceptable personal protective equipment appropriate to the anticipated activities that includes, at a minimum, a face covering for the duration of the delivery process.
- State agency and authority employees must sanitize hands before and after transferring a load (e.g. from a delivery driver) of supplies (e.g. sanitize hands before starting to load items; and once all items have been loaded, finish by sanitizing their hands again).

II. PLACES

A. Protective Equipment

- 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.

- State agencies and authorities must ensure employees wear face coverings when interacting with clients or other employees within six feet distance AND without a physical barrier (e.g. plexiglass).
- State agencies and authorities, must procure, fashion, or otherwise obtain face coverings and provide such coverings to all employees, including those who do not directly interact with the public during the course of their work, at no cost to the employee.
 - Employees who interact with the public must be provided one face covering per day, unless it is soiled or damaged, in which case they can request a new one from the state agency or authority.
 - Employees who do not interact with the public while working must be provided one face covering per week, unless it is soiled or damaged, in which case the employee can request a new one from the state agency or authority.
- 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 covers and other types of personal protective equipment (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 a specific activity, a cloth or homemade mask would not suffice.
 - State agencies and authorities must adhere to OSHA standards for such safety equipment.
- State agencies and authorities must allow employees to use their own acceptable face coverings, but cannot require 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). Employers should comply with all applicable OSHA standards.
- State agencies and authorities should put in place measures to limit the sharing of objects, such as tools, keys, registers, and vehicles, as well as the touching of shared surfaces; or, require employees to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require employees to sanitize or wash their hands before and after contact.
- State agencies and authorities must ensure gloves are worn while handling any food products for consumption by others.
- State agencies and authorities must train employees on how to adequately don, doff, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

B. Hygiene and Cleaning

- State agencies and authorities must ensure adherence to hygiene and sanitation 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. State agencies and authorities must maintain cleaning logs that include the date, time, and scope of cleaning.
- State agencies and authorities must provide and maintain hand hygiene stations on site, as follows:
 - For handwashing: soap, running warm water, and disposable paper towels.
 - For sanitizer: NYS Clean hand sanitizer or a hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
- State agencies and authorities must provide appropriate cleaning / disinfection supplies for shared and frequently touched surfaces and require employees to use these supplies before and after use of these surfaces, followed by hand hygiene.
- State agencies and authorities must conduct regular cleaning and disinfection of the office location, 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 facilities.
 - State agencies and authorities must ensure regular cleaning and disinfecting of restrooms. Restrooms should be cleaned more often depending on frequency of use.
 - State agencies and authorities must ensure distancing rules are adhered to by reducing restroom capacity where feasible.
 - State agencies and authorities must ensure that equipment is regularly disinfected using registered disinfectants, including at least as often as employees change workstations or areas. Refer to the Department of Environmental Conservation (DEC) list of products registered in New York State 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 equipment, State agencies and authorities must put in place hand hygiene stations between use, supply disposable gloves, and/or limit the number of employees using such equipment.
- State agencies and authorities must provide for the cleaning and disinfection of exposed areas in the event of a positive case of COVID-19 of an employee, with such cleaning to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. vending machines, handrails, bathrooms, door knobs).
- CDC guidelines on ["Cleaning and Disinfecting Your Facility"](#) if someone is suspected or confirmed to have COVID-19 infection are as follows:
 - Close off areas used by the person who is sick.
 - ✦ State agencies and authorities do not necessarily need to close operations, if they can close off the affected areas.
 - Open outside doors and windows to increase air circulation in the area.

- Wait 24 hours before you clean or disinfect. If 24 hours is not feasible, wait as long as possible.
- Clean and disinfect all areas used by the person who is sick, such as offices, bathrooms, common areas, and shared equipment.
- Once the area has been appropriately disinfected, it can be opened for use.
- Employees without close contact with the person who is sick can return to the work area immediately after disinfection.
- Per CDC’s “[Evaluating and Testing Persons for Coronavirus Disease 2019 \(COVID-19\)](#),” considerations when assessing close contact include the duration of exposure (e.g. longer exposure time likely increases exposure risk) and the clinical symptoms of the person with COVID-19 (e.g. coughing likely increases exposure risk as does exposure to a severely ill patient).
- For office activities involving the handling of shared objects (e.g. keys, payment devices), areas (e.g. pick-up area, break rooms), and/or surfaces (e.g. doors), State agencies and authorities must ensure that such areas and objects are cleaned daily, at a minimum.
- State agencies and authorities must prohibit shared food and beverages (e.g. buffet style meals), encourage bringing lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

C. Phased Reopening

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

D. Communications Plan

- State agencies and authorities should develop a communications plan for employees, visitors, and clients that includes applicable instructions, training, signage, and a consistent means to provide employees with information. State agencies and authorities may consider developing webpages, text and email groups, and social media.
- State agencies and authorities should encourage clients to adhere to CDC and DOH guidance regarding the use of PPE, specifically face coverings when a social distance of six feet cannot be maintained, through verbal communication and signage.
- State agencies and authorities should post signage inside and outside of the office location to remind personnel and clients to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.

III. PROCESSES

A. Screening and Testing

State agencies and authorities must implement mandatory daily health screening practices.

- Screening practices maybe performed remotely (e.g. by telephone or electronic survey), before the employee reports to the office location, to the extent possible; or may be performed on site.
- Screening should be coordinated to prevent employees from intermingling in close contact with each other prior to completion of the screening.

All state agencies must adhere to the following:

- All staff entering a state owned or leased premise must be screened prior to, or within the first hour of, the start of each shift, and every 12 hours thereafter while on duty, for:
 - A temperature equal to or greater than 100.0 degrees Fahrenheit;
 - Symptoms consistent with COVID-19, including cough, shortness of breath, troubled breathing, or a combination of chills, muscle pain, headache, sore throat, or new loss of taste or smell.
 - Any known close contact with a person confirmed or suspected to have COVID-19 in the past 14 days.
- Staff may begin their shift if their temperature is less than 100.0 degrees Fahrenheit, if they present with no symptoms consistent with COVID-19, and if they have had no known close contact with a person confirmed or suspected to have COVID-19 case in the past 14 days.
- Staff who have a temperature that is equal to or greater than 100.0 degrees Fahrenheit, who report or otherwise display noticeable symptoms consistent with COVID-19, or who have had known close contact with a person confirmed or suspected to have COVID-19 in the past 14 days shall be instructed by the screening staff member to immediately return home, remotely notify their supervisor and human resources (HR) personnel, and contact their health care provider for medical advice and assistance, as well as to arrange testing for COVID-19, as appropriate.
 - Staff must abide by all further directives from the Director of State Operations and Infrastructure memorandum, entitled, "Employee Testing and Evaluation Protocols for COVID-19," which includes cleaning and disinfecting protocols, as well as notification to health officials and potential employee contacts.
- If staff develop any symptoms of COVID-19 during their shift, they should immediately stop working, return home, remotely notify their supervisor and HR personnel, and contact their health care provider for medical advice and assistance, as well as to arrange COVID-19 testing, as appropriate.
 - Staff must abide by all further directives from the Director of State Operations and Infrastructure memorandum, entitled, "Employee Testing and Evaluation Protocols for COVID-19," which includes cleaning and disinfecting protocols, as well as notification to health officials and potential employee contacts.
- Staff who are instructed to or otherwise, return home based upon suspected or confirmed COVID-19 infection should contact their agency and consult the Department of Health guidance before returning to work.
 - Staff conducting the screenings should be notified by the employee's supervisor or HR personnel when an employee is expected to return to work.
- If an employee refuses to participate in a screening, the screeners should refer the matter to the appropriate HR personnel.
- Staff conducting the screenings:

- Must be a trained supervisory-level employee or health care professional;
 - Must wear appropriate personal protective equipment including, at least, face covering and gloves, if the screening involves contact;
 - Must maintain a record of all staff who are screened, as well as if screening was passed or if the staff member was instructed to return home, provided no other health information is recorded or maintained; and
 - Must keep these records secured in a locked office or drawer when not directly in use.
- State agencies and authorities are prohibited from keeping records of employee health data (e.g. temperature data).
 - State agencies and authorities must review the record of screening for employees collected by the screening process on a daily basis. State agencies and authorities must also identify a contact as the party for employees to inform if they later are experiencing COVID-19-related symptoms, as noted in the questionnaire.
 - State agencies and authorities must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
 - To the extent possible, State agencies and authorities should maintain a log of every person, including employees 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. Log should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19. State agencies and authorities must cooperate with local health department contact tracing efforts.

B. Tracing and Tracking

- State agencies and authorities must immediately notify DOH and the local health department upon being informed of any positive COVID-19 test result by an employee at their site.
- In the case of an employee, visitor, or client who interacted at the workplace testing positive, the State agencies and authorities must cooperate with health authorities to trace all contacts in the workplace and notify the health department of all employees logged and visitors/clients (as applicable) who entered the work location dating back to 48 hours before the employee began experiencing COVID-19 symptoms or tested positive, whichever is earlier, but maintain confidentiality as required by federal and state law and regulations.
- Local health departments will implement monitoring and movement restrictions of infected or exposed persons, including home isolation or quarantine.
- Employees who are alerted that they have come into close or proximate contact with a person with COVID-19 outside of the workplace, and have been alerted via tracing, tracking or other mechanism, are required to self-report to the agency or authority at the time of alert and shall follow all required protocols as if they had been exposed at work.

IV. EMPLOYEE ASSISTANCE AND RESOURCES

Information to inform employees about available resources is available from several sources, including agency human resources personnel, health benefits administrators, union representatives and the following websites which contain general information and contact information for employee benefits.

- Employee Leave Benefits
 - Quarantine leave, Federal Paid Sick Leave, and Federal Emergency Family and Medical Leave Act – Paid leave from work under certain qualifying conditions related to COVID-19.
 - ✦ [Attendance and Leave Manual Policy Bulletin 2020-01, Section 21.12, April 2020](#) ○ Federal Family and Medical Leave Act
 - ✦ [Memoranda of Special Note Regarding the Family Medical Leave Act](#) ○ Standard Attendance and Leave Benefits: Information on a variety of paid and unpaid time from work is available from a variety of sources and can be obtained from agency human resources personnel.
 - ✦ [Attendance and Leave Manual](#)
 - ✦ [State-Union Contracts](#)
 - ✦ [Handbook for Management/Confidential Employees](#)
- Employee Resources
 - New York State Employee Assistance Program: The New York State Employee Assistance Program (EAP) is a worksite-based program designed to help state employees deal with the everyday issues involved in balancing work and life, as well as more serious problems that may impact work performance. EAP services are confidential, voluntary, and offered at no cost to employees and their families.
 - ✦ [Employee Assistance Program](#)
 - ✦ Telephone: 1-800-822-0244 ○ [Reasonable Accommodations](#)
- Hotline Numbers for Individuals in Crisis
 - Suicide Prevention: 1-800-273-8255
 - [NYS Office for the Prevention of Domestic Violence Chat, Text and Call Services](#) ○ NYS Office for the Prevention of Domestic Violence: 518-457-5800
 - NYS Central Register of Child Abuse and Maltreatment: 1-800-342-3720
 - Veterans Crisis Line: 1-800-273-8255; press 1; text to 838255
- Mental Health and Emotional Support
 - [NYS Office of Mental Health Resources](#)
 - Office of Mental Health Emotional Support Helpline: 1-844-863-9314
- New York State Health Insurance Plan (NYSHIP): information on available health benefits coverage depending on bargaining unit and enrollment status
 - [NYSHIP for State and Local Government Employees](#)
 - [Empire Plan Telehealth Access and Benefits](#)
- [Flex Spending Accounts](#): Information on pre-tax programs to help you pay for certain benefits
- Child Care Resources for Pre-School and School-Age Children
 - [Network Child Care Centers](#): Childcare facilities located on certain state agencies
 - [Office of Children and Family Services](#)

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/>

