

Best Practices for Reentering Commercial Buildings in Phase Two of New York Forward During the Coronavirus (COVID-19) Crisis

This document is being issued by the Real Estate Board of New York (REBNY), 32BJ SEIU, Realty Advisory Board on Labor Relations, Inc. (RAB), Local 94 International Union of Operating Engineers, AFL-CIO and the Building Owners & Managers Association of Greater New York (BOMA-NY) to facilitate the safe and healthy reentry into commercial office buildings.

On May 28, 2020, the State of New York issued [Interim Guidance for Commercial Building Management during the COVID-19 Public Health Emergency](#) (interim guidance), which establishes minimum requirements for commercial buildings to follow during the COVID-19 public health emergency until rescinded or amended by the State. Commercial building owners are required to [affirm](#) on the New York State website that they have read and will comply with the interim guidance. In addition, commercial building owners and managers are required to develop a [site safety plan](#) that must be posted conspicuously in the building.

This document can assist commercial property owners and managers in adhering to the requirements of the interim guidance. Consistent with the interim guidance, the practices contained in this document are designed to provide multiple layers of protection to building owners and managers, building workers, tenants, and the public and are informed by the guidance issued to date by governmental and public health authorities, including the [Centers for Disease Control and Prevention \(CDC\)](#), the [New York State Department of Health](#) and the [New York City Department of Health](#).

This document will be updated as warranted, including if and when any changes are made to New York State's interim guidance. Building operating procedures and protocols should continue to take into account any new requirements and guidance issued by governmental and public health authorities.

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This document is structured as follows:

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- COVID-19 Testing of Employees
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BUILDING PREPARATIONS

Proactive steps should be taken to stage the building for increased occupancy while occupancy is low. Suggested practices include confirming normal building system functionality, staging common and tenant spaces to encourage safe health practices and communication.

Systems and Maintenance

The interim guidance requires commercial buildings that have been entirely closed to take a series of steps to ensure the operations of mechanical systems, water systems, elevators and HVAC systems. For commercial buildings that have remained open, the building owner or manager must receive verification of suitability for occupancy from building engineers.

In adhering to the interim guidance, prior to reentry, buildings should to test and make safe systems that have been used infrequently during the emergency. These include:

Heating and Cooling

- Inspect chill water coils, pre-heat coils intake plenums & intake dampers, reheat coils and clean induction units.
- Replace air filters and check all HVAC systems are operating properly.
- As described by the American Society for Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) and the Centers for Disease Control and Prevention (CDC), the operation of heating, ventilating and air-conditioning systems can play a role in reducing exposure to COVID-19. Property owners should review evolving guidance from ASHRAE, CDC, and other public health and professional organizations to follow recommended practices. Guidance includes:
 - [American Society for Heating, Refrigerating, and Air-conditioning Engineers Position Statements](#)
 - [American Society for Heating, Refrigerating, and Air-conditioning Engineers Frequently Asked Questions](#)
 - [National Air Filtration Association](#)
 - [The Center for Disease Control and Prevention \(CDC\)](#)
 - [Federation of European Heating, Ventilation and Air Conditioning Associations](#)

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Elevators

- Check elevators' alarms & communications are working properly.
- Run each elevator up & down at least once per week.

Fire Protection Systems

- Test the fire protection system and make sure all devices are working.
- Confirm all fire logs/records as well as tenant fire warden, deputy fire warden & searchers are up to date.

Plumbing

- Property owners should review and follow steps recommended in the [CDC's "Guidance for Building Water Systems."](#) This includes the following steps:
 - Inspect flushing of hot water at plumbing fixtures.
 - Raise hot water temperature to at least 120 degrees if possible.
 - Flush hot water at all sinks and showers. Run for 5-15 minutes.
 - Check water for pH and disinfectant levels.

Preparing Building Public Areas for Social Distancing

Based on the recommendations of public health authorities including the [CDC](#) and [New York City Department of Health and Mental Hygiene](#) (DOHMH), the interim guidance requires the maintenance of at least 6 feet (~2 meters) social distancing in the building common areas. While adapting to the unique conditions of each space, the following measures are referenced in the interim guidance and should generally be taken to effectuate social distancing in the common/public areas of buildings. A discussion of operational changes to these spaces can be found later in the document.

Building Entrances and Exits

- Designate specific doors as entrances or exits.

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Security / Check-in

- Install markers to designate places where visitors should wait to be checked in.
- Install appropriate shields or other barriers at check-in to physically separate building service staff from visitors.

Lobbies

- Develop plans to control the flow of foot traffic and circulation of people through the lobby, which may include floor markers or other signage.

Elevators

- Based on the individual characteristics of the building, install markers to designate places to queue for elevators.
- While not required by the interim guidance, owners and managers could consider installing markers to designate places to stand inside of elevators.

Loading Docks

- Develop protocols to ensure social distancing is maintained in loading docks where utilized, including the use of markers.

Public Spaces + POPS

- The interim guidance states that owners and managers should consider closing any common indoor or outdoor seating area. Where these spaces stay open, they must be reconfigured to promote social distancing.
- Property owners should be aware that the New York City Department of Buildings has not suspended POPS enforcement at this time.

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Restrooms

- Ensure social distancing can be maintained in restrooms available to the public by creating protocols to limit the number of persons who can use a public restroom at any one time. This could include the use of signs on the restroom door for persons to indicate when the restroom is “in use.”
- Where restrooms are located on floors with multiple tenants, work with tenants to develop protocols to maintain social distancing in those restrooms.

Promote Hand Hygiene

The [CDC](#) has identified that the frequent cleaning of hands can help reduce the spread of COVID-19. Based on this recommendation, the interim guidance requires hand cleaning stations be available in the building. Therefore, prior to tenant reentry, buildings should ensure there is readily available access to hand cleaning stations throughout the public areas of the building.

- Where hand cleaning stations with water are used, soap and paper towels should be provided as well as touch-free trash cans for paper towels.
- Where hand sanitizer is made available, it should be at least 60 percent alcohol, consistent with [CDC guidance](#).
- The interim guidance requires that hand sanitizer be placed in convenient locations, such as at entrances, exits, elevators and security/reception desks. Touch-free hand sanitizer dispensers should be installed where possible, and signage should be placed near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water as hand sanitizer is not effective on visibly soiled hands.

Communication & Signage

The interim guidance requires that buildings post appropriate signage throughout the building and requires those signs to be consistent with Department of Health signage. The interim guidance requires that signage address the following topics:

- Cover nose and mouth with a mask or face covering when six feet of social distance cannot be maintained.
- Properly store and, when necessary, discard PPE.
- Adhere to physical distancing instructions.
- Report symptoms of or exposure to COVID-19, and how to do so.
- Follow hand hygiene and cleaning/disinfection guidelines.

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Should a building want to use CDC signage, available signs from the [CDC](#) to consider using include:

- [How to Protect Yourself and Others](#)
- [Stay Home When You Are Sick](#)
- [Stop the Spread of Germs](#)
- [Wash Your Hands](#)
- [What You Should Know About COVID-19 to Protect Yourself and Others](#)
- [Important Information About Your Cloth Face Covering](#)

Ensure Adequate Supplies and Equipment

Buildings will need to secure a range of supplies and/or equipment in order to support the safe reentry of tenants. Given the recent disruption and uncertainty in product supply chains, doing so may be difficult, which means buildings should plan ahead to ensure they possess the appropriate supplies and can install new devices where necessary. The supplies/equipment that buildings should consider obtaining include:

- Cleaning and disinfecting supplies.
- Touch-free faucets.
- Touch-free paper towel dispensers.
- Touch-free trash cans.
- Hand sanitizer and dispensers (touch-free where possible).
- Paper towels and tissues.
- Appropriate signage.
- Protective screens and partitions (for example glass or plexiglass) for building service workers.
- Personal Protective Equipment for building employees, which may include, but is not limited to, appropriate face coverings, gloves, gowns, and any additional protective equipment required based on the product used to clean and disinfect or may be required by the [CDC](#) to safely clean and disinfect following a suspected or confirmed case, as well as that which is necessary for workers interacting with the public.

LABOR AND EMPLOYMENT CONSIDERATIONS

Building owners and managers will need to consider a variety of issues when adapting policies and procedures to keep building workers healthy and safe, whether the workers are their direct employees or those of a vendor.

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Revise Policies and Procedures

- Follow the requirements of the interim guidance when dealing with employees who have COVID-19 symptoms and positive tests. This generally requires employees to remain home for 14 days when they are experiencing symptoms or test positive or have been in close contact with a person with COVID-19, with certain exceptions for persons who have been in close contact with a person with COVID-19 who do not have any symptoms.
- Establish a zero-tolerance policy for their employees coming to work while sick or symptomatic.
- Develop clear and consistent procedures for dealing with an employee who develops symptoms of COVID-19 at work. The interim guidance requires that where an employee is symptomatic upon arrival or develops symptoms at work, that the employee be separated and immediately sent home.
 - The [CDC recommends](#) the employer inform other employees of a positive case without identifying the infected person for privacy concerns.
 - The [Federal Reopening Plan](#) recommends the sick employee identify individuals with whom the employee had contact within the last 48 hours.
 - The interim guidance requires that persons sent home after developing symptoms remain home for 14 days.
- Reduce the use of in-person gatherings to the greatest extent possible and conduct meetings remotely whenever possible. When required, participants should be limited, and appropriate social distancing should be maintained. Building managers should consider requiring that all persons in their meetings wear face coverings during any in-person meetings.
- Designate a “site safety monitor” at each work site responsible for implementing revised plans and overseeing the reentry process, as required by the interim guidance.
- Restrict non-essential travel for employees.
- Depending on the needs of each individual building, issues specific to personnel management in commercial buildings that should be considered include:
 - Revising timekeeping procedures to eliminate the use of handprint and other touch devices. Where such devices must be used, disinfection supplies should be provided in the proximity of the device.
 - Staggering shift start, end and break times, and possibly using overnight shifts to support social distancing and reduce density consistent with the needs of the building. This measure is included in the interim guidance.
 - Making sure security guards have their licenses up to date.
 - Assigning tasks that were not previously required to be carried out and properly training workers for those duties (for example thermal screening if utilized).
 - Ensuring that building employees are trained on the use of PPE, proper cleaning and disinfection (including the appropriate chemicals for cleaning and disinfecting and the potential hazards associated with such chemicals), and the building’s individual safety plan. This measure is included in the interim guidance.

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- Cleaning and disinfecting locker rooms used by employees for changing into uniforms and developing protocols for use with employees to ensure social distancing is maintained in locker rooms.
- Developing protocols to ensure social distancing is maintained in break and lunchrooms used by employees and that these spaces are routinely cleaned and disinfected, as required in the interim guidance.
- Providing building employees with appropriate, clean uniforms each day.
- Ensuring that workstations are placed at least six feet apart and are cleaned properly prior to being used by a different employee.
- Limit the sharing of objects and the touching of shared surfaces.

Adopt Certain Practices

- As recommended by [OSHA](#), consider asking employees to self-monitor for symptoms of COVID-19 by taking their temperature at home before leaving for work and remaining home if their temperature exceeds 100.4 degrees generally for at least 14 days, as required by the interim guidance.
- [New York State](#) and the [CDC](#) have required and recommended respectively that employers conduct daily health screenings of their employees. The interim guidance requires that building owners and managers, at minimum, have employees (including contractors) and visitors complete a daily questionnaire remotely or upon arrival to the building asking to determine if the person has:
 - 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; and/or
 - Experienced any symptoms of COVID-19 in the past 14 days.

The New York City Health Department has provided a model screening form along with practices to follow when conducting daily health screenings.

- Recognizing that many building service workers carry out their jobs in public spaces and may be required to travel between public space and tenant space, employers of building service workers should strongly consider taking the temperature of those workers employed by the building. This activity is authorized in the interim guidance and by the [EEOC](#) so long as the COVID-19 pandemic continues. Where temperature screenings are conducted, such screenings should follow the interim guidance and adhere to [CDC guidance](#) to protect the person being screened and the person conducting the screening.

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- Every employer has an obligation under the Occupational Safety and Health Act General Duty Clause to provide a reasonably safe workplace. Under the threat of COVID-19, this duty requires employers to provide personal protective equipment (PPE) sufficient to prevent occupational exposure to the disease. PPE should be provided at no cost to the employee. PPE that may be required include gloves, eye and face protection, and masks and/or respirator masks, depending on the potential hazards to which employees may be exposed, which could include cleaning chemicals or to persons suspected or confirmed to have COVID-19. Employers should also provide employees with regular opportunities to clean their hands.
- The interim guidance specifically requires that building owners and managers provide face coverings to their employees at no cost to the employee and require building owners and managers to work with any entity with which they have a contract to agree as to the party that will provide persons in the building with appropriate PPE. The interim guidance further requires that face coverings be cleaned or replaced after their use and prohibits building owners and managers from denying an employee from wearing their own additional protective coverings. Face coverings have been recommended by the [CDC](#), [New York State Health Department](#) and [New York City Health Department](#).
- Building owners and managers should consider requiring employees and contractors to wear acceptable face coverings at all times, unless not medically able to do so.
- The New York City Health Department does not generally recommend employees routinely use gloves. Though the City Health Department does not recommend gloves for all staff, they may be necessary depending on the potential hazards to which employees may be exposed, which could result from cleaning chemicals used or persons suspected or confirmed to have COVID-19.
- While employers generally are not allowed to inquire about employee health information, the EEOC has stated that employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine (via a test) if they have or may have COVID-19.
- The interim guidance requires building owners and managers to take numerous measures to adhere to contact tracing protocols, including notifying the New York City Health Department of a positive COVID-19 test result by an employee and cooperating with the local health department. To report a positive case, contact the NYC Test and Trace Corps at CovidEmployerReport@nychhc.org. Building owners and managers should make best efforts to maintain records of all persons in the building in order to comply with contact tracing requirements, not only their own employees and visitors.

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- Per the [Interim Guidance for Office-Based Work During the COVID-19 Public Health Emergency](#) also issued by New York State on May 28, 2020, when notified of a positive case of COVID-19, the identified point of contact for occupying office spaces must notify the contacts for the building owner/operator of the positive cases. Additionally, the guidance states the identified point of contact for the building should be prepared to receive notifications from tenants of positive cases and must notify the contacts of all impacted entities occupying shared spaces of the positive cases and the respective cleaning and disinfection procedures taken. Any collective bargaining representatives of the building workers must be notified as impacted entities.

Considerations for a Unionized Work Environment

- Employers should be aware of the special considerations governing the employment of a unionized workforce as building owners and managers plan for reentry of buildings. Careful attention should be paid to the collective bargaining agreements covering the terms and conditions of employment for building employees, as well as to any memoranda of agreement or other interim agreements. These agreements may impact how owners and managers return building employees to work, test their employees for infection or immunity, schedule shifts of work, and otherwise interact with their unionized building service employees and should be reviewed in order to comply with the interim guidance (including but not limited to the requirement to reduce interpersonal contact and congregation). Rules governing building service employment can be complex and failure to abide by the terms of agreements can result in unnecessary grievances, charges of unfair labor practices, or even litigation. Questions regarding unionized workforces and agreements governing their employment should be addressed to legal counsel or to the [Realty Advisory Board](#).

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Leave and Anti-Discrimination Laws

- Employers should be aware of the various federal, state, and local laws governing protected leave of absence from employment and employment of members of protected categories. The Family and Medical Leave Act, New York Paid Family Leave, New York City Earned Safe and Sick Time Act, and newly enacted expansions and additions to these laws, greatly expand the rights of employees to request and receive protected time away from work. Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, as well as the New York State and City Human Rights Laws protect employees against adverse employment actions based upon an employee's membership in a protected category (e.g., being disabled, being older, or being a certain race, religion, and gender). Any adverse employment actions taken, even with an intention to protect at risk populations, should be neutral in its intent and in its impact upon the workforce.
- Employers should ensure employees are educated about paid leave opportunities. The [U.S. Department of Labor's poster](#) about paid sick leave under the FFCRA should be posted at the workplace along with all other required postings.

COORDINATION WITH TENANTS

Complying with the interim guidance will require property managers and tenants to carefully coordinate to ensure a successful reentry process and require a communications plan be established for owners/managers and tenants. Among the items that must be coordinated are:

Matters Related to Common Areas of the Building

- Property owners and managers should establish a designated liaison to act as the "point person" for each tenant. This person should be the designated contact for the tenant to contact when notified of a positive COVID-19 case among their employees, as required of tenants the [Interim Guidance for Office-Based Work](#).
- To support social distancing and reduce density, property managers should consider surveying tenants about their return to work plans. Doing so could help inform efforts to plan for staggered arrivals to and departures from the office and reducing density in the building, considering both the business needs of the tenant as well as the conditions of the building.

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- The interim guidance, as well as the [Interim Guidance for Office-Based Work](#), require coordination between owners/managers and tenants to conduct daily health screenings and requires owners/managers to remind tenants that they are responsible for screening their employees within a space under their control if daily health screenings are not done at or near the building entrance.
- The interim guidance requires that building owners and managers prohibit non-essential visitors from entering the building to the extent possible and requires coordination with tenants to determine which visitors are essential. Tenants are required to provide building managers/owners with a list of essential visitors expected to enter the building under the [Interim Guidance for Office-Based Work](#).
- The [Interim Guidance for Office-Based Work](#) states that tenants should designate arrival and departure “shifts” for persons coming to the building to reduce density in the office. Owners and managers should work closely with tenants to understand those plans.
- Property managers should request that tenants and vendors provide the property management office with copies of their state safety plans and remind tenants to post such plans conspicuously.
- Property managers should request that tenants and vendors notify the property management office when an employee who was in the building in the last 48 hours develops symptoms of COVID-19.
- Property owners and managers should thoroughly explain the steps being taken to prepare for reentry to their tenants. This includes ensuring tenants have copies of requirements and recommended practices issued by public health authorities including:
 - The State of New York’s [Interim Guidance for Office-Based Work and Regional Guidelines for Re-Opening New York](#)
 - The Occupational Safety and Health Administration’s [Guidance on Preparing Workplaces for COVID-19](#)
 - The Center for Disease Control and Prevention’s [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)
 - The New York City Department of Health and Mental Hygiene’s: [COVID-19 General Guidance for Businesses and Other Non-Health Care Settings](#)

Matters Within Tenant Spaces

- The interim guidance, as well as the [Interim Guidance for Office-Based Work](#) state that owners/managers and tenants should work together to establish and enforce capacity limits in the building, which for any work occurring indoors, the total occupancy is limited to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy.
- Consistent with the interim guidance, property managers should ask tenants to generally refrain from holding in-person meetings with outside parties.

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- Property managers should recommend to tenants that visitor hours be limited such that visitors are not entering or exiting the building during times when tenant's employees are likely to be coming to or leaving work in large numbers (i.e. visitors can only arrive after 10 a.m. and must leave before 3 p.m.).
- Property managers should clearly inform tenants of the building's visitor screening and entrance policy and inform tenants that visitors who violate the building's health protocols will be denied entry or asked to leave the premises during the state of emergency. Tenants should be informed by the property manager that it will be their responsibility to ensure that all persons invited into their space be informed of the building's health protocols prior to arrival.
- Per the Interim Guidance for Office-Based Work During the COVID-19 Public Health Emergency also issued by the state of New York on May 28, 2020, when notified of a positive case of COVID-19, the identified point of contact for occupying office spaces must notify the contacts for the building owner/operator of the positive cases. Additionally, the interim guidance states the identified point of contact for the building should be prepared to receive notifications from tenants of positive cases and must notify the contacts of all impacted entities occupying shared spaces of the positive cases and the respective cleaning and disinfection procedures taken. Any collective bargaining representatives of building workers must be notified as impacted entities. Owners and managers will need to work closely with tenants to adhere to these protocols.

OPERATIONAL CHANGES TO OPERATING PROCEDURES AND PROTOCOLS

As part of the reentry process, building owners and managers will need to update the building's operational procedures to ensure that office buildings will be a safe and healthy work environment.

Cleaning

- Buildings should increase cleaning and disinfection procedures in public areas of buildings following the interim guidance and using protocols established by the [CDC](#) and [New York City Health Department](#). These protocols generally recommend routine cleaning and disinfection of frequently touched surfaces and increased cleaning and disinfection of high touch surfaces. High touch surfaces in public areas that should be targeted include doors, elevators, elevator buttons, stairwells, toilets, faucets, sinks, and employee break rooms and locker rooms.
- Buildings should maintain logs of the date, time and scope of cleaning and disinfection as required by the interim guidance.
- Amenity space, including the building's meeting space and any conference space, should be frequently cleaned and disinfected once they are reopened.

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- Based on the [CDC recommendations](#), the interim guidance establishes policies to follow when cleaning and disinfecting spaces should a person become sick in the workplace. Buildings should ensure tenants are informed of the appropriate protocols to use in their space should an employee become sick at work.
- Buildings should ensure that appropriate cleaning products authorized for use by the [Environmental Protection Agency's Suggested Disinfectants](#) (List N) are utilized.
- The interim guidance requires avoiding the use of furniture that cannot be easily cleaned and disinfected.

Procedural Changes

Use of Face Coverings

- The interim guidance requires that face coverings be used anytime six feet social distance cannot be maintained, requires persons to be able to promptly don face coverings if a person unexpectedly comes within six feet, and requires owners/managers to advise persons in the building common areas to wear face coverings (and remind them to do so when six feet distancing cannot be maintained).
- As the interim guidance provides a minimum standard, consistent with the [Governor's Executive Order 202.17](#) that requires the use of face coverings in public, buildings should strongly consider establishing policies that require an appropriate face coverings to be worn when entering the building and in all public/common areas of the building, including lobbies, elevators, and stairs. [Executive Order 202.34](#) provide building owners with the ability to deny entry to persons not wearing appropriate face coverings. Face coverings have been recommended by the [CDC](#), [New York State Health Department](#), and [New York City Health Department](#).
- Public health guidance states that all PPE, including face coverings, can be disposed of in regular trash. New York City Health Department guidance provides safe steps to remove and asks to be disposed with normal rubbish.

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Daily Health Screening and Screening Areas

- The interim guidance requires building owners and managers to implement daily health screenings of their own employees (including their contractors) and visitors including at minimum a daily questionnaire and, at the owner/manager's discretion, taking the body temperature of the employee, contractor, or visitor. As the interim guidance encourages daily screenings to be done remotely, but allows screenings to be done on-site, owners and managers will need to set aside space for such activity in ways that comply with social distancing requirements at the screening location and in any queues for screening. The New York City Health Department has provided a model screening form along with practices to follow when conducting daily health screenings.
- The interim guidance also requires owners and managers to coordinate daily health screenings with tenants (while noting that tenants are ultimately responsible for screening their own employees and visitors) and states that is a best practice to screen individuals at or near the building entrance where space and building configurations allow. Building owners and managers should carefully evaluate their entrance areas to determine whether daily screenings can occur at or near the building entrance.
- The interim guidance further states that a screening best practice is to use contactless thermal cameras in building entrances to identify potentially symptomatic individuals, who would then be directed to a secondary screening area to complete a follow-on screening. Buildings following this practice will need to install these systems, ensure they are appropriately operated, and designate space/develop protocols for secondary screenings.
- Buildings should ensure that screeners be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield as required by the interim guidance.
- The interim guidance provides that persons who screen positive for COVID-19 symptoms not be allowed entry and be directed to go home and consult with their healthcare provider. Buildings will need to train staff on how to appropriately do so while maintaining distance and deescalating conflict.

Building Safety / Security

- Where possible, property managers should consider ways of prescreening visitors to reduce the need for visitors to physically hand over an ID card to building service workers.
- Consistent with the interim guidance, visitors of the building management will need to receive a health screening, be informed of the building's policies, and provided with appropriate PPE where necessary.

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- All check-in desks should be outfitted with protected screens or other devices to provide a barrier between the building staff and the public. While the interim guidance requires property managers to ensure that their employees wear face coverings when within six feet of other persons and without a physical barrier, building services workers at check-in desks should generally be required to wear appropriate face coverings, provided by the employer.
- Appropriately trained staff should supervise visitor check-in areas to ensure compliance with social distancing is maintained and building protocols are followed.
- Essential visitors who arrive without prior notification should be required to exit the building while they wait to be granted access to avoid congestion in lobbies.
- Buildings should work with tenants to maintain Fire Safety and Emergency Access Plans while not all employees have returned to work. The [Fire Department](#) has provided guidance about delaying scheduled Fire Drills and Non-Fire Emergency Drills.

Elevators and Stairs

- The interim guidance requires that elevator capacity be limited to one person unless appropriate face coverings are worn in which case the elevator cannot exceed 50 percent of its maximum capacity. The interim guidance further states that building owners and managers should increase outdoor air flow in enclosed spaces to the greatest extent practicable while maintaining safety protocols.
- Elevator operations should be supervised by an appropriately trained building employee to ensure compliance with social distancing and face covering requirements.
- Where determined appropriate by the property owner, property managers should allow tenants to safely use stairs and install signage to inform tenants that they may use stairs. Where stairs are utilized, the flow of persons should be controlled to ensure social distance is maintained and stair usage should be supervised. Consistent with the [Governor's Executive Order 202.17](#) that requires the use of face coverings in public, face coverings should be worn in stairwells at all times.

Movement of Persons

- The interim guidance requires property managers to take steps to reduce bi-directional movement of persons in common areas of the building.

Loading Docks

- Property managers should establish policies to control access to the building of persons utilizing loading docks.

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Amenity Space

- Gyms and other non-essential common areas (e.g. game rooms) should remain closed until allowed to reopen by New York State.
- The interim guidance requires the closure of the owner's non-essential amenities and communal areas that promote gathering or are high-touch, including vending machines and communal coffee machines.
- The interim guidance states that owners and managers should consider closing any common indoor or outdoor seating area. Where these spaces stay open, they must be reconfigured to promote social distancing.
- Meeting or conference space controlled by the property owner made available for tenant use should generally be closed.
- Cafeterias should be encouraged to remain closed. The interim guidance as well as the [Interim Guidance for Office-Based Work](#) prohibits employees from sharing meals, including serving buffet-style meals, and encourages employees to bring their own lunch.

Bike Rooms

- Anticipating an increase in staff and tenants commuting to work via bicycles in lieu of public transit, property managers should identify additional space to accommodate the increase in bicycles and ensure these areas are routinely cleaned.

Waste and Recycling Removal

- Property managers should ensure that trash and recycling pickup is aligned with occupancy levels and that carting services are adjusted accordingly.

Deliveries

- Packages, food, and other deliveries will need to be adjusted to limit outside persons entering the building. Property managers should work with tenants to reduce deliveries, ensure that all persons delivering packages or food have appropriate protective equipment, and are informed of and comply with building entry protocols. The interim guidance requires property managers to designate areas for pickups and deliveries.

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Restrooms on Multi-Tenant Floors

- Where multiple tenants have access to the same restroom, property managers should work with those tenants to develop ways to limit density in those spaces.

Leasing Tours

- Property managers should develop procedures to ensure that tours of space are conducted in compliance with building health and safety protocols.

ADDITIONAL CONSIDERATIONS

Temperature Taking of Non-Employees or Visitors

Building owners and managers should generally consult with counsel when considering establishing a temperature-taking program for all persons entering the building. As allowed by the [EEOC](#), employers may take body temperatures of their employees during this period of community spread of COVID-19. In addition, as allowed by Executive Order, commercial building owners may, at their discretion, require individuals to undergo temperature checks prior to being allowed admittance and also have the ability to deny admittance to (i) any individual who refuses to undergo such a temperature check and (ii) any individual whose temperature is above 100.4 degrees. Property owners and managers who wish to adopt temperature-taking programs for those entering the building should consider a number of factors including those discussed below prior to implementing a temperature-taking program.

Legal Issues

- Property owners who take temperatures will need to ensure that they have processes in place so that persons with disabilities with legitimate reasons for registering an elevated temperature are not unfairly treated, as required by State and City Human Rights Law.
- Property owners will need to take steps to manage liability risks associated with temperature taking.
- Property owners will need to establish processes to safeguard the confidentiality of tenant and visitor temperature information.

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Practical Considerations

- Property owners will need to identify space in the building entrance areas for primary and secondary screening locations. In many buildings this will be difficult, if not impossible to do while ensuring that social distancing is maintained for those waiting to be screened without long lines of people waiting on sidewalks to enter the building.
- Property owners will need to identify the appropriately trained individuals to conduct the temperature screening and ensure that those individuals have the appropriate protective equipment. The [CDC](#) has provided guidelines on the best ways to conduct temperature screenings, if utilized, but these guidelines are directed to employers not property owners.

COVID-19 Testing of Employees

- The [EEOC](#) has issued guidance authorizing employers to test employees for COVID-19 before they enter the workplace without violating the Americans with Disabilities Act. This guidance requires employers to make sure that the tests are accurate and reliable and encourages employers to consult [U.S. Food and Drug Administration guidance](#) to consider whether a test is safe and accurate. The guidance further states that testing is not a substitute for the adoption of other infection control measures such as social distancing and hand washing.
- Property owners considering adopting a COVID-19 testing program for their employees or persons entering the building should consult with counsel to ensure that any program complies with federal, state, and local privacy and anti-discrimination laws.
- The [CDC](#) has stated that anti-body tests should not be used when determining employee return to the office.

Construction Work

- Building owners should be aware that New York State has released [Interim Guidance for Construction Activities during the COVID-19 Public Health Emergency](#), which requires that construction projects certify that they have read and will follow this guidance. This guidance further requires the development and maintenance of a safety plan at each project. A model safety plan can be found on the State's [website](#). Building owners and managers should ensure construction projects occurring in the space they control comply with these requirements.

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- The [New York City Department of Buildings](#) has provided additional guidance to owners and contractors. This guidance applies to all permitted construction sites operating in New York City. In addition to the State requirements, the Department's guidance requires that occupancy limits be posted in each hoist cab and at each landing area, and also requires posting proof that the State-required affirmation has been completed. Furthermore, the Mayor has ordered that all individuals, including employees and visitors, who are present on a construction site in New York City and able to medically tolerate a face covering shall wear such a covering at all times.
- Property owners should ensure there is good communication between the owner, any contractors or subcontractors working in the building, and other appropriate building staff to ensure relevant activities are coordinated across the entire building.
- The interim guidance requires that building owners and managers work with any entities with which they have contracted to agree upon who will provide PPE to contractors physically present in the building and further requires that the building owner or manager train the workers on how to use PPE when they provide such equipment directly.
- The interim guidance requires that building owners and managers implement daily health screenings of their contractors entering the building.

Liability

- Property owners and managers face significant legal liability risks related to building reentry policies. These risks include the potential for claims made by employees, vendors, tenants and their employees, or visitors who contract or may be exposed to COVID-19 or challenge the policies adopted and actions taken by the owner or manager in response to the crisis. For this reason, property owners and managers should closely consult with their legal counsel to guard against such risks.

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