

May 14, 2020

CLIENT ALERT - CORONAVIRUS (COVID 19) IN THE WORKPLACE - New York Provides Templates For Required Business Reopening Plans and Opens Portal For Businesses To Certify Compliance in Advance of Reopening

Dear Clients and Friends:

As you are aware, parts of the New York business sector are set to re-open on or after May 15. New York State has now released templates for plans that businesses are required to have to either stay open or re-open. Please note, even essential businesses must have a plan.

General Information About Plans and Certifications

Plans must be posted at your place of business, communicated to employees, and available on request for government inspectors. If your business is reopening, the plan must be posted before you reopen. You must also complete a certification that you have read and agree to abide by the guidance issued from the state and that you have completed and posted your plan prior to re-opening.

Please note that while the New York plan templates cover many topics, you should also consult relevant guidance from the Centers for Disease Control and the Occupational Health and Safety Administration to ensure you are also meeting those requirements. Each of these agencies has issued some business sector specific guidance as well as general guidance. Complying with New York State guidance does not guarantee compliance with the guidance issued by these federal agencies.

Phase 1 Businesses

For businesses that are in phase 1 of the governor's reopening plan, New York has set out specific templates and certifications. You can determine if you are in phase 1 of the plan by looking here: <https://forward.ny.gov/industries-reopening-phase>.

Templates and certifications **by industry** are also located at that website.

Essential Businesses and Businesses Outside of Phase 1

Essential Businesses are required to have a plan posted in order to continue operations. For essential businesses falling outside of Phase 1, please use the general template as a guide. https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf

For businesses in phase 2 or later, we expect guidance to come out in soon, but those businesses should look at the phase 1 general guidance for creating their plans and start that process now. https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf

Guidance on Masks

While the guidance from the state is somewhat confusing, several county executives have been able to clarify that the state's position is that for all businesses, if employees are not able to be and remain 6 feet apart throughout their work, then the employees **must wear masks at all times**. Businesses will need to require employees to wear masks as part of their plans and will need to have masks available for employees. Businesses are reminded that they should have a process for making reasonable accommodations for people who cannot wear masks due to a medical condition, and should communicate this process to employees.

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In Unprecedented Times We Are Ready to Help

We understand there is limited time to get your business ready to re-open, and we are ready to assist you throughout the weekend. Please do not hesitate to send us an email or give us a call.



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