



## INTERIM GUIDANCE FOR FOOD SERVICES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

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

As of March 19, 2021

### Purpose

This Interim Guidance for Food Services during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Food Services”) was created to provide owners/operators of food service businesses and their employees and contractors with precautions to help protect against the spread of COVID-19.

This guidance applies to all restaurants and food services establishments, including food trucks, and other food concessions. In regions that are in Phase 1, or have not reached Phase 2, such establishments may only operate by take-out and delivery. In regions that have reached Phase 2, such establishments may open outdoor spaces with seating for customers (i.e. dining and bar spaces indoors cannot open to customers), provided customers can be seated at tables that are appropriately distanced. For further guidance on outdoor and take-out/deliver food services for businesses located in regions that are in Phase 1 and 2, please consult the New York State Department of Health’s (DOH) [“Interim Guidance for Outdoor and Take-Out/Deliver Food Services During the COVID-19 Public Health Emergency.”](#)

In regions that have reached or surpassed Phase 3, such establishments may open indoor and outdoor spaces with seating for customers, in accordance with this guidance, and provided that customers can be seated at tables that are appropriately distanced. Furthermore, restaurants with bar seating can open the area, provided customers are seated and can be distanced appropriately. Consumption of any dine-in food and/or beverage must only occur while customers are seated at tables or bar tops in these spaces.

On October 6, 2020, Governor Cuomo announced a [“Cluster Action Initiative”](#) to address COVID-19 hotspots that have cropped up around the state. The Cluster Action Initiative is a science-based approach to attack these clusters and prevent any further spread of the virus, including new rules and restrictions directly targeted to areas with the highest concentration of COVID cases and the surrounding communities. Pursuant to the Cluster Action Initiative, effective November 11, 2020, in any yellow zone in Erie, Monroe, or Onondaga Counties, in addition to any other mitigation measures required, any restaurant or tavern must close by 12 midnight (12:00 am local time), and all service must cease at such time. The establishment cannot reopen or resume service until 5:00 am.

Executive Order 202.68 also sets forth additional restrictions that food services establishments must adhere to in order to operate.

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 publication, 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 food services. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any food service operations and/or Site Safety Plan.

The [Centers of Disease Control and Prevention](#), [U.S. Food and Drug Administration](#), and [United States Department of Labor's Occupational Safety and Health Administration](#) are not aware of any reports that suggest that COVID-19 can be transmitted through food. Therefore, adherence to NYS Sanitary Codes for food service establishments along with additional requirements identified as part of these guidelines are expected to be sufficiently protective against COVID-19.

## 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 16, 2020, Governor Cuomo issued [Executive Order 202.3](#), restricting all on-premises consumption of food and beverage at eating and drinking establishments statewide.

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 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. On May 29, 2020, Governor Cuomo issued [Executive Order 202.34](#), authorizing business operators/owners with the discretion to deny admittance to individuals who fail to comply with the face covering or mask requirements.

On April 26, 2020, Governor Cuomo [announced](#) a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor [provided](#) that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity. On May 11, 2020, Governor Cuomo [announced](#) that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators. On May 29, 2020, Governor Cuomo [announced](#) that the second phase of reopening would begin in several regions of New York. On June 3, 2020, Governor Cuomo [announced](#) outdoor dining at restaurants would be permitted in phase two of reopening, in accordance with state-issued guidance. On June 11, Governor Cuomo [announced](#) that the third phase of reopening would begin on June 12 in several regions of New York.

In addition to the following standards, businesses must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by the DOH.

Please note that where guidance in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.

## Standards for Responsible Food Services in New York State

No food service operation 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 food services in operation during the COVID-19 public health emergency until rescinded or amended by the State. The operator of the food service site, or another party as may be designated by the operator (in either case, "the Responsible Parties"), shall be responsible for meeting these standards.

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

## I. PEOPLE

### A. Physical Distancing

- For the purposes of this guidance, "outdoor space" is defined as an open-air space designated for the consumption of food and/or beverage, which may have a temporary or fixed cover (e.g. awning or roof) so long as such cover has at least two open sides for airflow. Within such outdoor space, all tables with seats must be at least six feet from any other table, seat, patron, or pedestrian thoroughfare or corridor; provided, however, if a bar or restaurant seeks to use contiguous public space (e.g. sidewalk) pursuant to Executive Order 202.38, the applicable local municipality, if allowing such usage, may determine alternative spacing of tables from pedestrian thoroughfares or corridors upon a consideration of the volume of pedestrian traffic on sidewalks, availability of sidewalk space, and avoidance of unnecessary congestion, or alternatively, the local municipality may require the bar or restaurant to erect a physical barrier of at least five feet in height if six feet of distance cannot be maintained between tables and a pedestrian thoroughfare or corridor.
- Responsible Parties must ensure that indoor capacity is limited to no more than 75% of the maximum occupancy for a particular area as set by the certificate of occupancy, exclusive of employees.
  - Responsible Parties should ensure that a distance of at least six feet is maintained among workers at all times, unless the core activity requires a shorter distance (e.g. cooking, cleaning, clearing tables, maintenance). Regardless of physical distance, Responsible Parties must ensure all employees wear an acceptable face covering at all times. Patrons must also wear face coverings at all times, except while seated; provided, however, that the patron is over the age of two and able to medically tolerate such covering.
  - 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 (PPE) due to the nature of the work. For those activities, N95 respirators or PPE used under existing industry standards should continue to be used, as is defined in accordance with OSHA guidelines.

- Responsible Parties must ensure that outdoor capacity is limited to the number of tables that can be safely and appropriately arranged such that each table is a minimum of six feet away from another.
- Responsible Parties must ensure that indoor and outdoor tables with seating for customers are separated by a minimum of six feet in all directions. Wherever distancing is not feasible between tables, Responsible Parties must enact physical barriers between such tables. The physical barriers must be at least five feet in height and must not block emergency and/or fire exits.
  - Responsible Parties may allow customers to sit at indoor and outdoor bar areas, provided a distance of at least six feet can be maintained between parties (i.e. groups of patrons).
  - Responsible Parties must ensure that bar area staff keep a distance of at least six feet between each other and/or customers, when possible.
- Responsible Parties may seat as many individuals at a single table as the table allows, with a maximum of 10 individuals per table.
  - Individuals seated at a table must be members of the same party but may be from different households. Further, individuals who are members of the same party may arrive, be seated, and depart at different times so long as their interactions remain limited to only other party members.
  - Communal tables in which multiple parties are seated at the same large table are only permitted if a distance of at least six feet can be maintained between the parties.
  - If located in a cluster action zone pursuant to Executive Order 202.68, tables are limited to 4 individuals per party.
- Responsible Parties offering restroom access to customers must promote social distancing within and while waiting for restrooms.
- Responsible Parties may modify the use and/or restrict the number of work stations 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 areas without cleaning and disinfection between use. When distancing is not feasible (e.g. pick-up stations, cash registers), Responsible Parties may enact physical barriers (e.g. plastic shielding walls) in areas where they would not affect air flow, heating, cooling, or ventilation) and must not block emergency and/or fire exits.
  - If used, physical barriers should be put in place in accordance with [OSHA guidelines](#).
  - Physical barrier options may include: strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties should prohibit the use of small spaces (e.g. freezers or storage rooms) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings. However, even with face coverings in use, occupancy must never exceed 75% of the maximum capacity of the space, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows and doors to kitchen), while maintaining safety protocols.
- Responsible Parties 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, breakrooms).
  - Responsible Parties must clearly signal six foot spacing in:
    - Any lines for customers waiting to order, pick up food, be seated, or use the restroom (e.g. by using tape or other equally effective means); and

- Any pick-up or payment location (e.g. counter, table, register).
- Responsible Parties must designate entrances/exits for customers and separate entrances/exits for employees, where possible.
- Responsible Parties should encourage customers to wait in their car or outside at an appropriate social distance until food is ready to be picked up or they are ready to be seated.
- Responsible Parties should encourage customers to place remote orders online or by phone.
- Where possible, Responsible Parties should allow for contactless order, payment, delivery, and pick-up and/or implement curbside pick-up.
  - When contactless payment is not feasible, Responsible Parties should minimize the use of billfolds and present paper receipts only.
- Responsible Parties should consider allowing customers that will be seated to order ahead of time to limit the amount of time spent in the establishment.
- Responsible Parties must post signs throughout the site, consistent with DOH COVID-19 signage. Responsible Parties 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 and patrons to:
  - Cover their nose and mouth with a face covering.
  - Properly store and, when necessary, discard PPE.
  - Adhere to physical distancing instructions.
  - Report symptoms of or exposure to COVID-19, and how they should do so.
  - Follow hand hygiene and cleaning and disinfection guidelines.
  - Follow appropriate respiratory hygiene and cough etiquette.

## **B. Gatherings in Enclosed Spaces**

- Responsible Parties must limit in-person employee gatherings (e.g. staff meetings) 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, Responsible Parties 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, have employees sit in alternating chairs).
- Responsible Parties should encourage social distancing by limiting occupancy or closing non-essential amenities and communal areas that do not allow for appropriate social distancing. If open, Responsible Parties must make hand sanitizer or disinfecting wipes available near such amenities (e.g. vending machines, communal coffee stations).
- Responsible Parties must put in place practices for adequate social distancing in small 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.

- Responsible Parties operating food trucks should implement such practices to the extent practicable.
- Responsible Parties should stagger schedules for their employees to observe social distancing (i.e. six feet of space) for any gathering (e.g. breaks, meals, shift starts/stops).

### **C. Workplace Activity**

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
  - Limiting in-person presence to only those staff who are necessary;
  - adjusting workplace hours;
  - reducing on-site workforce to accommodate social distancing guidelines;
  - shifting design (e.g. A/B teams, staggered arrival/departure times);
  - prioritizing tasks that allow for social distancing over those that do not;
  - avoiding multiple crews and/or teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas; and/or
  - segmenting and batching activities, where possible, so individuals can adhere to social distancing and reduce the number of hands touching equipment at the same time.
- Where practicable, Responsible Parties should discourage food preparation employees from changing or entering others' work stations during shifts, unless they are appropriately cleaned and/or disinfected, as appropriate.
- Responsible Parties should designate discrete work zones for servers, where possible. Servers should serve specific zones in the restaurant to minimize overlap.
- Responsible Parties should encourage customer reservations for seating, where practicable, to reduce the congregation of patrons waiting to be seated and served.
  - Responsible Parties must not provide customers with devices (e.g. buzzers) to provide alerts that seating or an order is available, unless such devices are thoroughly cleaned and disinfected between each use.
    - Responsible Parties are encouraged to use audio announcements, text messages, or notices on screens to communicate with customers awaiting an order or seating.
- Responsible Parties may open buffets, provided that they are not self-serve and that they are sufficiently staffed to ensure that there is no customer touching of common objects (e.g. serving spoons, tongs) and that appropriate social distance is maintained.

### **D. Movement and Commerce**

- Responsible Parties must establish designated areas for vendor pickups and/or deliveries, limiting contact to the extent possible.
- Responsible Parties should limit on-site interactions (e.g. designate an egress for workers leaving their shifts and a separate ingress for workers starting their shifts) and movements (e.g. employees should remain near their workstations as often as possible).

- For vendors that need to come on premises, Responsible Parties should ensure a one-at-a-time process, in which only one vendor delivers a product at a time, employees clean and disinfect high touch surfaces, and the next vendor can enter the premises.
- Where practicable, Responsible Parties should limit the numbers of entrances in order to (1) manage the flow of traffic into the building and (2) facilitate health screenings, as described below while remaining in compliance with fire safety and other applicable regulations.
- Develop a plan for people to maintain six feet of social distance while queuing inside or outside of the establishment for screening, as applicable.

## E. In-Person and Catered Events

- Effective March 15, 2021, Responsible Parties, including event venue and facility owners and/or operators, and event organizers (i.e., planners and producers), must comply with additional requirements for non-residential events (i.e., gatherings held outside of a household) that involve the gathering of attendees – above the State’s social gathering limit – for an event, which may feature the preparation and service of food and/or beverage for parties, including but not limited to wedding receptions, celebrations, and similar private venue events, such as meetings and conferences.
  - As of March 22, 2021, the State’s social gathering limit is 100 or fewer people in indoor non-residential settings and 200 or fewer people in outdoor non-residential settings.
  - Responsible Parties are prohibited from holding in-person and catered events between 12:00AM (midnight) and 5:00AM local time until further notice.
  - Responsible Parties must maintain sufficient employee or event staff (e.g., security) presence to ensure compliance with these health and safety requirements, including limiting capacity, prohibiting unnecessary congregations, and managing movement and traffic.
- Occupancy: Responsible Parties must limit occupancy of in-person and catered events to the lesser of: 75% for a particular area as set by the certificate of occupancy, or 150 people indoors or 200 people outdoors, exclusive of employees and event staff. Effective April 2, 2021, occupancy of in-person and catered events increases to the lesser of 75% for a particular area as set by the certificate of occupancy, or 150 people indoors or 500 people outdoors, exclusive of employees and event staff.
  - Responsible Parties may have more than one event (i.e., gathering) on the same premises at the same time so long as each event is separate and distinguishable. Each event must be held in different areas on the premises (e.g., indoor vs. outdoor spaces, separate rooms). Attendees from separate events shall not share any spaces or rooms, use the same entrances/exits at the same time, or otherwise engage in in-person interaction or come into contact with each other. Restroom capacity must be limited to avoid congregation of attendees, who must wear face coverings and maintain social distance within, and while waiting for, restrooms.
    - Any concurrent events on the same premises that share attendees or a common purpose are prohibited. However, an on-premises restaurant dining room or area that serves patrons in parties who are unassociated with the event attendees may continue to serve such patrons within the designated area so long as they are separated from the event spaces or rooms.
  - In accordance with the State's cluster zones, fewer individuals are permitted to gather in non-residential settings within those areas based on the risk of COVID-19 transmission. Such restrictions shall apply to catered events held in those areas. Specifically, 25 or fewer people are permitted to gather in non-residential settings in yellow zones, 10 or fewer people in orange zones, and no gatherings in red zones.

- Local Health Department Notice: Responsible Parties must notify their respective county health department or local public health authority if they plan to host in-person and catered events above the State's maximum social gathering limit, which is 100 people indoors and 200 people outdoors, as of March 22, 2021.
  - For each event above the social gathering limit, Responsible Parties must submit event details to the local health authority, at least 5 days in advance of the event date, and such details shall include but not be limited to the (1) Responsible Parties' contact information, (2) event name or function, (3) event address, (4) event date and time, (5) event duration (including loading and unloading times), (6) expected number of event attendees, (7) expected number of event staff, and (8) location on premises (e.g., indoor, outdoor) indicated by description and/or on event floor plan.
    - Events may be subject to inspection by local health authorities to ensure compliance with all provisions of the guidance.
- Contact Information for Tracing: For any event conducted pursuant to this guidance, Responsible Parties must require each attendee (or, if attendee is a minor, an adult from their party/household/family) in attendance to sign-in before or immediately upon arrival to the event, providing their full name, date of birth, address, email, and phone number for use in potential contact tracing efforts, if necessary.
  - The sign-in process may be conducted through any means that the Responsible Parties establish to collect the above contact information, including but not limited to a digital application and/or paper form.
  - Responsible Parties must maintain a record of the aforementioned sign-in data for a minimum period of 28 days and make such data available to State and local health authorities upon request. Responsible Parties do not need to retain individual proof of recent negative diagnostic test result or proof of immunization for COVID-19.
- Screening Testing: For any event conducted pursuant to this guidance, Responsible Parties must require and ensure that all attendees over the age of two have received a negative diagnostic test result for COVID-19 using a Food and Drug Administration (FDA) or DOH authorized polymerase chain reaction (PCR) or other nucleic acid amplification test (NAATs) of comparable analytical sensitivity performance that was performed on a specimen (e.g., swab) collected within 72 hours of the event start time. Responsible Parties may also accept negative test results for COVID-19 from a FDA authorized antigen test performed on a specimen collected within 6 hours of the event start time. All attendees must present proof of the negative diagnostic test result (e.g., mobile application, paper form) to designated employees or event staff prior to, or immediately upon, arrival to the event.
  - Responsible Parties may offer to perform FDA-authorized antigen testing for attendees to obtain test results of specimens collected within 6 hours of the event on premises; provided, however, such antigen testing must meet all requirements and standards set forth by DOH, including timely and complete reporting of results to the Department's Electronic Clinical Laboratory Reporting System (ECLRS).
    - To minimize potential exposure while waiting for PCR, NAAT, or antigen test results, individuals should monitor for symptoms of COVID-19, wear a face covering when in public, maintain social distancing, and should avoid extended periods in public, contact with strangers, and large congregate settings.
  - Alternatively, attendees may provide proof of having completed the COVID-19 vaccination series at least 14 days prior to the date of the event. However, as DOH and the Centers for Disease Control and Prevention (CDC) continue to evaluate the effect of immunization on potential COVID-19 transmission, diagnostic testing is still recommended, and venues may choose to



require testing. DOH, in consultation with CDC, will continue to monitor vaccination developments and revise guidance accordingly.

- Employees and event staff must also be tested for COVID-19 through a diagnostic test prior to events, and must be tested biweekly – every other week – thereafter for as long as they are actively engaged in hosting events and interacting in close contact with attendees. Alternatively, employees and event staff may provide proof of having completed the COVID-19 vaccination series at least 14 days prior to the date of event(s).
- Any attendee who fails to present a negative diagnostic test result or proof of immunization, as described above, must be denied entry to the event.
- Health Screening: Responsible Parties must implement mandatory health screening for employees, event staff, and attendees prior to the event.
  - As detailed below, health screening shall consist of questions regarding current or recent COVID-19 symptoms (e.g., temperature in excess of 100.4 degrees Fahrenheit), close or proximate contact with confirmed or suspected COVID-19 case(s), recent positive COVID-19 test result(s), and compliance with State’s travel advisory.
- Distancing: Responsible Parties must ensure that all attendees practice social distancing by maintaining a distance of, at least, six feet from other individuals, except for members of the same immediate party/household/family.
  - Responsible Parties must assign each attendee to a table or area, where they must be seated while eating or drinking for the duration of the event. To the extent practicable, individuals should be seated at a table or area with members of their same immediate party/household/family.
  - Where attendees may frequently interact with employees or event staff (e.g., host station, reception desk), Responsible Parties should install appropriate physical barriers. Further, Responsible Parties should consider implementing touchless systems for transactions that require close contact between attendees and employees/event staff (e.g., check-in).
  - Responsible Parties must post appropriate signage notifying attendees of social distancing requirement at the event location.
- Face Covering: Responsible Parties must ensure that attendees, employees, and event staff wear acceptable face coverings at all times; provided, however, that attendees may remove their face coverings when seated at their assigned table to eat or drink. The face covering requirement applies to any attendee over the age of two and able to medically tolerate such covering.
  - Responsible Parties may temporarily allow certain attendees to remove face coverings while presenting/speaking at the event, provided that such attendee maintain 12 feet of social distance, or be separated by an appropriate physical barrier, from other attendees.
  - Responsible Parties must post appropriate signage notifying attendees of face covering requirement at the event location.
- Controlled Movement: Responsible Parties must ensure that all event attendees are confirmed in advance (e.g., guest list) to ensure compliance with occupancy, plan movement of individuals throughout the premises, and prevent unnecessary congregation or foot-traffic congestion in common areas (e.g., entrances, exits, restrooms).
  - Responsible Parties must designate points of ingress/egress throughout the premises to ensure capacity and occupancy compliance.
  - Responsible Parties should develop a system to stagger the ingress/egress of attendees at the event venue or facility (e.g., timed entry, distanced waiting zones).

- Responsible Parties should consider limiting amenities or event services that may present unnecessary interactions between employees/event staff and attendees (e.g., coat checks, valet, parking attendant), unless additional protective measures can be adopted (e.g., contactless transactions, frequent cleaning/disinfection of shared equipment or surfaces, use of disposable gloves).
- Responsible Parties should adopt one-directional paths for attendees on floors and stairs, where practicable.
- Activities: Responsible Parties must ensure that attendees are not congregating, except when seated at their assigned table. Attendees should only be standing when necessary (e.g., enter/exit, restroom, use of staffed buffet), when essential to the event (e.g., entrance of bride and groom), or when permitted as follows:
  - Responsible Parties may provide cocktail receptions for attendees where standing is permitted with strict adherence to social distancing; provided, however, that attendees only remove their face coverings and consume food and beverages while seated. Further, attendees must not remove their face covering and must not consume food and beverage if members of different parties/households/families are within six feet.
  - Responsible Parties may permit live music, entertainment (e.g., DJ), and/or dancing within the following parameters, which will be revisited by the State as the public health condition continues to change:
    - Live music performers and other entertainers, particularly if unmasked or playing a wind instrument, must be separated from attendees by either 12 feet or an appropriate physical barrier.
    - Select attendees – who are designated to the Responsible Parties prior to the event – may participate in ceremonial dances with members of their immediate party/household/family (e.g., first dances at a wedding reception) so long as they maintain six feet of separation from other attendees throughout the dance.
    - Attendees may dance with only members of their same immediate party/household/family who are seated at their table in designated and clearly marked areas or zones that are assigned to them and spaced, at least, six feet apart from any other dancing areas or zones, and any tables. Ideally, each dancing areas or zones should not be less than 36 square feet. Attendees must wear face coverings while in their assigned dancing area or zone and cannot enter, use, or otherwise visit other dancing areas or zones.
  - Responsible Parties should consider staggered intervals for food service at staffed buffets to allow attendees to maintain social distance while waiting in line.
  - Responsible Parties should consider serving any passed foods (e.g., hors d'oeuvres) in containers that limit touching of any shared surfaces (e.g., platters) by attendees.

## II. PLACES

### A. Kitchen Area

- Before returning to work, Responsible Parties must complete pre-return checks and assessments of kitchen systems to ensure a healthy and safe environment.
- Responsible Parties must ensure kitchen staff wear face coverings at all times.
- Responsible Parties should reconfigure kitchens to maintain six feet distance, to the extent possible.

- Responsible Parties should stagger shifts, if possible, to do work (e.g. food prep) ahead of time.
- To the extent possible, Responsible Parties should ensure kitchen staff are dedicated to one station throughout their shift (e.g. salad or grill or desserts).
- Where applicable, Responsible Parties should establish markers in work stations and areas with tape on the floor to signal six feet distance in all directions.
- Responsible Parties should encourage kitchen staff to place items on the counter for the next person to pick up rather than pass items from hands to hands.
- Responsible Parties must minimize sharing of kitchen equipment between staff (e.g. knives, pots, rags/towels), where possible.

## **B. Protective Equipment**

- In addition to the necessary PPE as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable face coverings and provide such coverings to their employees while at work at no cost to the employee. Responsible Parties should have an adequate supply of face coverings, masks and other required PPE on hand should an employee need a replacement or should a vendor be in need. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult the [CDC](#) for additional information on cloth face coverings and other types of 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 specific food service activities, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow their employees to use their own acceptable face coverings but cannot require their 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), or if the Responsible Parties otherwise require employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.
- Responsible Parties must ensure that all staff wear face coverings at all times. Responsible Parties must ensure staff practice hand hygiene and use bare hand barriers consistent with State and Local Sanitary Codes.
  - If employees wear gloves during non-food preparation activities, Responsible Parties must:
    - Ensure employees replace gloves frequently; and
    - Encourage employees to change gloves when switching tasks (e.g. serving customers to pre-rolling silverware).
  - If employees do not wear gloves, Responsible Parties must ensure employees frequently wash and/or sanitize their hands.

- Responsible Parties must ensure that employees who are bussing tables wash their hands with soap and water and, if they are wearing gloves, replace their gloves, before and after cleaning and disinfecting tables.
- Responsible Parties must only permit customer entry into the establishment if they wear an acceptable face covering; provided, however, that the customer is over the age of two and able to medically tolerate such covering.
  - Responsible Parties should require customers to wear face coverings when not seated at a table (e.g. when waiting for pickup, placing order at counter or window, walking to/from table, walking to/from restroom).
  - Once seated, Responsible Parties should encourage, but not require customers to wear face coverings when not eating and/or drinking.
- Responsible Parties must put in place measures to limit the sharing of objects, such as kitchen tools, pens and pads, as well as the touching of shared surfaces, such as doorknobs, keypads, and touchscreens; or, require workers to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require workers to wash their hands before and after contact.
- Responsible Parties must train their employees on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

## **B. Hygiene, Cleaning, and Disinfection**

- Responsible Parties must ensure adherence to hygiene and cleaning and disinfection 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. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection.
- Responsible Parties must provide and maintain hand hygiene stations on site, as follows:
  - For handwashing: soap, running warm water, disposable paper towels, and a lined garage can.
  - For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
  - Responsible Parties should make hand sanitizer available throughout high touch areas (e.g. outside restrooms). It should be placed in convenient locations, such as at entrances, exits, cashiers. Touch-free hand sanitizer dispensers should be installed where possible.
  - In food trucks and concessions where Responsible Parties are unable to provide running water stations, employees should wear gloves or regularly use hand sanitizing and continue to comply with federal, state, and local food handling and hygiene requirements.
- Responsible Parties should place signage near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- Place receptacles around the site for disposal of soiled items, including PPE.
- For take-out/delivery, Responsible Parties must:
  - Provide hand hygiene stations for customers waiting for food and/or drinks;

- Ensure staff wash hands with soap and water or use hand sanitizer, and, if staff use gloves, regularly replace them; and
- Ensure, if pick-up/delivery is in indoors/enclosed space, windows and/or doors are opened to allow for ventilation.
- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage their employees to use these supplies following manufacturer's instructions for use before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of the site 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 and disinfect facilities.
  - Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
    - Responsible Parties must ensure distancing rules are adhered to by using signage, occupied markers, or other methods to reduce restroom capacity where feasible.
    - Responsible Parties must ensure that equipment and tools are regularly cleaned and disinfected using registered disinfectants, including at least as often as employees change workstations or move to a new set of tools. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State and 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 machinery, Responsible Parties must put in place hand hygiene stations for between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.
  - Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event an individual is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. shared tools, equipment, machines, work stations, keypads, telephones, vending machines, communal coffee stations).
- CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" if someone is suspected or confirmed to have COVID-19 are as follows:
  - Close off areas used by the person suspected or confirmed to have COVID-19.
    - Affected areas need to be close off and cleaned and disinfected.
    - If an employee of a food truck is suspected or confirmed to have COVID-19, the food truck must be closed until cleaned and disinfected.
  - Open outside doors and windows to increase air circulation in the area.
  - Wait 24 hours before you clean and disinfect. If 24 hours is not feasible, wait as long as possible.
  - Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, bathrooms, common areas, and shared equipment.
  - Once the area has been appropriately cleaned and disinfected, it can be reopened for use.
    - Workers without close or proximate contact with the person who is suspected or confirmed to have COVID-19 can return to the work area immediately after cleaning and disinfection.

- Refer to DOH’s [“Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure”](#) for information on “close or proximate” contacts.
  - If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit employees from sharing food and beverages among themselves, encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.
- Responsible Parties must ensure that all condiments provided directly to customers be in single-use disposable containers or reusable containers that are regularly cleaned and disinfected, ideally between each party’s use.
- Responsible Parties should ensure that guests are provided with single use, paper, disposable menus and/or that menus are displayed on white boards/chalk boards/televisions/projectors, where possible. If non-disposable menus are used, Responsible Parties must clean and disinfect the menus between each party’s use.
  - Responsible Parties should encourage customers to view menus online (e.g. on their own smartphone or electronic device) where possible.
- Responsible Parties must use pre-packaged silverware or pre-rolled silverware. Silverware must be pre-rolled while wearing masks and gloves.
- Responsible Parties must not offer or otherwise provide unwrapped straws and toothpicks.

### **C. Phased Reopening**

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

### **D. Communications Plan**

- Responsible Parties must affirm that they have reviewed and understand the state-issued industry guidelines, and that they will implement them.
- Responsible Parties should develop a communications plan for employees, vendors, and customers that includes applicable instructions, training, signage, and a consistent means to provide employees with information. Responsible Parties may consider developing webpages, text and email groups, and social media.

## **III. PROCESSES**

### **A. Screening and Testing**

- Responsible Parties must implement mandatory daily health screening practices of their employees and, where practicable, vendors, but such screening shall not be mandated for customers and delivery personnel.
  - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the site, to the extent possible; or may be performed on site.
  - Screening should be coordinated to prevent employees from intermingling in close or proximate contact with each other prior to completion of the screening.
  - At a minimum, screening should be required of all employees and vendors completed using a questionnaire that determines whether the employee or vendor has:
    - (a) 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;
    - (b) tested positive for COVID-19 in the past 14 days; and/or
    - (c) has experienced any symptoms of COVID-19 in the past 14 days.
- Responsible Parties cannot mandate that customers complete a health screen or provide contact information but may encourage customers to do so. Responsible Parties may provide an option for customers to provide contact information so they can be logged and contacted for contact tracing, if necessary.
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.
- Responsible Parties must require employees to immediately disclose if and when their responses to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of work hours.
- In addition to the screening questionnaire, temperature checks may also be conducted per U.S. Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g., pass/fail, cleared/not cleared).
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious workers or vendors entering the site. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols.
- Screeners should be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield.
- An individual who screens positive for COVID-19 symptoms must not be allowed to enter the premises and must be sent home with instructions to contact their healthcare provider for assessment and testing.
  - Responsible Parties should provide such individuals with information on healthcare and testing resources.
  - Responsible Parties must immediately notify the state and local health department about the case if test results are positive for COVID-19.

- Responsible Parties should refer to DOH’s [“Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure”](#) regarding protocols and policies for employees seeking to return to work after a suspected or confirmed case of COVID-19 or after the employee had close or proximate contact with a person with COVID-19.
- Responsible Parties must designate a central point of contact, which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all questionnaires, with such contact also identified as the party for individuals to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- To the extent possible, Responsible Parties should maintain a log of every person, including workers and vendors, who may have close or proximate contact with other individuals at the work site or area; excluding customers and deliveries that are performed with appropriate PPE or through contactless means. The 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. Responsible Parties must cooperate with state and local health department contact tracing efforts.
  - Responsible Parties cannot mandate that customers complete a health screen or provide contact information but may encourage customers to do so.

## **B. Tracing and Tracking**

- Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 test result by a worker at their site.
- In the case of an employee, vendor, or customer who interacted at the business testing positive, the Responsible Parties must cooperate with the state and local health department to trace all contacts in the workplace, and the health department where the site is located must be notified of all employees logged and vendors/customers (as applicable) who entered the food service location dating back 48 hours before the individual first experienced COVID-19 symptoms or tested positive, whichever is earlier. Confidentiality must be maintained as required by federal and state law and regulations.
- Local health departments may, under their legal authority, implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.
- Individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of alert and shall follow the protocol described and referenced above.



## IV. EMPLOYER PLANS

Responsible Parties must conspicuously post completed safety plans on site for employees. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

### **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/>

### **At the link below, affirm that you have read and understand your obligation to operate in accordance with this guidance:**

<https://forms.ny.gov/s3/ny-forward-affirmation>