



INTERIM GUIDANCE FOR MALLS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

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

As of March 15, 2021

Pursuant to the Governor's Executive Orders, malls previously remained closed until Friday, July 10, 2020 when malls could reopen in regions that had reached Phase 4, in accordance with the following guidance. Specifically, any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease remained closed to the public until Friday, July 10, 2020 when malls in Phase 4 regions could reopen; however, any stores without their own external entrance(s) may operate via curbside pickup in Phase 1 and 2 providing purchased items to customers at or near the general mall entrance and any stores with their own external entrance(s) separate from the general mall entrance (e.g. strip malls, anchor tenants), may open for curbside and in-store pickup in Phase 1 and all in-store retail activities in Phase 2.

Purpose

This Interim Guidance for Malls during the COVID-19 Public Health Emergency ("Interim COVID-19 Guidance for Malls") was created to provide proprietors/owners/operators of malls and their employees, contractors, vendors, and customers with precautions to help protect against the spread of COVID-19.

This guidance applies to all indoor, strip, and outlet malls permitted to operate. This guidance does not apply to restaurants or other food services, movie theaters, retailers of rental goods, or personal care services, such as hair salons, nail salons, spas, tattoo parlors, laser hair removal, or electrolysis, that may be located in such malls.

Retail stores within malls must follow the guidelines outlined in the Department of Health's (DOH) "[Interim Guidance for Essential and Phase II Retail Business Activities during the COVID-19 Public Health Emergency](#)." Restaurants and other food services within malls must follow the guidelines outlined in DOH's "[Interim Guidance for Food Services during the COVID-19 Public Health Emergency](#)." Movie theaters within malls must follow any guidance issued for such purpose (at the time of publication, movie theaters are not permitted to open). Personal care services within malls must follow the guidelines outlined in DOH's "[Interim Guidance for Personal Care Services during the COVID-19 Public Health Emergency](#)." All other business within malls should refer to their respective industry guidelines, if and where applicable.

These guidelines are minimum requirements only and any mall proprietor/owner/operator 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 mall operations. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any mall operations and/or Site Safety Plan.

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 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 cloth 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 mask or cloth face covering 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 the state, and announced the use of a new early warning dashboard that aggregates the state's expansive data collection efforts for New Yorkers, government officials, and experts to monitor and review how the virus is being contained to ensure a safe reopening. On June 11, Governor Cuomo announced that the third phase of reopening would begin on June 12 in several regions of New York. On June 24, 2020, Governor Cuomo announced that several regions of the state were on track to enter the fourth phase of reopening starting on June 26.

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 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 Mall Operations in New York State

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

The proprietor/operator of the mall, or their designee, shall be primarily responsible for meeting standards with respect to any common areas. Tenants, if not the proprietor/operator, shall be primarily responsible for meeting these standards with respect to their leased space(s), unless the tenant and proprietor/operator reach an alternate agreement in regard to such responsibilities (e.g. joint screening protocol).

Except where noted otherwise, references made to "employees" (1) include employees, contractors, and vendors, and (2) references to "employees and/or visitors" are to the proprietor/operator of the mall and their employees and/or visitors. Responsible Parties should coordinate with tenant entities occupying space within the mall, where applicable, on the implementation of practices in accordance with this guidance. For more information on such entities and their employees, contractors, and visitors, see the guidance referenced above.

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

I. PEOPLE

A. Physical Distancing

- Responsible Parties, in coordination with any tenants, must ensure that the workforce and customer presence is limited to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy, inclusive of customers, who must maintain six feet of separation from individuals who are not in their immediate party/household/family and, in all cases, must only be permitted entry into the mall and businesses within the mall 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; and
- Responsible Parties must ensure a distance of at least six feet is maintained among employees and customers at all times, unless the safety or the core activity requires a shorter distance (e.g. operating cash registers, moving and lifting merchandise). Employees must wear acceptable face coverings any time they interact with customers (e.g. providing information to customers, ringing up a purchase, wrapping an item to hand off) and any time employees are within six feet of another person. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet. Customers entering the mall must also wear a face 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 other PPE

used under existing industry standards should continue to be used, as is defined in accordance with OSHA guidelines.

- Responsible Parties may modify the use and/or restrict the number of work spaces and employee seating areas, so that individuals are at least six feet apart in all directions (e.g. side-to-side and when facing one another) and are not sharing spaces without cleaning and disinfection between use. When distancing is not feasible between work stations or spaces, Responsible Parties must provide and require the use of face coverings or physical barriers such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
 - If used, physical barriers should be put in place in accordance with OSHA guidelines.
 - Physical barrier options may include: strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties are encouraged to modify mall layouts so that employees and customers are at least six feet apart in all directions when employees are working and customers are browsing, unless physical barriers are in place (e.g. Plexiglass or partitions at cash registers).
 - Responsible Parties must require that employees use face coverings when interacting with customers. Responsible Parties shall not permit customers into the mall without a face covering, if medically able to tolerate one, and are over age two.
 - If entry is denied, Responsible Parties should seek to provide alternate methods of pickup and/or delivery for customers, particularly to ensure access to essential goods, including but not limited to food, medication, and medical equipment or supplies.
 - Responsible Parties must reserve adequate space for employees and customers to work and shop, considering appropriate social distancing.
 - Responsible Parties should consider creating one-way corridors or aisles, or otherwise rearranging traffic flow.
- Responsible Parties must prohibit the use of small spaces (e.g. elevators, bathrooms, stock rooms) by more than one individual at a time, unless all individuals in such spaces at the same time are wearing acceptable face coverings. However, occupancy must never exceed 50% of the maximum capacity of the space, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows, leaving doors open), while maintaining safety protocols.
- Responsible Parties should encourage the use of touchless payment options or pay ahead, when available. Minimize handling cash, credit cards, reward cards, and mobile devices, where possible.
- Responsible Parties should put in place measures to reduce bi-directional foot traffic of customers using tape or signs with arrows in corridors and hallways, 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, in-mall kiosks, break rooms).
 - Where possible, Responsible Parties should place markers or barriers to encourage one directional traffic.
- Responsible Parties must post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g. clock in/out stations, health screening stations, break rooms, cash register areas, near merchandise, in aisles).

- Responsible Parties must post signs inside and outside of the mall, 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 customers to:
 - Stay home if sick.
 - Cover their nose and mouth with 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 should limit in-person gatherings of employees (e.g. team meetings, stock rooms) to the 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 \(COVID-19\)](#)". Responsible Parties should hold in-person employee 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) or wear appropriate face coverings.
- Responsible Parties should encourage social distancing by limiting occupancy or closing non-essential amenities and communal areas that do not allow for social distancing protocols. If open, Responsible Parties must make hand sanitizer or disinfecting wipes available next to equipment 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; and
- Responsible Parties should stagger schedules for employees to observe social distancing (i.e., six feet of space) for any gathering (e.g. while taking breaks).

C. Workplace Activity

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
 - adjusting workplace hours;
 - reducing on-site workforce, where appropriate, to accommodate social distancing guidelines;
 - shifting design (e.g. A/B teams, staggered arrival/departure times);
 - batching activities, where possible, so employees can adhere to social distancing and reduce the number of hands touching products at the same time (e.g. one employee does all packing and a separate employee fulfills the delivery); and/or
 - encouraging, but not requiring, customers to bag their own purchases.

- Responsible Parties should adjust retail hours as necessary to enable enhanced cleaning and disinfection procedures.

D. Movement and Commerce

- Responsible Parties must monitor and control the flow of traffic into the mall to ensure adherence to maximum capacity requirements.
 - Responsible Parties should maintain sufficient employee or security presence to monitor traffic flow and to ensure groups adhere to social gathering limitations.
 - Responsible Parties must prohibit congregating and loitering by customers and should maintain sufficient employee or security presence, including hiring additional staff, to eliminate congregating and loitering.
- Responsible Parties must establish designated areas for deliveries, limiting contact to the extent possible.
- Responsible Parties should provide clearly designated, separate entrances and exits, where possible.
 - Responsible Parties must be prepared to queue customers outside both mall and businesses while still maintaining physical distance including through the use of visual cues or markers.
- For merchandise deliveries, Responsible Parties should implement a touchless delivery system whereby drivers stay in the cab of the vehicle while delivery takes place or, where not practicable, Responsible Parties must provide acceptable PPE appropriate to the anticipated activities that includes, at a minimum, a face covering to personnel involved in the delivery at no cost for the duration of the delivery process.
- Responsible Parties must perform hand hygiene hands before and after transferring a load (e.g. from a delivery driver) of merchandise (e.g. perform hand hygiene before starting to load items; and once all items have been loaded, finish by performing hand hygiene again).
- Responsible parties should designate curbside pick-up area(s) for interior stores.
- Responsible parties must suspend valet services.
- Effective August 20, 2020, Responsible Parties may open limited food court seating areas; provided, however, that such seating areas and the food services establishments located within the food courts operate in accordance with DOH's ["Interim Guidance for Food Services during the COVID-19 Public Health Emergency,"](#) including any required separation between tables with seating, social distancing between parties of customers, and occupancy limits.
- Responsible Parties must close or modify amenities, where applicable, including:
 - Closing self-serve bars and samplers; and
 - Closing water fountains.

II. PLACES

A. Air Filtration and Building Systems

- For malls that are greater than 800,000 square feet, Responsible Parties must ensure building HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems, at a minimum MERV-13, or industry equivalent or greater (e.g., HEPA), as applicable, and as certified and documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York-licensed professional building engineer.
 - Responsible Parties may also consider adopting additional ventilation and air filtration mitigation protocols per CDC recommendations, particularly for buildings older than 15 years, including:
 - Increasing ventilation rates and outdoor air ventilation to the extent possible;
 - Keeping systems running for longer hours (e.g., 24/7 if possible);
 - Disabling demand-controlled ventilation, where reasonable, but still maintaining systems that increase fresh air supply (e.g., conference or meeting rooms);
 - Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible;
 - Considering the installation of appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles;
 - Sealing edges of the filter to limit bypass; and/or
 - Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life.
- If a mall greater than 800,000 square feet is unable to meet a building HVAC system filtration rating of MERV-13 or greater, Responsible Parties must have a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York-licensed professional building engineer certify and document that the currently installed filter rack and air handling system would be unable to perform to the minimum level of heating and cooling that it was otherwise able to provide prior to the COVID-19 public health emergency if such a high degree of filtration (i.e., MERV-13 or greater) was installed. Further, Responsible Parties must submit such documentation to DOH for review and approval to operate at a lesser filtration rating of MERV-11 or MERV-12 with additional ventilation and air filtration mitigation protocols. In all instances, however, Responsible Parties must maintain a building HVAC system filtration rating of, at least, MERV-11.
 - In addition, Responsible Parties who are unable to meet a filtration rating of MERV-13 or greater must put in place additional ventilation and air filtration mitigation protocols per CDC recommendations, where appropriate, including:
 - Increasing ventilation rates and outdoor air ventilation to the extent possible;
 - Keeping systems running for longer hours (e.g., 24/7 if possible);
 - Disabling demand-controlled ventilation, where reasonable, but still maintaining systems that increase fresh air supply (e.g., conference or meeting rooms);
 - Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible;
 - Considering the installation of appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles;
 - Sealing edges of the filter to limit bypass; and/or

- Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life.
- For malls that are less than 800,000 square feet, Responsible Parties must ensure building HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems, at a minimum MERV-11, or industry equivalent or greater (e.g., HEPA), but ideally MERV-13, as applicable, and as certified and documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York-licensed professional building engineer.
 - Responsible Parties may also consider adopting additional ventilation and air filtration mitigation protocols per CDC recommendations, particularly for buildings operating HVAC systems at less than MERV-13 filtration rating and buildings older than 15 years, including:
 - Increasing ventilation rates and outdoor air ventilation to the extent possible;
 - Keeping systems running for longer hours (e.g., 24/7 if possible);
 - Disabling demand-controlled ventilation, where reasonable, but still maintaining systems that increase fresh air supply (e.g., conference or meeting rooms);
 - Opening outdoor air dampers to reduce or eliminate recirculation to the extent possible;
 - Considering the installation of appropriately designed and deployed ultraviolet germicidal irradiation (UVGI) to deactivate airborne virus particles;
 - Sealing edges of the filter to limit bypass; and/or
 - Regularly inspecting systems and filters to ensure they are properly operating, and filters are appropriately installed, serviced and within service life.
- Before occupants return to a building that has been entirely closed, Responsible Parties must complete pre-return checks, tasks, and assessments to ensure a healthy and safe environment. These systems include, but are not limited to, mechanical systems, water systems, elevators, and HVAC systems.
 - Depending on the length of time equipment has been inactive, Responsible Parties should run systems with careful observation to ensure machinery (e.g. valves and switches) are operating correctly.
 - Specific system actions may be required to restart systems after prolonged shutdown. Responsible Parties may determine necessity for each of these items based on length of shutdown and condition as inspected.
 - As appropriate and applicable, Responsible Parties should flush building with fresh air based on the design of the makeup/outside air system for a minimum of 24 hours.
 - Responsible Parties must ensure air filters are replaced as needed (e.g. after flushing the building).
 - Responsible Parties must ensure maintenance and monitoring of cooling towers have been conducted in accordance with state regulations and that chemical and microbial levels are within defined ranges for any closed water systems and/or water features, and drain any devices that may contain stagnant water.
 - Responsible Parties must flush cold- and hot-water systems in accordance with building water management plan, if applicable.

- Responsible Parties must ensure any water filters are replaced as needed after flushing the building's water systems.
- For buildings that were entirely closed, Responsible Parties should ensure that the operation of all mechanical equipment and systems has been restored prior to reopening the building.

B. Protective Equipment

- Responsible Parties must ensure employees wear face coverings when they are within six feet of customers or coworkers. Employees also must wear face coverings any time they interact with customers (e.g. ringing up a purchase, wrapping an item to hand off, security interactions).
- Responsible Parties must ensure that customers are only permitted entry into the mall and businesses within the mall 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.
- In addition to 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 and other required PPE on hand should an employee or customer need a replacement. 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 CDC [guidance](#) 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 require a higher degree of protection for face covering requirements. For example, if N95 respirators are traditionally required for specific retail activities, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow employees to use their own acceptable face coverings but cannot require employees to supply their own face coverings. Further, this guidance shall not prevent employees from wearing their personally owned protective face coverings (e.g. surgical masks, N95 respirators, or face shields). Responsible Parties may 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 put in place measures to limit the sharing of objects, such as tools, registers, and vehicles, as well as the touching of shared surfaces; or, require employees to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require employees to perform hand hygiene before and after contact.
- Responsible Parties must ensure gloves are worn while handling any food products.
- Responsible Parties must train employees on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

C. 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, and disposable paper towels.
 - 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 must make hand sanitizer available throughout the mall for use by employees and customers; it should be placed in convenient locations such as points of entrance of the mall, information kiosks, and entrances of each store for customers and at cash registers or payment terminals. Responsible Parties must include signage indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage employees to use these supplies, following manufacturers’ instructions for use, before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of the mall 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 twice 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 is regularly cleaned and disinfected using registered disinfectants, including at least as often as employees change workstations. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State identified by the EPA as effective against COVID-19.
 - If cleaning or disinfection products or the act of cleaning and disinfection causes safety hazards or degrades the material or equipment, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such equipment.
- Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event of a positive case of COVID-19 of an employee or customer, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. vending machines, handrails, bathrooms, door knobs).
- CDC guidelines on “[Cleaning and Disinfecting Your Facility](#)” if someone is suspected or confirmed to have COVID-19 are as follows:
 - Close off areas used by the person suspected or confirmed to have COVID-19.

- Responsible Parties do not necessarily need to close operations, if they can close off the affected areas.
- Open outside doors and windows to increase air circulation in the area.
- Wait 24 hours before you clean 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 re-opened for use.
 - Employees without close or proximate contact with the person 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 suspected or confirmed to have COVID-19 visited or used the mall location, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- For activities involving the handling of shared objects (e.g. baskets, payment devices), areas (e.g. pickup area), and/or surfaces (e.g. doors, touch-screen directories), Responsible Parties must ensure that such areas and objects are cleaned and disinfected twice daily, at a minimum.
- Responsible Parties must prohibit employees from sharing food and beverages (e.g. buffet style meals), encourage bringing lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

D. Phased Reopening

- Responsible Parties are encouraged to phase-in reopening activities so as to allow for operational issues to be resolved before mall 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 to provide operations with the ability to adjust to the changes.

E. 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 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.
- Responsible Parties should encourage customers to adhere to CDC and DOH guidance regarding the use of PPE, specifically face coverings when a social distance of six feet cannot be maintained, through verbal communication and signage.
- Responsible Parties should post signage inside and outside of the mall to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfection protocols.

III. PROCESSES

A. Screening and Testing

- Responsible Parties must implement mandatory daily health screening practices for employees and, where practicable, visitors, but such screening shall not be mandated for customers or delivery personnel.
 - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the workplace, 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 must be required of all employees and visitors (but not customers) and completed using a questionnaire that determines whether the employee or visitor 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.
- 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 individuals 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 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 employees entering the mall. 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 mask or cloth face covering, 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 workplace and must be sent home with instructions to contact their healthcare provider for assessment and testing.
 - Responsible Parties should remotely 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.
 - If Responsible Parties and tenants have agreed to an alternate screening arrangement whereby Responsible Parties screen on behalf of tenants, then Responsible Parties shall be responsible for maintaining a record of the screening process. Maintaining record of employee health data (e.g. the specific temperature data of an individual) is prohibited; the only records to be maintained on a daily basis regarding the screening process are those individuals who were screened, and confirmation that no employee or visitor who failed the screening process was granted access.
- 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 employees and visitors, who may have close or proximate contact with other individuals at the workplace or area; excluding customers and deliveries that are performed with appropriate PPE or through contactless means. Log should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19. 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. Responsible Parties may provide an option for customers to provide contact information so they can be logged and contacted for contact tracing, if necessary.

B. Tracing and Tracking

- Responsible Parties must notify the state and local health department where the business is located immediately upon being informed of any positive COVID-19 test result by an employee at their workplace.
- In the case of an employee or customer who interacted at the mall testing positive, the Responsible Parties must cooperate with the state and local health department to trace all contacts in the workplace and notify the state and local health department of all employees logged and visitors/customers (as applicable) who entered the mall dating back to 48 hours before the employee began experiencing COVID-19 symptoms or tested positive, whichever is earlier, but maintain confidentiality as required by federal and state law and regulations.
- State and local health departments will 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 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>