



COVID 19 RESOURCES FOR NONPROFITS

NONPROFIT RETURN TO THE WORKPLACE ADVISORY

TABLE OF CONTENTS

DOES YOUR PHYSICAL OFFICE / WORKSPACE ALLOW FOR APPROPRIATE SOCIAL DISTANCING AND OTHER COVID-19-RELATED MODIFICATIONS? [3](#)

CONSIDERATIONS FOR MONITORING SUSPECTED OR CONFIRMED POSITIVE CASES OF COVID-19. [11](#)

ARE THERE SPECIFIC CONSIDERATIONS OR ACCOMMODATIONS THAT SHOULD BE MADE FOR HIGH-RISK EMPLOYEES? [12](#)

DO YOUR CURRENT WORKPLACE POLICIES NEED TO BE MODIFIED? [13](#)

HOW CAN YOUR ORGANIZATION BE PREPARED FOR THE FUTURE? [14](#)

APPENDIX A [17](#)

ACKNOWLEDGMENT OF COVID-19 RELATED POLICIES [21](#)

ADVISORY GUIDANCE DOCUMENTS – APPENDIX B [22](#)

NONPROFIT RETURN TO THE WORKPLACE ADVISORY

There are several re-opening considerations employers should evaluate as jurisdictions begin easing COVID-19-related work restrictions, and as workplaces manage potential disruptions to return-to-work policies as a result of virus surges. This Advisory discusses some of these considerations and provides some “best practices” to help employers adapt to the “new normal” with an effective re-opening plan.¹ While these considerations are discussed in more detail below, the following chart provides a helpful summary of both required and suggested reopening steps for employers in New York.

¹ This material is provided for your convenience and does not constitute legal advice or create an attorney-client relationship. Links provided from outside sources are subject to expiration or change. The information reflected herein is current as of February 21, 2021 and is also subject to change. This advisory does not include recommendations regarding the COVID-19 vaccine or workplace testing regimes.

COVID 19 RESOURCES FOR NONPROFITS

Required Reopening Steps in New York	Suggested Reopening Steps in New York	Required Reopening Steps in New York	Suggested Reopening Steps in New York
Create and post safety plan →	Send the safety plan to employees and get signed acknowledgments back in advance of reopening	Maintain a log of all employees and visitors in the workspace →	Conduct inspection of, and consider improvements to, air filtration systems
Post signage throughout office re: COVID-19 precautions →	Install Plexiglas or other dividers and organize workstations so they are at least 6 feet from others	Maintain records of the date, time, and scope of each cleaning →	Put in place signage/posters to implement one-directional use of hallways
Train employees on how to use/wear masks →	Conduct temperature checks for employees and visitors	Report positive COVID-19 cases to state/local health authorities →	Stagger employee schedules
Conduct health screening (discussed below) of all employees →	Conduct health screening (discussed below) for non-employee visitors	Cooperate with local health authorities in contact tracing →	Notify exposed employees of exposure and conduct direct contact tracing in accordance with applicable law (as discussed below)

DOES YOUR PHYSICAL OFFICE / WORKSPACE ALLOW FOR APPROPRIATE SOCIAL DISTANCING AND OTHER COVID- 19-RELATED MODIFICATIONS?

Your organization will need to comply with all federal, state, and local directives, as well as any industry-specific requirements for in-person operations. The industries with specific guidance include, but are not limited to: child care and day camps, construction, dentistry, gyms and fitness centers, hair salons and barbershops, health care, food services, media productions, offices, personal care services, religious and funeral services, racing activities, and sports training. Make sure to monitor federal, state, and local government websites periodically (including [CDC](#), [OSHA](#), and [WHO](#) guidance) to ensure you have the most up-to-date information. [New York State](#) and [New York City](#) have issued guidelines and requirements for employers bringing employees back to work, including, e.g., occupancy limits, restrictions on meeting size, and mask and screening requirements. OSHA has also recently issued [new guidance](#) covering workplace settings outside of the healthcare and emergency response sectors, including, e.g., implementing COVID-19 prevention programs and protections from retaliation for workers who raise COVID-19 related concerns.

COVID 19 RESOURCES FOR NONPROFITS

Many jurisdictions, including New York State, require businesses and other organizations to adopt a social distancing or safety plan in order to reopen. A social distancing or safety plan helps protect employees and third parties (like customers or visitors) who return to work. If your organization already has a social distancing or safety plan, it may need to be further updated to reflect current federal, state and local directives, or industry-specific requirements. New York, for instance, **requires** all covered businesses (including “essential businesses”) to: (1) review the detailed guidance for the applicable industry; (2) develop and conspicuously post a compliant site safety plan for the business (a [template](#) site safety plan is available on the New York Governor’s website); (3) designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan; and (4) affirm the business’s obligation to operate in accordance with the applicable guidance.

Thus, if your business or organization does not currently have a social distancing plan, it is time to adopt one.

WHAT SHOULD BE IN A SAFETY PLAN?

Your safety plan should focus on **places, people, and processes**. Below are key considerations:

1. Modifications to the physical workspace. For instance, consider:

- a. Social Distancing – Modifying the floor plan to increase spacing / separation between workstations;
 - i. In New York, businesses must ensure physical distancing by ensuring that workplaces are not filled beyond the 50% maximum area occupancy limitation as set forth by the certificate of occupancy. Additionally, occupancy of small workspaces, such as elevators, supply rooms, personal offices, and vehicles, must never exceed 50% unless it is designed for use by a single occupant.
 - ii. Consider installing [Plexiglas](#) or other dividers and organize workstations so that they are at least 6 feet apart.
- b. Closing or modifying common / high-touch areas and surfaces (as mentioned in New York state guidelines [here](#)) (for example, limiting copy rooms, bathrooms, and small kitchenettes to one occupant at a time);
- c. Increasing [cleaning protocols](#) and schedules for disinfecting workspaces and common areas, including restrooms;
 - i. You should review any current vendor contracts that provide cleaning services to determine whether and how to conduct additional cleaning.
 - ii. You should also provide cleaning supplies and hand sanitizer to employees and other office visitors.
 - iii. Maintain records of the date, time, and scope of each cleaning.
- d. Post [signs](#) throughout the office / work site to remind employees and third parties of social distancing, face coverings, and hygiene requirements (an additional sample is available [here](#)).

COVID 19 RESOURCES FOR NONPROFITS

2. Limiting in-person interactions and physical conduct. For instance, consider:

- a. Encouraging employees to work remotely where possible;
- b. Scheduling fewer in-person meetings;
- c. Limiting the size of in-person [gatherings and events](#), and continue to monitor restrictions based on your zone (if applicable) and infection rate;
- d. Implementing a crowd control plan that sets limits on the number of people at the office/ work site and establishes social distancing measures for everyone, including third parties/guests;
- e. Monitor ongoing restrictions regarding travel and quarantine requirements for individuals who have traveled to states with high rates of COVID-19, as set forth by state or local authorities.
- f. Encourage employees who have any [symptoms](#) of COVID-19, or who have a sick family member at home but are still able to work, to notify their supervisor and work remotely. The new OSHA guidance provides that employers should instruct those workers who are infected or potentially infected to stay home and who develop symptoms during their work shift to immediately isolate. Where possible, the guidance encourages employers to permit their workers to telework and develop absence policies that are non-punitive.

3. Training for employees and managers on social distancing policies and protocols. Your employees, including managers and supervisors, should be trained on your social distancing and safety policies and protocols. You must appoint a “point person” as a site safety monitor to become an expert on your social distancing and safety policies and protocols and to address questions or complaints, including how to track and consistently implement social distancing and screening protocols. While the site safety monitor does not have to be in the office each day, he or she must ensure compliance with the COVID-19 safety policies and protocols. This could include having an employee on-site sending regular updates to the remote site safety monitor periodically throughout the day.

COVID 19 RESOURCES FOR NONPROFITS

4. Updates to employee scheduling. For instance, consider:

- a. Reducing the number of employees present at the office / worksite;
- b. Staggering shifts;
- c. Alternating teams; and/or
- d. Continuing remote work, if possible.

Your safety plan should be **in writing** and distributed to all employees before your office / worksite reopens. A best practice is having employees acknowledge in writing, either physically or electronically (as long as a copy of the acknowledgment is maintained), prior to being allowed to work in the office / worksite, that they have received the plan and that they will comply with applicable policies. A template acknowledgement form is included as Appendix A.

SHOULD EMPLOYEES AND OTHER VISITORS TO THE OFFICE BE REQUIRED TO UNDERGO TEMPERATURE CHECKS AND OTHER COVID-19-RELATED SCREENING?

Yes. In New York, all businesses must implement daily health screening protocols for all employees (but not customers) and, if possible, other visitors (other than delivery personnel that are wearing appropriate face coverings). Screening protocols can include temperature checks, as well as questionnaires regarding COVID-19-related symptoms and recent travel (many states now require a period of self-quarantine if the individual has traveled from a certain location or state).

DON'T FORGET!

Don't forget to re-activate office / work site IDs, credit cards, badges, and IT/security access for employees who will be re-entering the office / work site. You should also recover any files or equipment employees took home while working remotely.

COVID 19 RESOURCES FOR NONPROFITS

Consider whether to pay employees for time spent during mandatory temperature checks. Some jurisdictions consider the “waiting time” associated with pre-work mandatory screening to be compensable and, therefore, employees need to be paid for such time. Train personnel on how to appropriately conduct screening, maintain a log of all employees and visitors in the workspace (which will include confidential employee / third party health information), and best practices for informing individuals that they cannot enter the location if they do not pass the screening. Consistently apply screening criteria and maintain social distancing during checks.

WHAT INFORMATION SHOULD BE RETAINED AFTER CONDUCTING COVID-19 SCREENING?

Employers 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). 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. Additionally, the assigned COVID-19 safety officer (or their designee at each location in NYS) is responsible for receiving and attesting to having reviewed all employees’ questionnaires.

ARE EMPLOYERS REQUIRED TO PROVIDE PERSONAL PROTECTIVE EQUIPMENT (PPE) TO EMPLOYEES?

For most New York employers, yes. Businesses and organizations must make acceptable face coverings available to employees who report to an office / work site location at no cost to the employee and keep an adequate supply on hand if an employee needs a replacement. OSHA recommends face coverings that are made of at least two layers of a tightly woven breathable fabric that can be worn snugly over the nose, mouth, and chin, and the CDC recently issued a [study](#) with data demonstrating that wearing a cloth mask over a surgical mask, or a tightly, fitted surgical mask, can reduce transmission of COVID-19 by up to 96.4%. Employers may consider providing both cloth and surgical masks to employees working in person and recommending or requiring that employees wear both masks as part of the employer's COVID-19 safety protocols (in addition to continuing to take other precautions). Employees must be permitted to use their own face covering as long as it is appropriate for the role performed by the employee. Businesses must also train employees on how to safely put on, take off, clean, and discard PPE if PPE is required for their role.

WHAT ARE SOME BEST PRACTICES WHEN COMMUNICATING WITH LANDLORDS REGARDING WORKSPACES?

Tenants should proactively reach out to their landlords to discuss what COVID-19 protocols the landlord has in place in order to make sure that employer protocols are consistent. Tenants in multi-tenant buildings, for example, can ask whether building-wide protocols exist regarding screening, elevator use, air filtration, and/or cleaning of common building spaces. Tenants can also consider inquiring about: whether the landlord is following the guidance provided by the CDC for reopening after prolonged shutdown or reduced operation; whether the landlord has had the building professionally inspected before re-opening; what the cleaning scheduled/procedures are for common spaces; whether the landlord will be conducting daily health screenings of its employees in the building; and whether the landlord will be conducting health screenings of guests and visitors to the building. Tenants with more specific questions and concerns should check their lease and then seek individual advice.

WHAT IF EMPLOYEES DO NOT WANT TO COMMUTE TO WORK BECAUSE IT WOULD REQUIRE TAKING PUBLIC TRANSPORTATION?

Where possible, continue allowing employees to work from home. If it is necessary for an employee to be physically present in an office / worksite, the employer is not responsible for issues surrounding an employee's commute or transportation to the workplace. However, consider updating commuting policies to reimburse for taxis or shared ride service like Uber and Lyft, or mileage and parking for those who previously took public transportation and for whom driving is practical (must consider costs and whether economically viable in the long term). Additionally, employers can implement staggered start times that avoid peak commuting times.

DON'T FORGET!

All New York covered businesses must implement daily health screening practices of all employees (but not customers), and where practicable, other visitors (other than delivery personnel that are wearing appropriate face coverings). The screening can be performed remotely and, at a minimum, must include use of a questionnaire that determines whether in the past 14 days the employee has: (i) been in close contact with anyone who has tested positive/had symptoms of COVID-19; (ii) has tested positive themselves for having COVID-19; and/or (iii) has experienced any symptoms of COVID-19.

CONSIDERATIONS FOR MONITORING SUSPECTED OR CONFIRMED POSITIVE CASES OF COVID-19.

Your business should develop a protocol for [what to do](#) when an employee is diagnosed with COVID-19 or has a suspected case of COVID-19. At the same time, you should develop a communication plan for notifying employees of known exposure of COVID-19 at the office / worksite. Employees can consider keeping a personal contact log to assist with the communication plan. Once there is a confirmed case of COVID-19 exposure at the office / worksite, you should have a procedure in place for disinfecting the work site in accordance with appropriate federal, state, or local guidance and directives. Finally, you should review CDC guidelines for any required contact tracing when there is a confirmed case of COVID-19 or exposure at the office / worksite. The ADA prohibits employers from disclosing to other employees the identity of employees who have tested positive, or otherwise been diagnosed with, COVID-19.

In New York state, employers must immediately notify the New York State Department of Health and local health department about any positive case. The employer must cooperate with them as required to trace all contacts in the workplace, and the department(s) must be notified of all individuals who entered the site dating back 48 hours before the employee or visitor first experienced COVID-19 symptoms or tested positive, whichever is earlier. Confidentiality must be maintained as required by federal and state law and regulations. Organizations also must ensure that in the case of an employee showing symptoms while in the workplace, the building managers are immediately notified with information on where the individual has been throughout the building and notify building management if the symptomatic employee tests positive.

In New York City, organizations must report positive COVID tests to the New York City Department of Health by calling 866-692-3641.

ARE THERE SPECIFIC CONSIDERATIONS OR ACCOMMODATIONS THAT SHOULD BE MADE FOR HIGH-RISK EMPLOYEES?

Yes. However, you should not presume or attempt to determine who has preexisting or underlying health conditions and/or who are otherwise believed to be more vulnerable to COVID-19 complications (e.g., individuals who are 65+ years of age or have compromised immune systems or underlying illnesses). Prohibiting older employees or employees with disabilities or perceived disabilities from returning to work may be discriminatory under the Age Discrimination in Employment Act (“ADEA”) and Americans with Disabilities Act (“ADA”). In communications to employees regarding returning to work, consider including a note that employees, including those who are uncomfortable or unable to return to work due to private and/or personal issues, should reach out to Human Resources to discuss potential accommodations. For example, consider allowing an employee to continue to work remotely or change their schedule to avoid rush hour commutes. If individuals self-identify as an individual believed to be more vulnerable to COVID-19, you should follow your normal accommodation process with Human Resources for individualized concerns and employee refusal to return to the workplace.

New York City law requires employers to engage in a “cooperative dialogue” and to document the final determination when they know or should know an employee may need an accommodation. Guidance on the cooperative dialogue can be found [here](#) and [here](#). This dialogue should have as a goal determining whether there is a reasonable accommodation that you could make that will not cause your organization undue hardship. Documenting each specific request and all steps taken in response to the request as well as the steps of the “cooperative dialogue” is also a best practice.

DO YOUR CURRENT WORKPLACE POLICIES NEED TO BE MODIFIED?

As employee statuses may have changed during the pandemic (e.g., furloughs, leaves, layoffs, etc.), you should review and revise your business's policies relating to leave, furlough, benefits, and wage and hour/compensation plans. Some common topics include:

- How to address federal, state, and local requirements regarding leave and which benefits run concurrently with an employer's own PTO allotment;
- How to bring employees back from furlough, phased re-hirings, and potential new hires/onboarding processes;
- Health/commuter/401(k) programs;
- Timekeeping policies (particularly for non-exempt employees);
- Remote work and essential travel;
- Training for managers on supervising remote workers and enforcing COVID-19 policies

To prepare your employees to return to the office, prepare a return to work communication to employees, spelling out your policies, social distancing and safety plans, and expectations for working at the office /work site. Have employees acknowledge their receipt and understanding of the communication in writing (either physically or electronically). A template return to work policy and acknowledgement form is included as Appendix A.

HOW CAN YOUR ORGANIZATION BE PREPARED FOR THE FUTURE?

In New York, Governor Cuomo recently issued an executive order (EO 202.68) permitting the New York State Department of Health to identify geographic areas that require enhanced public health restrictions based on clusters of COVID-19 cases. The permitted restrictions include mandatory business closures and are to be based on risk-level categorizations (red, orange, or yellow risk zones) with corresponding levels of constraint meant to mitigate COVID-19 transmissions in those areas.

The Empire State Development Corporation (ESDC) is instructed to maintain [guidance](#) that includes an up-to-date list of areas deemed at risk, monitoring this guidance will be key as cases of COVID-19 increase in New York and, business restrictions are implemented as a result. Companies can determine whether there are restrictions in place at a certain address using a [new tool](#) published by the state.

Conditions can change rapidly at a local, state, and national level. As a result, it is important for employers to be nimble and adapt to changes as they come. Specifically, anticipate that there may be periods when some or all of your workforce may be required to work remotely, and then return to the office once permitted to do so by state and/or local authorities. Having clear and well-communicated remote work and return to work policies will help manage these transitions. See [What To Do When Your Work Force is Working From Home](#).

Now is also a good time to adopt (or review and revise) your [pandemic response plan](#), which can be part of or separate from your business continuity plan. A pandemic response plan should address the processes and procedures to prepare for a potential virus recurrence or disaster outline the benefits that will be available during future closures, provide for succession planning, address public relations, employee, and community messaging, and how to implement workforce vaccinations.

COVID 19 RESOURCES FOR NONPROFITS

Finally, you should consider speaking with an attorney and your insurance carrier(s) about liability issues associated with the COVID-19 pandemic. For example:

- While employees infected in the workplace would likely have to pursue their remedies under the state workers' compensation statute, negligence claims brought by employees' next of kin (e.g., an infected spouse or child) may not be barred by workers' compensation laws.
- Think about how your organization would be able to establish that your organization made "reasonable" and "good-faith" efforts to comply with any applicable government standards and guidance in effect at any given time.
- Employees might file OSHA complaints about an "unsafe workplace," and such complaints might be protected under OSHA as long as the employee had a reasonable good faith belief that a violation occurred or could occur, even if it is incorrect. The new OSHA guidance reiterates that employers are prohibited from discharging or discriminating against an employee for engaging in protected activity. According to the guidance, protected activity includes a worker who raises a reasonable concern about COVID-19 infection control, or a worker who voluntarily provides and wears their own PPE. Employers should notify workers of their rights to a safe and healthy working environment and that there are prohibitions against retaliation for raising workplace safety and health concerns or engaging in other protected activity. Complaints by employees in this regard should be investigated and organizations should not take any retaliatory action against employees who make good faith claims. Employers should also ensure that workers know whom to contact with questions or concerns about workplace safety and health.
- The New York State Department of Health's Emergency Rule requires businesses and not-for-profit entities to utilize, to the maximum extent possible, any telecommuting or work from home procedures they can safely utilize. Consider adopting a more robust work from home policy, if not already in place.

COVID 19 RESOURCES FOR NONPROFITS

- In addition, if you are considering liability waivers for employees and visitors, please consult counsel to discuss the potential pitfalls associated with such a plan. For example, in many jurisdictions, employees generally cannot waive their right to file a workers' compensation claim. In addition, enforcing such a waiver may be difficult. Waivers also won't replace the organization's duty to comply with laws and guidance to maintain a safe workplace. Alternatively, some organizations have asked employees to acknowledge they have reviewed the relevant policies and understand they must comply with those policies.
- Consider creating an internal complaint resolution system so employees can voice their concerns and leaders have an opportunity to resolve issues.

APPENDIX A

TEMPLATE: RETURN TO WORK POLICY AND ACKNOWLEDGEMENT FORM

This Appendix A is a summary of a Return to Work Policy and an Acknowledgement Form confirming employees received their employer's Site Safety Plan. The template provides suggestions based on available guidance and regulations, but organizations can consider more robust policies.

A separate Site Safety Plan must still be provided to employees and will be site-specific. A template from New York State is available [here](#).

Understanding physical / social distancing

According to the Centers for Disease Control and Prevention, COVID-19 is a new disease and we are still learning how it spreads. The virus that causes COVID-19 is thought to mainly spread from close contact (i.e., within about 6 feet) with a person who is currently infected with COVID-19 (although that person may be asymptomatic and unaware that they are currently infected). The virus likely spreads primarily through respiratory droplets produced when an infected person coughs, sneezes, or talks, similar to how influenza and other respiratory infections spread. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. Studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of COVID-19. Social distancing helps limit contact with infected people and contaminated surfaces. In addition to taking

COVID 19 RESOURCES FOR NONPROFITS

[these everyday steps](#) to prevent COVID-19, keeping space between you and others is one of the best tools we have to avoid being exposed to this virus and slowing its spread.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

How will we ensure that effective safety protocols and distancing are adhered on property?

We will use a specific set of procedures to ensure that personnel follow a proper distancing protocol. Upon reopening, the total number of occupants in the office shall be limited to no more than 50% of the maximum occupancy for each particular area as set by the certificate of occupancy, although this percentage may be updated as the COVID-19 pandemic continues to evolve. All workspace areas (without dividers) have been measured and meet the social distancing guidelines.² All personnel are strongly encouraged to store all non-essential materials in enclosed cabinets or drawers, rather than on desks. This will permit easier and more effective cleaning as well as reducing the number of items that may be touched during the day.

² **Note to Employer:** Confirm this is accurate and modify if this does not apply to your workspace. If employees are not spaced 6 feet apart, they must wear face coverings at all times OR the employer can implement a physical barrier (e.g., plastic shielding walls, but only if they would not affect air flow, heating, cooling, or ventilation) and the physical barrier must be put in place in accordance with OSHA guidelines. Potential physical barrier options include strip curtains, cubicle walls, plexiglass or similar materials, or other impermeable dividers or partitions.

COVID 19 RESOURCES FOR NONPROFITS

The Organization will post signs throughout the office reminding individuals to: (i) cover their nose and mouth with a face covering when 6 feet of social distance cannot be maintained; (ii) properly store and, when necessary, discard PPE; (iii) adhere to physical distancing instructions; (iv) report symptoms of or exposure to COVID-19, and how to do so; and (v) follow hand hygiene and cleaning and disinfection guidelines.

Decals, spaced six feet apart will be used as floor markers to encourage proper distancing among staff and guests in high traffic areas such as, but not limited to, the main lobby, elevators, breakrooms,³ and bathrooms. Floor markers will also demonstrate directional flow⁴ that should be maintained when using hallways. All personnel will be educated and instructed to fully comply with state mandated occupancy limits that pertain to each specific area throughout the facilities. In particular, even when face coverings are used, occupancy must never exceed 50%⁵ of the maximum capacity of each workspace, including vehicles, unless the workspace is designed for use by a single occupant.

Small working groups and minimizing the amount of group activities is strictly required. Please keep in mind that video and phone conferencing should still be used rather than in-person interaction, even when all conference participants are present in the same location or even on the same floor.

³ **Note to Employer:** The NYS Guidance (“Guidance”) recommends that employers consider closing any common indoor or outdoor seating areas within their office space. To the extent such spaces remain open, the employer must modify seating area arrangements to ensure that individuals are at least 6 feet apart in all directions. Employers are also encouraged to limit the use of shared workstations to the extent practicable. If any shared workspaces remain in use, they must be cleaned and disinfected between users.

⁴ **Note to Employer:** The state guidance also recommends designating specific workplace entrance and exit points, which will obviously vary depending on the physical set-up for each employer.

⁵ **Note to Employer:** The Guidance specifically requires employers to restrict access to areas that have reached maximum capacity, which can be potentially done by leveraging technology to display utilization of spaces throughout the office or by having assigned personnel at a meeting/ social gathering ensure that the number of people present does not exceed 50% of occupancy capacity.

COVID 19 RESOURCES FOR NONPROFITS

What is the process of conducting group meetings?

Your department head/supervisor will advise you as to the designated area, room and time you will be able to hold and attend group meetings. There will be rooms and areas allocated for different departments to conduct their meetings. At the initial stage of reopening, all meetings in conference rooms will be limited to a maximum of 10 people and as small as 6 people based on the size of the room, and participants must sit at least 6 feet apart from each other at all times.⁶ Meetings must be scheduled in advance to ensure the conference space is cleaned before and after each meeting and that larger groups do not congregate.

Will any food service/lounge areas remain open?

The Organization will regularly clean and disinfect all shared areas, including break rooms/seating areas. However, social distancing is strictly required at all times when using these areas. Further, any non-essential common areas⁷ shall remain closed. Personnel using a shared area may be assigned schedules for when use of the area is permitted so that there are staggered entry and exit times and crowds do not form during busy times.

Staff getting food delivery or other delivery items must limit contact to the extent possible and should pick up any delivery items outside the office space so reduce the number of personnel who enter the office. All personnel are encouraged to bring meals/cutlery from home⁸ and are not permitted to share food and/or beverages with each other.

⁶ **Note to Employer:** This is not required, but is a suggested best practice.

⁷ **Note to Employer:** The Guidance gives examples of non-essential common areas as gyms, pools, and game rooms. Further, the Guidance recommends closing non-essential amenities and communal areas which promote gathering or are high-touch, such as vending machines and communal coffee machines.

⁸ **Note to Employer:** This is not required, but is a best practice. The Guidance also prohibits employers from having shared buffet style meals for workers.

ACKNOWLEDGMENT OF COVID-19 RELATED POLICIES

I acknowledge that I have been provided a copy of [ORGANIZATION NAME]'s (the "Organization") COVID-19 Office Reopening Health and Safety Plan, Procedures, and Guidelines (the "Safety Plan") [and Return to Work Policy].

I understand that the Safety Plan will remain in effect until further notice and that it may be revised at any time as the Organization learns more information about COVID-19 and/or as government guidance changes. I acknowledge [that I have received training on the Safety Plan and] that it is my responsibility to read, become familiar with, and strictly adhere to the Safety Plan.

I represent and affirm that in the last 14 days prior to signing this acknowledgment I have not: (a) knowingly been in close or proximate contact with anyone who has tested positive for COVID-19 or who has had symptoms of COVID-19; (b) tested positive for COVID-19; and (c) have not experienced any symptoms of COVID-19. I understand that it is my responsibility to inform the Organization as soon as possible if my responses to these statements changes at any point.

By signing this Acknowledgment, I confirm that I will observe the advice of medical and public health authorities prior to returning to work and that my attendance at work will not knowingly put anyone at risk of exposure to COVID-19.

If I have questions regarding the content or interpretation of the Safety Plan, or believe that I may be unable to comply with any aspect of the Safety Plan, I will contact [INSERT SAFETY OFFICER NAME], my manager, or Human Resources before returning to the workplace.

Print Name: _____

Signature: _____ Date: _____

⁹ **Note to Employer:** This is not required, but is a suggested best practice.

ADVISORY GUIDANCE DOCUMENTS – APPENDIX B

[CDC Employer Information for Office Buildings](#)

[NYC COVID-19: Posters and Flyers](#)

[CDC COVID-19 Guidance for Workplaces & Businesses](#)

[OSHA COVID-19 Guidance](#)

[WHO COVID-19 Guidance](#)

[New York State DOH Interim Guidance for
Office-Based Work](#)

[NYC COVID-19: Guidance for Businesses and Schools](#)

[New York State DOH Template Site Safety Plan](#)

[National Institutes of Health: Proper Use of Barriers
in the Workplace](#)

[New York State Office-Based Work Guidelines](#)

[CDC: Disinfecting Your Facility](#)

[New York State DOH: COVID-19 Poster Guidance](#)

[New York State Guidance on COVID-19 Hotspots](#)

[CDC: COVID-19 Symptoms](#)

[CDC: What to Do With Suspected or Confirmed Cases of
COVID-19 in the Workplace](#)

[Morgan Lewis & Bockius LawFlash: NYC
Cooperative Dialogue](#)

[NYC Commission on Human Rights Legal Enforcement
Guidance on Discrimination on the Basis of Disability](#)

[New York State Cluster Action Initiative: Find COVID-19
Hot Spot Zones by Address](#)

[NYLPI: What to Do When Your Work Force is Working
From Home](#)

[CDC: Business Pandemic Influenza Planning Checklist](#)

[CDC: Slow the Spread Guidance](#)

[CDC: Social Distancing Guidance](#)

[OSHA Guidance on Mitigating and Preventing the
Spread of COVID-19 in the Workplace](#)

[CDC: Study on Mask Wearing for Best Possible
COVID-19 protection](#)

COVID 19 RESOURCES FOR NONPROFITS

For their invaluable contributions to the drafting and preparation of this guide, New York Lawyers for the Public Interest wishes to thank: David McManus, Gina McGuire, Elisa Egonu, Chelsea Conanan, Ashley Hale.

Graphic Design: Sarah Sommers Design, sarahsommersdesign.com

New York Lawyers for the Public Interest

151 West 30th Street, 11th Floor
New York, NY, 10001-4017

Tel 212-244-4664 | Fax 212-224-4570

    @nylpi | nylpi.org

Nonprofit New York

320 E 43rd St 3rd floor, New York, NY 10017

(212) 502-4191

   @nonprofitnewyork | nonprofitnewyork.org