



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
June 24, 2020 Edition



“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”

-George Orwell, 1984-

PHASE 2 MANDATORY OFFICE-BASED GUIDELINES FOR EMPLOYERS AND EMPLOYEES

Under the NY Forward Plan business activities where the core function takes place within an office setting have been permitted to reopen. Below are a list of mandatory and recommended best practices to protect employees.

Mandatory

- In Phase 2, limit the total number of occupants at any given time to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy.
- A distance of at least 6 ft. must be maintained amongst all individuals at all times, unless safety of the core activity requires a shorter distance.
- Any time workers or visitors must come within 6 ft. of another person, acceptable face coverings must be worn (ensuring that mouth and nose are covered). Individuals must be prepared to don a face covering if another person unexpectedly comes within 6 ft.
- Prohibit the use of tightly small spaces (e.g. elevators, vehicles) by more than one individual at time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.
- Shared workstations (e.g. “hot-desks”) must be cleaned and disinfected between users.
- Reduce interpersonal contact and congregation through various methods (e.g. adjusting workplace hours, limiting in-person presence to necessary staff, shifting design, reducing on-site workforce, staggering arrival/departure times to reduce congestion in lobbies/elevators).

Best Practices

- Modify or reconfigure the number of workstations and employee seating areas and desks for their workers, so that workers are at least 6 ft. apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use.

- Implement strict clean-desk policies, so that non-essential items are stored in enclosed cabinets or drawers, rather than on desks.
- Limit use of shared workstations (e.g. “hot-desks”), when feasible.
- Leverage technology, such as room sensors and real-time dashboards, to quantify and display utilization of spaces throughout the office.
- Mark 6 ft. distance circles around workstations and other common stationary work areas.
- Reduce bi-directional foot traffic by posting signs with arrows in narrow aisles, hallways, or spaces.
- Use tele- or video-conferencing for employee meetings whenever possible. In-person meetings should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- Limit on-site interactions (e.g. designate an egress for individuals leaving their shifts and a separate ingress for individuals starting shifts) and movements (e.g. workers should remain near workstations as often as possible).
- Mark tables in meeting rooms with appropriate distance markers.
- Close non-essential amenities and communal areas which promote gathering or are high-touch.

LONG ISLAND PHASE 3 PATRON RECOMMENDATIONS FOR DINING OUT

Today, restaurants in Long Island will start to offer indoor dining room service for the first time since March 16, 2020 when Governor Andrew Cuomo issued the NY Pause Order. Restaurants have been among the most hard-hit industries with revenue at a fraction of pre-COVID-19 numbers while they were restricted to only providing take-out and food deliveries.

Under Phase 3 restaurants are mandated to reduce their indoor seating to 50% of their pre-COVID-19 capacity. Restaurants have been working to reconfigure their layouts to meet Phase 3 guidelines and also assure their patrons that they are safe.

This is a list of suggestions that restaurants in Long Island have been providing to patrons as they enter into Phase 3:

- Make reservations to ensure a table considering the 50% capacity limit under Phase 3.
- Expect to encounter a different restaurant layout than pre-COVID-19 with inventive seating arrangements to enforce social distancing, the possible use of dining booths to provide added protection, and the increase of air flow into restaurants by opening up front windows.
- Wear a mask at all times, except when sitting at your table and eating.

Below is a link to Phase 3 food service guidelines:

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Food_Services_Summary_Guidelines.pdf.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”
-Mario M. Cuomo-**

Legal Advice Disclaimer: The materials in this **Client Alert** report are provided for informational purposes only and are not intended to be a comprehensive review of legal developments, to create a client–attorney relationship, to provide legal advice, or to render a legal opinion. Readers are cautioned not to attempt to solve specific legal problems on the basis of information contained in this **Client Alert**. If legal advice is required, please consult an attorney. The information contained herein, does not necessarily reflect the opinions of Pitta LLP, or any of its attorneys or clients. Neither Pitta LLP, nor its employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta LLP is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or any other labor or employment related issues in general, please contact the Pitta LLP attorney with whom you usually work.

To Our Clients and Friends: To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Aseneth Wheeler-Russell at arussell@pittalaw.com or (212) 652-3797.