Phase 1 Construction in New York City During the COVID-19 New York State Emergency

Q1. My construction work was deemed non-essential. With the entering of Phase I can I continue work?
A1. Yes, beginning June 8, 2020 work can continue on all permitted sites, including those that were previously deemed non-essential.

Q2. Do I need to submit any documentation or notification before reopening? Do I need to notify the DOB?
A2. Before reopening you need to create a Safety Plan and submit an affirmation to the State. You do not need to notify the DOB.

Q3. Where can I receive more information on creating a Safety Plan and submitting an affirmation to the State?

Q4. Are all employers on a given construction site required to have their Safety Plan and affirmation posted conspicuously and available for inspection?
A4. Yes. All employers are responsible for having a Safety Plan with affirmation posted conspicuously and available for inspection. The affirmation can include a printout of the confirmation that the affirmation was submitted. General contractors or other permit holders can reference subcontractors in their Safety Plans if they so choose.

Q5. Where are Safety Plans to be posted?
A5. Safety Plans should be posted at all points of egress from the construction site.

Q6. What if I’m a contractor performing work that doesn’t require a permit (e.g. reroofing), do I need a safety plan?
A6. Yes, as an employer in the construction industry intending to resume work you need to have read and submitted an affirmation that you understand your obligation to operate in accordance with NYS DOH interim construction guidance. Additionally, you must have a safety plan for all of your actively working construction sites regardless of whether a permit from DOB is required.

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1 This FAQ document is provided in conjunction with Governor’s Order 202.34, Mayoral Order 123, any subsequent orders, and guidance from State DOH and DOB. It will be updated as appropriate and is subject to change.
Q7. Where can I find samples of the signage that is to be posted on my site?
A7. Samples of signage provided by the NYC Department of Health & Mental Hygiene can be found at https://www1.nyc.gov/site/doh/covid/covid-19-posters-and-flyers.page. Links to specific signs can be found below.
- COVID-19: Social Distance Poster
- Wash Your Hands Poster for Adults
- Cover Your Cough
- Stop the Spread of Coronavirus Flyer

Q8. As part of the Safety Plan, what should my screening log include?
A8. Screening logs must include a daily accounting of each employee and visitor, and a record of the answers to their screening questions having been reviewed. Keeping records of employee health data (e.g. temperature data) is prohibited. General contractors or other permit holders can reference subcontractors in their screening logs if they so choose.

Q9. For how long a period time are the Safety Plan and associated logs to be maintained and available for inspection?
A9. The Safety Plan and associated logs should be maintained and available for inspection until such requirement is rescinded.

Q10. Are all workers and visitors to a site required to wear face coverings?
A10. Yes, per Mayoral Emergency Executive Order 123 all workers and visitors to a site are required to wear face coverings appropriate to their task. For further guidance on appropriate face coverings, see the NYSDOH guidance and OSHA guidelines for personal protective equipment.

Q11. Are employers required to provide employees with face coverings?
A11. Yes, employees are required to provide their employees with face coverings. Having workers on a construction site without face coverings will result in the issuance of a violation to the employer.

Q12. Are hand washing facilities required or are hand sanitizing stations sufficient?
A12. Hand washing facilities should be used where available and practical. If not, hand sanitizing stations can be used. DOB encourages you to have enough hand washing and hand sanitizing facilities to allow for appropriate social distancing.

Q13. Are all tools required to be disinfected or only shared tools?
A13. All equipment and tools must be regularly disinfected using registered disinfectants, including at least as often as workers change workstations or move to a new set of tools.
Q14. Should employers notify public health officials if an employee tests positive for COVID-19?
A14. Yes. State guidance requires employers to notify public health officials if they learn of an employee who is a confirmed or suspected case. If employers which to report directly to public health authorities, they can email the New York City Test and Trace Corps at CovidEmployerReport@nychhc.org. Please note that the NYC Test and Trace program will only follow up on confirmed cases and will not reply to reports received through this email. New York City is performing contact tracing based on confirmed cases reported through a robust electronic laboratory reporting system.

Q15. Where do I go to get information about COVID-19 Testing?
A15. There are over 100 sites across New York City, with more added every week. Find information for how to access this service and locate a testing site near you by calling 311 or going online to NYC.Gov/COVIDTest. Testing is provided at no cost and regardless of immigration status.

Q16. Who can get tested?
A16. All New Yorkers should get tested now, whether or not you have symptoms or are at increased risk. Testing is free, easy, and quick.

Q17. How often should I get tested?
A17. If your first COVID test is negative, you should get tested again if you 1) are concerned about possible exposure 2) have spent time in a large crowd 3) exposure to someone with confirmed or possible COVID-19 4) have symptoms 5) work in a congregate setting like a nursing home or shelter are planning to visit someone at high risk for severe COVID-19 illness.

Q18. Can I implement public health protocols that exceed what is provided for in DOB’s guidance?
A18. DOB’s guidance serves as the minimum requirements for sites to operate safely. Owners and contractors are welcome to implement enhanced safety measures as they see fit.

Q19. Are DOB inspectors and other field staff subject to screening at construction sites in the manner required in the guidance for employees and visitors?
A19. As city employees performing essential regulatory duties, all DOB inspectors and field staff are required to wear face coverings when visiting sites. Inspectors and other field staff who visit construction sites self-monitor for any COVID-19 symptom. As such, inspectors and field staff are not subject to screening and must be permitted access to a construction site. Failure to provide access will result in the issuance of a Stop Work Order.
Q20. During the suspension of non-essential construction, I received a Stop Work Order for performing work on a non-essential site. Can I continue work on that site?

A20. Yes. Stop Work Orders issued for performing work on a non-essential site during the suspension of non-essential construction will automatically be lifted on June 8, 2020. However, if a violation was issued for performing work against a previously issued Stop Work Order, civil penalties will need to be paid before the Stop Work Order can be lifted.

Q21. What if my site was issued a Stop Work Order for other reasons (e.g. site safety matters)?

A21. If a Stop Work Order (SWO) was issued for any other reason to a construction site, such order must be resolved in the manner described in the SWO and any associated violations before work can continue.

Q22. What are the penalties for failing to comply with the DOB’s guidance?

A22. For thirty days beginning June 8, 2020, violations will carry no monetary penalty. After thirty days, violations will carry an initial penalty of $5,000 and may result in the issuance of a Stop Work Order. Subsequent violations will carry a penalty of $10,000.

Q23. Work on my site remains suspended. Must I continue submitting Weekly Inspection Reports?

A23. Yes. Those sites required to submit Weekly Inspection Reports through DOB’s web portal should continue to do so, see Buildings Bulletin 2020-010.

Q24. If I observe these guidelines not being followed what should I do?

A24. Please call 311 and an inspection will be performed. Additionally, DOB will be proactively inspecting construction sites throughout the City.

Q25. How do I determine how many workers can occupy a hoist or elevator?

A25. Hoists and elevators can operate at 50% capacity. In the event a hoist or elevator lists its maximum capacity by weight, contact the hoist or elevator applicant, if applicable, for the information. If there is no applicant (e.g. where using an existing building elevator as part of unrelated work) divide the total weight by half and divide again by 200 to determine the number of occupants who can use the hoist or elevator at one time.

Q26. Can After-Hours Variances (AHVs) be filed online?

A26. Yes. Upon entering Phase I AHVs can now be submitted online.

Q27. For how long will this guidance be in effect?

A27. The guidance remains in effect until the State rescinds or amends its Executive Order and related guidance.