

Reopening NYC: Frequently Asked Questions for NYC Workers

This publication includes information as of September 22, 2020. For the latest public health updates, check nyc.gov/health. City and state requirements may change as we learn more about COVID-19 and the best ways to reduce transmission and keep New Yorkers safe.

REMEMBER THE 4 KEY ACTIONS TO PREVENT COVID-19 TRANSMISSION:

1. **Stay home if sick:** Stay home if you are sick unless you are leaving for essential medical care (including [testing](#)) or other essential errands.
2. **Physical distancing:** Stay at least 6 feet away from other people.
3. **Wear a face covering:** Protect those around you. You can be contagious without symptoms and spread the disease when you cough, sneeze, or talk. A face covering may help reduce the spread of COVID-19.
4. **Practice healthy hand hygiene:** Wash your hands often with soap and water or use hand sanitizer if soap and water are not available; clean frequently touched surfaces regularly; avoid touching your face with unwashed hands; and cover your cough or sneeze with your sleeve, not your hands.

GENERAL QUESTIONS

When is reopening happening?

New York City is reopening in phases as it meets state and City criteria to protect public health. Currently, New York City is in Phase 4 of reopening. Phases and start dates are below.

- Phase 1: June 8, 2020
- Phase 2: June 22, 2020
- Phase 3: July 6, 2020
- Phase 4: July 20, 2020

Which businesses were covered in Phase 1 of reopening?

In Phase 1, the following types of businesses in New York City could reopen:

- Agriculture, Forestry, Fishing and Hunting
- Construction
- Manufacturing
- Retail
Curbside or in-store pickup or drop off only
- Wholesale Trade

Which businesses were covered in Phase 2 of reopening?

In Phase 2, the following types of businesses in New York City could reopen:

- Commercial Building Management
- Hair Salons and Barbershops
- In-Store Retail
- Offices
- Outdoor and Takeout/Delivery Food Services
- Real Estate
- Retail Rental, Repair, and Cleaning
- Vehicle Sales, Leases, and Rentals

What kind of retail businesses could reopen?

Retail businesses that could reopen in Phase 1 and Phase 2 include stores that sell:

- Clothing
- Electronics and appliances
- Flowers
- Furniture and home furnishings
- General merchandise
- Health and personal care items
- Jewelry, luggage, and leather goods
- Lawn and garden supplies
- Office supplies, stationery, and gifts
- Shoes
- Sporting goods, hobby supplies, musical instruments, and books
- Used merchandise

Which businesses were covered in Phase 3 of reopening?

In Phase 3, Personal Care businesses could reopen in New York City. Personal Care businesses include:

- Cosmetology
- Massage therapy
- Nail specialty
- Spas
- Tattoo and piercing facilities
- Ultraviolet (UV) and non-UV tanning
- Waxing

Important: The state and City did not allow indoor dining in New York City as part of Phase 3. Indoor dining with strict rules is permitted to reopen beginning September 30, 2020.

Which businesses were covered in Phase 4 of reopening?

In Phase 4, the following types of businesses in New York City could reopen:

- Higher Education*
- Pre-K to Grade 12 Schools*
- Low-Risk Outdoor Arts & Entertainment
- Professional Sports Competitions With No Fans
- Media Production

*Schools can reopen only if New York City is in Phase 4 and the daily infection rate remains at or below 5 percent using a 14-day average. The state issued guidance at [forward.ny.gov](https://www.forward.ny.gov). The state must approve City reopening plans. City guidance is at [nyc.gov/schools](https://www.nyc.gov/schools).

Higher Education includes:

- Community and junior colleges
- Universities
- Graduate and professional schools
- Medical schools
- Technical schools

Low-Risk Outdoor Arts & Entertainment includes:

- Zoos
- Botanical gardens
- Nature parks
- Grounds of historic sites and cultural institutions
- Outdoor museums
- Outdoor agritourism
- Local agricultural demonstrations and exhibitions
- Other similar institutions/activities

Media Production includes activities on set, on location, or at any production or recording site for:

- Motion picture
- Music
- Television
- Streaming production

When can restaurants serve food to customers on-site?

Beginning September 30, 2020, the state and City will allow *indoor dining* in New York City with strict rules, which include:

- reduced capacity (25%);
- mandatory temperature check of all customers;
- mandatory collection of information from one member of each party for contact tracing purposes;
- no bar service;
- midnight closure;
- enhanced air filtration system in place.

Read [NYC Indoor Dining FAQ](#) prepared by the Counsel to the Mayor at nyc.gov/health.

Restaurants that are part of the City's Open Restaurants and Open Streets: Restaurants programs can serve food to customers who are seated for *outdoor dining*. Restaurants must follow health and safety guidelines, including placing tables at least 6 feet apart, requiring employees to wear face coverings at all times, and requiring customers to wear face coverings at all times except when seated.

All restaurants can continue to fill customers' takeout or delivery orders.

When can other indoor activities like gyms and museums reopen?

The state and City also approved reopening of the following industries in New York City:

- Bowling alleys (can reopen beginning August 17)
- Museums (can reopen beginning August 24)
- Gyms and fitness centers* (can reopen beginning September 2)
- Malls and casinos[†] (can reopen beginning September 9)

*Gyms and fitness centers can only reopen under certain conditions, which include:

- reduced capacity;
- approved air filter;
- inspection by local authorities;
- no indoor group fitness classes until further notice; and
- no use of saunas, steam rooms, and indoor spa pools until further notice.

Note: Indoor swimming pools can reopen in NYC beginning September 30, 2020 at 33% capacity. Read Guidance for Pool Operators at nyc.gov/health.

[†]Malls and casinos can only reopen under certain conditions, which include:

- reduced capacity;
- enhanced air filtration system in place;
- no table games or beverage service on the gaming floor (casinos).

What does my employer have to do to prepare for reopening?

New York State issued industry-specific health and safety guidelines that outline requirements as well as best practices for reopening. Visit forward.ny.gov for the full guidelines for your industry.

Prior to reopening, your employer must:

- Review and affirm reading the full New York State industry-relevant guidelines.
- Develop a safety plan for your workplace.
- Post the safety plan in the physical workplace where you can see it.

Which workers are covered by the health and safety guidelines?

The reopening requirements your employer must follow are for the health and safety of all employees who return to work, including full-time, part-time, temporary, and undocumented workers.

FACE COVERINGS AND OTHER PERSONAL PROTECTIVE EQUIPMENT (PPE)

Am I supposed to wear a face covering at my job?

You must wear a face covering when you are in direct contact with customers and members of the public and when you are less than 6 feet from others.

Who is supposed to pay for a face covering?

Your employer must provide face coverings, at no cost, to you and your coworkers. Your employer must give you a sufficient number of face coverings to allow for daily cleaning and must maintain an adequate supply of face coverings to provide replacements.

My employer is not providing me with a face covering. What can I do?

New York City has made free face coverings available. Visit nyc.gov/business for information about where your employer can get face coverings for free. Regardless of how your employer obtains face coverings, your employer must give you free face coverings. See the section COMPLAINTS, ENFORCEMENT, QUESTIONS.

I had to pay for my own face covering because my employer ran out or does not provide it. Can I be reimbursed by my employer?

Because your employer must give you face coverings at no cost, you should be reimbursed if you did not receive a face covering from your employer and had to purchase your own.

My employer gives me face coverings but takes money out of my paychecks for it. Can they do that?

No. Your employer must give you free face coverings. Transferring the cost to you violates this requirement. See the section COMPLAINTS, ENFORCEMENT, QUESTIONS.

My employer is not allowing me to wear a face covering, even when I interact with coworkers or members of the public. Is this allowed?

Your employer must allow you to wear a face covering. You must wear a face covering when you are in direct contact with customers and members of the public and when you are less than 6 feet from others. You should have a face covering or mask ready to put on in these situations.

Where can I get a face covering?

Your employer must give you free face coverings.

You do have options, however:

- Visit nyc.gov/business for information about where your employer can get face coverings for free.
- You can buy one. Your employer should reimburse you for the cost if they do not provide one and you have to purchase one on your own.
- You can make your own. Visit the Centers for Disease Control and Prevention (CDC) website cdc.gov and search for **How to Make Cloth Face Coverings**.

What kind of face covering should I use?

Acceptable face coverings include:

- cloth (such as homemade sewn, quick cut, bandana)
- surgical masks

Visit nyc.gov/facecoverings for more information.

Face coverings:

- must be cleaned or replaced after use or when damaged or soiled;
- may not be shared; and
- should be properly stored or discarded.

Use of a face covering does not replace other PPE requirements. If your employer requires more stringent PPE for specific tasks (such as a face shield or N95 respirator), follow those requirements.

My employer says I have to wear a face covering, but I don't want to.

You must wear a face covering when you are in direct contact with customers and members of the public and when you are less than 6 feet from others. Your employer can be more strict and mandate face coverings even when people are at least 6 feet apart.

You may ask your employer for an accommodation to give you more breaks outside or other similar steps to limit any discomfort wearing a face covering.

My employer says I have to wear a face covering, but I have a medical condition that makes it difficult for me to breathe with a face covering. What are my rights?

Employers have an obligation under the New York City and New York State Human Rights Laws and the Americans with Disabilities Act to provide reasonable accommodations for employees with "disabilities," which include medical conditions. If you cannot wear a face covering because you have a medical condition, you must discuss with your employer whether there is a way to provide a reasonable accommodation that will not cause your employer undue hardship.

As an example, your employer may accommodate you by reassigning you to work that allows you to be socially distant.

My employer provided me with a face covering, but only one. It is in very bad condition from wearing it all day. Is my employer required to provide more?

Your employer must give you multiple disposable face coverings or multiple cloth coverings that you can clean and also keep an adequate supply on hand to provide replacements.

My employer installed a Plexiglas shield at my workstation. Do I still need to wear a face covering?

If you are within 6 feet of another person, you must wear a face covering, regardless of a Plexiglas shield.

I do not think it's safe enough to wear just a face covering. Does my employer have to give me other kinds of PPE?

If the nature of the work routinely *requires* stricter PPE based on national or local laws or guidelines, then your employer should give you other PPE at no cost.

What other PPE is my employer required to give me?

Your employer must provide and maintain hand hygiene stations, as well as supplies to clean and disinfect shared and high-touch surfaces.

If your employer requires the use of other PPE during reopening, your employer must give you this additional PPE at no cost. See information from the Occupational Safety and Health Administration at [osha.gov](https://www.osha.gov).

What about gloves?

Routine glove use is not recommended by the [CDC](#). In general, gloves are appropriate when cleaning or caring for someone who is sick, using high-touch surfaces, handling food, or handling equipment that cannot be easily sanitized. In most other situations, wearing gloves is not necessary and may still lead to the spread of germs. The best way to protect yourself is to regularly wash your hands with soap and water for 20 seconds or use hand sanitizer with at least 60% alcohol.

My employer does not have hand sanitizer or other cleaning supplies. Are they supposed to provide that?

Yes. Your employer must provide and maintain hand hygiene stations for personnel, including handwashing with soap, water, and paper towels, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

SAFETY MEASURES IN THE WORKPLACE

I asked my employer to take safety measures, but they said it is too expensive.

New York State guidelines outline the mandatory requirements for businesses that are reopening. The guidelines also include recommended best practices, but it is up to individual employers whether they follow recommended best practices. Guidelines for industries are on forward.ny.gov.

Your employer must:

- Give employees free face coverings and provide replacements.
- Provide and maintain hand hygiene stations.
- Provide disinfecting and cleaning materials.
- Ensure 6 foot distancing unless not possible.
- Ensure that employees wear face coverings indoors where 6 foot distancing is not possible and at all times when interacting with customers and members of the public.
- Limit the combined indoor occupancy based on industry-specific thresholds.
- Put tape or other markers to show people where to stand.
- Minimize and limit in-person meetings as much as possible.
- Regularly clean shared equipment and frequently touched surfaces.
- Post signs for employees and customers with information about safety and hygiene protocols.
- Provide training to employees on safety and hygiene protocols.
- Post safety plans on-site.
- Send home employees who are sick or become sick.
- Conduct an employee health screening every day.

Physical distancing is not possible at my job. What are my options?

If you must be within 6 feet of others, you must wear a face covering at all times.

State reopening guidelines (excluding Construction; Low-Risk Outdoor/Indoor Arts & Entertainment; Gyms & Fitness Centers; Casinos; Indoor Dining) require employers to limit the combined indoor occupancy—workers, customers, visitors—to 50% of maximum capacity in an area. For small spaces like elevators, vehicles, stock rooms, and the area behind cash registers, your employer should limit occupancy to one person. If that is not possible, your employer should limit occupancy to *less than* 50% of maximum capacity and require face coverings.

For Construction, indoor occupancy is limited to one worker per 250 square feet unless there are additional safety measures such as requiring face coverings to be worn at all times.

For other exception industries, maximum capacity is:

- 33% Low-Risk Outdoor Arts & Entertainment
- 25% Low-Risk Indoor Arts & Entertainment
- 33% Gyms & Fitness Centers (includes indoor swimming pools)
- 25% Casinos
- 25% Indoor Dining

Recommended ways that employers can create more physical distance include:

- stagger work times and days so there are fewer employees on-site;
- allow staff to telework for tasks that do not require direct face-to-face interaction with customers or others; and
- move desks or workstations apart and convert meeting rooms and waiting rooms to workspaces.

My employer is requiring me to do tasks that require me to be within 6 feet of my coworkers or members of the public even though they are not necessary. Can they do this?

Your employer must ensure at least 6 feet of distancing unless safety or the nature of the work make proper distancing impossible. Your employer cannot unnecessarily require you to do tasks that prevent proper distancing.

My employer holds in-person staff meetings every morning during which it is not possible to maintain social distancing. Is this allowed?

Employers should limit all non-essential in-person meetings as much as possible. When meetings must occur but social distancing is not possible, everyone in the gathering must wear a face covering.

One of my coworkers is not wearing a face covering, and my employer isn't doing anything about it.

Employees must wear face coverings if they cannot maintain at least 6 feet of distancing from customers, members of the public, or other employees. Your employer is responsible for ensuring that all employees who do not maintain 6 feet of distancing are wearing face coverings.

My employer is allowing customers to come into the workplace without wearing face coverings. Is this allowed?

Except for very limited circumstances*, customers must wear face coverings at all times while inside a business establishment, including retail stores, hair salons and barbershops, personal care services, gyms and fitness centers, and essential services such as grocery stores. Employees at hair salons, barbershops, and personal care businesses cannot provide services to customers that would require a customer to remove a face covering (for example, beard trims or lip piercings).

For outdoor or indoor dining, customers must wear face coverings at all times except when they are seated at a table.

At gyms and fitness centers, patrons may remove face coverings when eating or drinking, provided they are not within 6 feet of others. They can also remove face coverings when showering or swimming. In New York City, gyms and fitness centers can reopen pools beginning September 30, 2020.

For other businesses allowed to reopen, customers must wear a face covering when they are less than 6 feet from others.

Your employer is responsible for making sure that customers comply. Your employer may set stricter rules for customers about wearing face coverings, including refusing service for those not wearing face coverings.

*Exceptions include customers who are younger than 2 and medically unable to tolerate face coverings.

Is my employer required to screen customers before they enter a business?

In most industries, employers are encouraged—but not required—to conduct health screenings of customers or patrons.

Exceptions:

If you work at a gym or fitness center, your employer must require each customer to:

- Complete a health screening questionnaire that asks about COVID-19 symptoms/test results, as well as recent travel and/or exposure within the last 14 days.
- Sign in, providing full name, phone number, and address, and keep this information for 28 days for contact tracing purposes.

If you work at a restaurant that offers indoor dining, your employer must:

- Do a temperature check of all customers at the door.
- Collect information from one member of each party for contact tracing purposes.

All employers must conduct daily employee health screenings (for example, temperature check, questionnaire) and, where practicable, screen vendors and contractors.

My employer does not clean the bathrooms, break rooms, and other common areas, and I am worried about getting sick from them. How often is my employer required to clean common areas?

Your employer must clean and disinfect common spaces and high-touch surfaces and objects frequently, after each shift, and at least daily. Examples of high-touch surfaces and objects include:

- tables and countertops
- chairs and armrests
- doorknobs
- cabinet pulls
- refrigerator door handles
- faucets
- toilets
- light switches

In addition, your employer must clean and disinfect shared tools and equipment like computers, cash registers, grooming and personal care tools, kitchen materials, tanning booths, and towels and linens after each use.

At gyms and fitness centers, employers must clean and disinfect locker rooms and restrooms every two hours, and exercise equipment after each use.

If cleaning and disinfecting shared tools and equipment would cause damage or create a safety hazard, your employer must require employees to wear gloves.

My employer says some workers, including me, have to go into work before it reopens to do a deep cleaning. Can my employer make me do that?

Your employer alone is responsible for making sure that the workplace is clean, including frequently cleaning high-touch surfaces and following CDC guidelines. Your employer can require you and your coworkers to clean your *own* workstations or other parts of the workplace, but your employer must follow health and safety guidelines to reduce in-person contact; for example, limit indoor capacity to ensure proper distancing. Your employer should also provide training on the use of any hazardous cleaning materials.

If you are unable to participate in deep cleanings—for example, you have an allergy to certain chemicals in disinfectants—you can ask your employer for an accommodation. If your request is unlawfully denied, you can file a complaint with the NYC Commission on Human Rights (nyc.gov/humanrights).

My workplace has a restroom with multiple stalls. How many people can use the restroom at one time?

Your employer must limit occupancy to 50% of the restroom's maximum capacity. Your employer must use markings, signs, or instructions to ensure 6 feet of distance between individuals.

GOING BACK TO WORK IN PERSON

My job can be done from home. Can my employer require me to go back to work in person?

Yes, although for office work and other jobs that do not require direct face-to-face contact with customers or others, employers are encouraged to allow some or all staff to telework.

State reopening guidelines (excluding Construction; Low-Risk Outdoor/Indoor Arts & Entertainment; Gyms & Fitness Centers; Casinos; Indoor Dining) require employers to limit the combined indoor occupancy—workers, customers, visitors—to 50% of maximum capacity in an area. This occupancy limit also applies to essential businesses which have been open throughout the crisis.

While it is not required, continuing work-from-home policies will:

- help employers meet occupancy standards;
- help New York City reduce transmission of COVID-19; and
- help protect workers who must report to the worksite to perform their job.

I have a weakened immune system. Can my employer make me come back to work? Am I allowed to have an accommodation?

Employers have an obligation under the New York City and New York State Human Rights Laws and the Americans with Disabilities Act to provide reasonable accommodations for employees with “disabilities,” which include medical conditions. If an employee has a medical condition, the employer must discuss with the individual whether there is a way to provide a reasonable accommodation that will not cause the employer undue hardship. Otherwise, under NYC’s Human Rights Law, the employee may be able to file a claim with the [NYC Commission on Human Rights](https://www.nyc.gov/humanrights) (nyc.gov/humanrights).

I am healthy, but I am worried about someone I live with who is vulnerable (for example, elderly/weakened immune system), and my employer is still making me go back to work. What are my rights?

You may be eligible for extended Family and Medical Leave Act (FMLA) leave under the Families First Coronavirus Response Act (FFCRA) or for leave benefits under the New York State Paid Family Leave Law. For more information regarding eligibility and coverage, visit:

- U.S. Department of Labor (USDOL) at [dol.gov](https://www.dol.gov)
- New York State Paid Family Leave at paidfamilyleave.ny.gov

Can I use sick time if I am scared to go to work?

If you are using preventive sick time or self-isolating for preventive reasons, you may be eligible to use sick time under NYC’s Paid Safe and Sick Leave Law. For more information, visit nyc.gov/workers.

I lost my job as a result of the pandemic. My employer is reopening, but I do not feel safe going back to work. Can I continue to get unemployment?

People are required to certify that they are ready and willing and have looked for employment to continue to collect unemployment, so if you refuse to return to work, you may no longer be eligible for unemployment. For more information, contact NYSDOL at dol.ny.gov.

If I refuse to go back to work and get fired as a result, am I eligible for unemployment?

You may be protected if there is a bona fide reason that you cannot go back to work for your own safety, such as a specific health or safety reason that would put you at risk. Additionally, if you are currently out on sick leave or another type of family leave, your employer cannot fire you because you are using leave. However, it is unlikely that being generally afraid to go back to work would qualify as a bona fide reason.

One of my coworkers tested positive for COVID-19, and I do not feel comfortable going back to work. What are my options?

Appropriate cleaning and disinfecting protects against COVID-19 transmission. Your employer must clean and disinfect all areas, including offices, bathrooms, common areas, and shared electronic equipment like tablets, touch screens, and keyboards.

If you think you may have been exposed to someone with COVID-19, you may be able to use leave under:

- NYC's Paid Safe and Sick Leave Law (for preventive care);
- your employer's other personal time off policies (depending on the conditions for use);
- FFCRA (if you have been exposed to someone with COVID-19 and have symptoms yourself).

If you are still uncomfortable going back to work, please see prior FAQs.

I have been called back to work, but schools and daycares are closed. What am I supposed to do about childcare?

You may use accrued sick time under NYC's Paid Safe and Sick Leave Law because your childcare provider is closed due to a public health emergency.

You may also be eligible for expanded FMLA under FFCRA.

School has reopened, but the school is using a blended learning model and my child will only be in school two days a week. What am I supposed to do about childcare?

The USDOL has issued guidance regarding leave that is eligible and not eligible under FFCRA:

Eligible

- Employees may use leave on a child's designated remote learning days provided that the employee is actually needed to care for the child and there is no other available suitable person.

Not Eligible

- Employees who elect remote learning when in-person learning is available at a child's school may not use leave since the child's school is not closed.

For more information, see the USDOL FFCRA Q&A page at:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

My employer is asking me to travel for work. Am I required to do this?

There are no restrictions on work-related travel, though employers are encouraged to use videoconferencing or teleconferencing when possible for meetings and gatherings that would normally require travel.

My employer was closed for a while but is reopening and others have been asked back to work but not me. Is this legal?

It depends.

If you have not been called back for retaliatory or discriminatory reasons, such as requesting sick time before the business was closed, then it may be unlawful.

But because of occupancy limitations and the requirement to ensure and monitor distancing, it is possible that your employer may not be able to bring back all staff at the same time.

Does my employer have to provide training on proper health and safety precautions?

Your employer must post a safety plan at the workplace where all employees can see it and provide training to all employees on safety and hygiene practices. When there are new safety and hygiene protocols, your employer must train all employees on the new protocols, as well.

I do not speak English, and my employer is not providing information, including the safety plan, in my language.

There is no affirmative requirement to translate safety plans into multiple languages. However, employers are encouraged to communicate with employees in languages they understand. Information in multiple languages is on the NYC Department of Health and Mental Hygiene website nyc.gov/health.

I tested positive for COVID-19 and took paid sick leave. If I get sick or test positive again, will my employer have to provide me with paid sick leave again?

You should follow public health isolation guidance regarding when to stay away from and return to work. You can be positive without being infectious.

If you should isolate a second time based on public health guidance, your eligibility for paid sick leave may depend on whether you have exhausted all of your paid sick leave. You are eligible for up to 40 hours per year under NYC's Paid Safe and Sick Leave Law in addition to emergency paid sick leave under state or federal law. You may also be able to use intermittent leave under FFCRA or Paid Family Leave under New York State law.

The NYC Department of Consumer and Worker Protection (DCWP) created the publication [Update about Workplace Laws During COVID-19](#) available at nyc.gov/dcwp. The publication includes detailed information about sick leave, including an overview of City, state, and federal laws relating to COVID-19.

You can also call 311 and say "Paid Safe and Sick Leave" to speak with a DCWP representative.

MEDICAL AND HEALTH PRIVACY

My employer is requiring me to get a COVID-19 test before going back to work. Are they allowed to do that?

Yes. There is no prohibition on employers mandating a negative test before an employee who has previously tested positive for COVID-19 can return to work. If you need to get tested, visit nyc.gov/coronavirus.

My employer has asked me to be tested for COVID-19 but will not allow me back to work until I receive my test results. Can I be paid for this time away from work?

If you receive a negative test result, you may be able to use accrued leave under NYC's Paid Safe and Sick Leave Law to receive compensation for the days you are not allowed at work while you wait for test results.

If you test positive for COVID-19, you may use paid sick leave for your quarantine period under New York State's COVID-19 Paid Sick Leave Law.

For more information, visit:

- nyc.gov/workers (City leave)
- ny.gov/COVIDpaysickleave (State emergency leave)

How often can my employer require me to get tested?

There are currently no limits on how often an employee may be tested, although the CDC does not recommend testing the same employee more than once in a 24-hour period.

Employers in certain industries, such as nursing homes and adult care facilities, are required to test employees at least once per week.

During Phase 2 and Phase 3, respectively, hair salon and barbershop and personal care business employers were required to test employees every two weeks. New York City is currently in Phase 4 of reopening.

For industries that require frequent employee testing, employers are encouraged to use methods, such as the saliva test, that are less intrusive than nasal swabs as they become available.

Is my employer allowed to take my temperature before I go into the building?

Yes. Your employer must conduct daily health screenings of employees, which may include a temperature check.

Is my employer allowed to require a doctor's note before I can go back to work?

Employers are not required to ask for a doctor's note or other medical documentation before allowing a recovered worker to return to work.

An employer may require a doctor's note before a worker returns to work so long as it is not done for a discriminatory or retaliatory reason.

Otherwise, workers may return to work when all of the following are true:

- It has been at least 14 days since their symptoms started.
- They have not had a fever for the prior three days without the use of fever-reducing drugs, such as Tylenol or ibuprofen.
- Their overall illness has improved.

See a sample doctor's note on nyc.gov/health.

Is my employer allowed to ask about my health history?

If your employer is asking health-related questions as part of a screening to determine if you have or may be at risk of having COVID-19, the questions are likely allowed. However, it may be a violation of the Americans with Disabilities Act for employers to ask about your health history if the questions are unrelated to your likelihood of having COVID-19.

I tested positive for COVID-19 (or tested positive for antibodies) a few weeks ago, but now I have recovered. My employer still will not let me go back to work because they are worried that I am still contagious. What can I do?

It depends on why your employer believes you may still be contagious, but this potentially could be unlawful discrimination on account of having had COVID-19; for more information, visit the NYC Commission on Human Rights at nyc.gov/humanrights for a [discrimination assessment](#).

One of my coworkers tested positive, but my employer will not say who it is. Are they allowed to withhold this information?

Yes. Your employer must protect the confidentiality of employees. If directed by the Test & Trace Corps, your employer may tell employees that they may have been exposed to someone with COVID-19.

COMPLAINTS, ENFORCEMENT, QUESTIONS

How can I report or file a complaint with the City against an employer that is not complying with the health and safety guidelines for reopening?

You can call 311 and ask for “Business Reopening Complaint.” Be as specific as possible about the problem. You can also visit the 311 portal at nyc.gov/311 to file a complaint yourself online:

- Use [Business Reopening Complaint](#) for most industries.
- Use [Construction Restart Safety Complaint](#) for construction industry-related complaints.

You can also visit the 311 portal to file a [Social Distancing or Face Covering Complaint](#).

What will happen if I report an employer or file a complaint?

New York City will have teams that conduct inspections of businesses that are the subject of complaints. Depending on the nature and severity of the violation, the business may be issued a warning or a violation that will be heard at the NYC Office of Administrative Trials and Hearings.

New York City will also educate businesses on health and safety reopening requirements.

Can I report an employer anonymously?

Yes. Anyone can report a business that is not complying with health and safety guidelines. You can provide information anonymously or ask that your identity be kept confidential.

How else can I report or file a complaint against an employer that is not complying with the health and safety guidelines for reopening?

New York State created the New York State PAUSE Enforcement Assistance Task Force to assist local authorities with enforcement of Executive Orders and restrictions on business operations and activities, as well as gatherings, during the COVID-19 public health emergency.

You can file a complaint:

- Online: <https://mylicense.custhelp.com/app/ask>
- By phone: 1-833-789-0470

The Task Force reviews and, where applicable, refers complaints to local authorities.

Note: Specific complaints from employees against their employers should be directed to the NYSDOL at dol.ny.gov.

How can I get answers to other reopening questions?

Workers with reopening questions can call 311 for the Worker Protection Hotline or 1-212-436-0381.

Employers with reopening questions can call the NYC Business Restart Hotline at 1-888-727-4692.

For all other COVID-19 questions, visit nyc.gov/coronavirus or call 311 and remain on the line to speak with a 311 representative.