

FREQUENTLY ASKED QUESTIONS

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 1 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?**
- A3. For more information, please visit the State's website at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ConstructionMasterGuidance.pdf>.
- Q4. Can I implement public health protocols that exceed what is provided for in State and DOB guidance?**
- A4. The 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.
- Q5. Are all employers on a given construction site required to have their Safety Plan and affirmation posted conspicuously and available for inspection?**
- A5. Yes. All employers are responsible for having a Safety Plan with affirmation posted conspicuously and available for inspection. A printout of the confirmation that the affirmation was submitted serves the posting requirement. General Contractors or other permit holders have the option to reference subcontractors in their Safety Plans. **Beginning July 8, 2020, failure to have a Safety Plan and/or affirmation posted conspicuously and available for inspection will result in a violation to the permit holder carrying a \$5,000 penalty and the issuance of a Stop Work Order.**

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.

- Q6. Are all employers on a given construction site required to have logs available for inspection?**
- A6. Yes. All employers are responsible for having completed logs available for inspection. General contractors or other permit holders have the option to reference subcontractors in their logs.
- Q7. Where are Safety Plans and affirmations to be posted?**
- A7. Safety Plans and affirmations should be posted at all points of egress from the construction site. **Beginning July 8, 2020, failure to have a Safety Plan and/or affirmation posted conspicuously and available for inspection will result in a violation to the permit holder carrying a \$5,000 penalty and the issuance of a Stop Work Order.**
- Q8. What if I am a contractor performing work that does not require a permit (e.g. re-roofing), do I need a Safety Plan?**
- A8. Yes. As an employer in the construction industry intending to resume or start 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 actively working construction sites regardless of whether a permit from DOB is required.
- Q9. Does this guidance need to be followed for tenant-in-place renovations?**
- A9. Yes. This guidance applies to all construction work.
- Q10. Where can I find samples of the signage that is to be posted on my site?**
- A10. Samples of signage provided by the NYC Department of Health & Mental Hygiene can be found at 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](#)
- Q11. Where does the signage need to be posted?**
- A11. The signage should be posted throughout the site, including near hand washing and hand sanitizing facilities.
- Q12. Does DOB have any outreach materials available?**
- A12. Links to DOB outreach materials can be found below.
- [What to Know: Steps to Restart Your Project](#) (translations available)
 - [NYC Construction Restart: DOs & DON'Ts](#)

Q13. What should my Contact Log include?

A13. A Contact Log must include every person, including workers and visitors, who may have close or proximate contact with other individuals at the work site, excluding deliveries that are performed with appropriate PPE or through contactless means. The Contact 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. General Contractors or other permit holders have the option to reference subcontractors in their Contact Logs.

Q14. What should my Cleaning Log include?

A14. Regular cleaning and disinfection must occur every day, with more frequent cleaning and disinfection of shared tools, frequently touched surfaces, and high transit areas, such as restrooms and common areas. A Cleaning Log must include the date, time, and scope of cleaning and disinfection. General Contractors or other permit holders have the option to reference subcontractors in their Cleaning Logs. (see [Cleaning Log template](#))

Q15. What should my Screening Log include?

A15. A Screening Log 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 have the option to reference subcontractors in their Screening Logs. (see [Screening Log template](#))

Q16. What should my Communications Plan include?

A16. A Communications Plan includes the applicable instructions, training, signage, and a consistent means to provide employees with information. Development of webpages, text and email groups, and social media should be considered. General contractors or other permit holders have the option to reference subcontractors in their Communications Plans.

Q17. For how long a period time is the Safety Plan and associated logs to be maintained and available for inspection?

A17. The Safety Plan and associated logs should be maintained and available for inspection until such requirement is rescinded.

Q18. What are the qualifications to be a Safety Monitor?

A18. The Safety Monitor must be available on site and ensure continuous compliance with the Safety Plan. There are no other qualifications.

Q19. Can a Safety Monitor serve other roles?

Q19. Yes. The Safety Monitor can serve other roles on the site in addition to ensuring continuous compliance with the Safety Plan.

Q20. Does the Safety Monitor need to be disclosed anywhere?

A20. Yes. The Safety Monitor must be disclosed in the Safety Plan.

Q21. Are all workers and visitors to a site required to wear face coverings?

A21. Yes. Mayoral Emergency Executive Order 123 requires all workers and visitors to a site to wear face coverings appropriate to their task. For more information, see the NYC Department of Health & Mental Hygiene's [COVID-19 Face Coverings: Frequently Asked Questions](#).

Q22. Are employers required to provide employees with face coverings?

A22. Yes, employers are required to provide their employees with face coverings. Beginning July 8, 2020, having workers on a construction site without face coverings will result in the issuance of a violation to the permit holder carrying a penalty of \$5,000.

Q23. Are hand washing facilities required or are hand sanitizing stations sufficient?

A23. Hand washing facilities should be used where available and practical. If not, hand sanitizing facilities can be used.

Q24. How many hand washing or hand sanitizing facilities are required on my site?

A24. Each site must have at least one hand washing or hand sanitizing facility. DOB encourages you to have enough hand washing and hand sanitizing facilities to allow for appropriate social distancing. **Beginning July 8, 2020, failure to have at least one hand washing or hand sanitizing facility will result in a violation to the permit holder carrying a \$5,000 penalty and the issuance of a Stop Work Order.**

Q25. Are all tools required to be disinfected or only shared tools?

A25. 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.

Q26. How do I determine how many workers can occupy a hoist or elevator?

A26. 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.

Q27. For construction in buildings with multiple elevators and/or hoists, which devices are required to have the capacity posted in the cab and at the landing?

A27. Where there are construction activities in a building, only those elevators and hoists exclusively used by construction workers are required to have the capacity posted at the cab.

Q28. Should employers notify public health officials if an employee tests positive for COVID-19?

A28. 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 wish 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.

Q29. Where do I go to get information about COVID-19 Testing?

A29. There are over 100 sites across New York City, with more being added every week. Find information on how to access this service and locate a testing site near you by calling 311 or going online to www.nyc.gov/COVIDTest. Testing is provided at no cost and regardless of immigration status.

Q30. Who can get tested?

A30. All New Yorkers should get tested now, whether or not you have symptoms or are at increased risk. Testing is free, easy, and quick.

Q31. How often should I get tested?

A31. 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.

Q32. Are DOB inspectors and other field staff subject to screening at construction sites in the manner required in the guidance for employees and visitors?

A32. No. 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 symptoms. 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.

Q33. 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?

A33. 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.

Q34. What if my site was issued a Stop Work Order for other reasons (e.g. site safety matters)?

A34. 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.

Q35. What are the penalties for failing to comply with the DOB's guidance?

A35. For thirty days beginning June 8, 2020, violations will carry no monetary penalty. Beginning July 8, 2020, violations will carry an initial penalty of \$5,000 and subsequent violations will carry a penalty of \$10,000. **In addition, beginning July 8, 2020 failure to have a Safety Plan and/or affirmation posted conspicuously and available for inspection, or failure to have at least one hand washing or hand sanitizing facility, will result in the issuance of a Stop Work Order.**

Q36. If I receive a violation for non-compliance with the COVID-19 Guidance how do I resolve it?

A36. Submit a certificate of correction to DOB. The certificate of correction must include how the violation was remedied. See www.nyc.gov/aeu for more information on resolving a violation.

Q37. If I receive a Stop Work Order for a violation of the COVID-19 Guidance how do I get it lifted?

A37. A web portal will be available on July 8, 2020 to accept requests from the permit holder to have the Stop Work Order lifted. Evidence such as photographs will need to be uploaded to demonstrate the conditions that resulted in the Stop Work Order have been corrected. DOB will be performing inspections on a percentage of lifted Stop Work Orders to ensure compliance. Please see this [Department-issued Service Notice](#) for additional information.

Q38. Work on my site remains suspended. Must I continue submitting Weekly Inspection Reports?

A38. Yes. Those sites required to submit Weekly Inspection Reports through DOB's web portal should continue to do so. See [Buildings Bulletin 2020-010 for more information](#).

To submit a report, use an eFiling account to log into DOB NOW at nyc.gov/dobnow and select the **Essential Construction** portal. If you need to create an eFiling account, visit nyc.gov/DOBNOWtips. From the Essential Construction portal, select **+Weekly Safety Inspection Report** and enter the BIS job/document number. Complete the required fields and select the Save button to then complete the Statements & Signature section. Select the Submit button to complete the transaction. An email notification will be sent to confirm submission. A new submission must be made each week for every job that requires a safety inspection report.

Q39. If I observe these guidelines not being followed what should I do?

A39. Please call **311** and an inspection will be performed. Additionally, DOB will be proactively inspecting construction sites throughout the City.

Q40. Can After-Hours Variances (AHVs) be filed online?

A40. Yes. Upon entering Phase 1 AHVs can now be submitted online. See the [After Hours Variances](#) page for more information.

Q41. My permit, license, or certification is expiring during the State of Emergency. Can I continue to work?

A41. Yes. Pursuant to EO 112, all permits, licenses and certifications will remain valid during the State of Emergency. Valid insurance must be in place for permits to remain active. Pursuant to Local Law 57, all permits and licenses will remain valid for a minimum forty-five days beyond the State of Emergency. Additional information on permit and license renewals will be forthcoming in a Department-issued Service Notice.

Q42. For how long will this guidance be in effect?

A42. The guidance remains in effect until the State rescinds or amends its Executive Order and related guidance.