



Office of General Services Real Estate Services

Returning to Work

General Guidance for Tenant Agencies in Privately Owned Buildings

The Basics

- 1.** Practice social distancing and be aware of your surroundings.
- 2.** Wear face coverings in lobbies, elevators, restrooms, hallways, and other common areas.
- 3.** Wash your hands, or use hand sanitizer, often.

All building occupants are required to follow Executive Orders and guidance issued by the Centers for Disease Control and Prevention (CDC) and NYS Department of Health (DOH).

As the State moves through its phased reopening as part of New York Forward, all New York State agencies received interim guidance on protocols to implement prior to additional State employees returning to their physical workplace. Understandably, tenant agencies have questions on how to implement guidance in leased locations. Leased locations are governed by their specific lease documents, including attachments. Questions regarding lease interpretation and compliance can be sent to LeaseCompliance@ogs.ny.gov.

OGS Assistance is Available!

- OGS Real Estate Services is working with all building owners to ensure their compliance with the terms of the existing lease as well as new CDC and NYS DOH protocols and guidance. The building owner is responsible for placing signage in lobbies and common spaces outside of an agency's designated work area at a privately-owned lease location.
- OGS is sharing links to the guidelines and opening dialogue with landlords on items such as infrastructure, cleaning and building access. This helps landlords prepare for a phased reopening. It is especially critical for buildings that may have been shut down or had services severely curtailed.
- If there are unavoidable additional costs, OGS Real Estate Services will review them and provide a letter with a determination on whether the additional costs are fair and reasonable.

Tenant Agencies

Agencies are responsible for providing personal protective equipment (PPE) to employees and enforcing compliance with applicable Executive Orders and Department of Health guidelines. Required PPE may include face coverings, gloves, and hand sanitizer, as well as cleaning supplies, including disinfectant for employee workstations and conference rooms.

Agency Responsibilities:

- Every tenant agency should work directly with the building management at each of its leased locations to coordinate a re-opening (or continuance). The tenant agency is responsible to meet the guidelines provided by CDC and NYS DOH. Landlords are responsible to meet the terms of the lease as well as any CDC or NYS DOH guidance applicable to them.
- Any in-person agency employee health screening must occur within the agency's leased space, not in the building lobby or common areas unless otherwise agreed to by both parties to the lease.
- If an agency is utilizing alternative work schedules in a leased location, they will need to comply with the hours of operation outlined in the lease document. Requiring building operations outside of the stated hours will, in most leases, incur additional costs (e.g. extended HVAC use, extended security hours, etc.).
- Agencies must work through OGS Real Estate Services and submit a tenant alteration request (TAR) for any construction or furniture modifications. Please be mindful of the additional costs associated with a TAR.
- If an agency requests a landlord to provide additional services or cleaning beyond what is outlined in Schedule A of the lease, NYS is required to complete a Lease Modification Agreement that officially amends the lease document. Lease Modification Agreements require vendor responsibility confirmation, Attorney General approval, a B1184, and Office of State Comptroller execution.
- Each tenant agency should coordinate with the building manager regarding HVAC requirements, including fresh air intake and potential extended hours of operation.

Individuals

Much of the responsibility for ensuring a safe and healthy work environment rests on the individual actions of employees and visitors. Individuals are expected to maintain social distancing whenever possible, wear face coverings in common areas and areas where distancing guidelines cannot be met, sanitize hands frequently, clean personal workstations, and stay home if feeling sick. In addition to staying home if you feel sick, notify appropriate parties immediately if you exhibit symptoms consistent with COVID-19 or have been in close contact with a person confirmed or suspected to have COVID-19.

OGS encourages individuals to:

- Have a suitable face covering accessible at all times.
- Maintain a clutter-free workstation for easy cleaning, and regular sanitization.
- Maintain social distancing and wear a face covering in elevators, escalators, and stairwells. If an elevator exceeds social distancing capacity, wait for another car or take the stairs.
- Adhere to social distancing guidelines in restrooms, pantries, kitchenettes, and cafeterias. If congested, wait outside or return after a few minutes.
- Utilize cleaning supplies provided by agencies to clean/disinfect conference room surfaces, printers and copiers, and shared counter tops throughout the day.
- Follow CDC and DOH guidance regarding the care and disposal of PPE.
- Avoid sharing food and beverages, including buffet style luncheons or snacks left in common areas.

EMERGENCY SITUATIONS

In the event of an emergency, social distancing may not be practical. Please wear face coverings during these situations and if floor evacuation becomes necessary. Use discretion and judge the situation accordingly.