



## INTERIM GUIDANCE FOR RACING ACTIVITIES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

**When you have read this document, you can affirm at the bottom.**

As of May 27, 2020

### **Purpose**

This Interim Guidance for the Conduct of Racing Activities during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Racing”) was created to provide licensed or franchised operators of racetracks, their licensed employees, any other licensed personnel, and racing activity participants with precautions to help protect against the spread of COVID-19 as racetracks re-open. For the purpose of this guidance, “racing activities” means all activities undertaken in preparation for and the conduct of horseracing upon which pari-mutuel wagering is offered at a licensed or franchised racetrack.

These guidelines are minimum requirements only and the management of any racetrack licensee or franchisee is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase I of the State’s reopening, and the documentation upon which these guidelines are based can and does change frequently. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to racing activities. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any racing activities and/or Site Safety Plan.

### **Background**

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing of at least six feet must be maintained between individuals, where possible.

On March 20, 2020, Governor Cuomo issued [Executive Order 202.6](#), directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) [guidance](#), were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by the New York State Department of Health (DOH), and were strongly urged to maintain social distancing measures to the extent possible.

On April 12, 2020, Governor Cuomo issued [Executive Order 202.16](#), directing essential businesses to provide employees, who are present in the workplace, with a face covering, at no-cost, that must be used when in direct contact with customers or members of the public during the course of their work.

On April 15, 2020, Governor Cuomo issued [Executive Order 202.17](#), directing that any individual who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.

On April 16, 2020, Governor Cuomo issued [Executive Order 202.18](#), directing that everyone using public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, must wear a mask or face covering over the nose and mouth during any such trip. It also directed any operators or drivers of public or private transport to wear a face covering or mask which covers the nose and mouth while there are any passengers in such a vehicle.

On April 26, 2020, Governor Cuomo [announced](#) a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis.

On May 4, 2020, the Governor [provided](#) that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity.

On May 11, 2020, Governor Cuomo [announced](#) that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators.

In addition to the following standards, both essential and non-essential businesses must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by the DOH.

Please note that where guidance in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.

## **Standards for Responsible Racing Activities in New York State**

No Racing Activities can occur without meeting the following minimum State standards, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), Centers for Disease Control and Prevention (CDC), Environmental Protection Agency (EPA), and United States Department of Labor's Occupational Safety and Health Administration (OSHA).

The State standards contained within this guidance apply to all horse racing during the COVID-19 public health emergency until rescinded or amended by the State. The management of either the racetrack licensee or franchisee (in either case, "the Responsible Parties"), shall be responsible for meeting these standards.

This document is predicated on the tenet that no live audience or fans will be authorized to attend a racing or training program. It is incumbent upon the Responsible Parties to have sufficient security working to ensure no one gains unauthorized access to the racetrack grounds and implements a security plan to disburse people that gather outside the racetrack.

The following guidance is organized around three distinct categories: people, places, and processes.

## **I. PEOPLE**

### **A. Physical Distancing**

- Responsible Parties must ensure that licensed personnel practice physical distancing by standing at least six feet away from other groups of people not traveling with them while standing in lines, using elevators or escalators, or moving around the property, to the extent possible, provided that certain functions at a racetrack require coming within six feet of other individuals. These functions shall be identified and a protocol for mitigation of risk for affected individuals shall be implemented. Any time

any person must come within six feet of another, at a minimum, an acceptable face covering must be worn. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet, and should have one available at all times.

- Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.
- However, cloth, disposable, or other homemade face coverings are not acceptable face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment due to the nature of the work. For those activities, N95 respirators or other personal protective equipment (PPE) used under existing industry standards should continue to be used, as is defined in accordance with OSHA guidelines.
- To the extent possible, Responsible Parties shall arrange physical layouts for fixed workstations to ensure appropriate distancing between groups. Responsible Parties shall identify and may provide to all owners and trainers mandatory distancing protocols and procedures that exceed these standards if provided to all licensed personnel in writing, with the caveat that guidance may evolve and change over time but that the workforce is required to comply.
- Responsible Parties may modify the use and/or restrict the number of work stations and employee seating areas, so that workers are at least six feet 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. When distancing is not feasible between workstations, Responsible Parties must provide and require the use of face coverings, or may enact physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
  - Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose. If used, physical barriers should be put in place in accordance with OSHA guidelines.
  - Physical barrier options may include: strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties should prohibit the use of tightly confined spaces (e.g. elevators, vehicles) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings. However, even with face coverings in use, occupancy must never exceed 50% of the maximum capacity of the space or vehicle, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows and doors), while maintaining safety protocols. Responsible Parties should take additional measures to prevent congregation in elevator waiting areas and limit density in elevators, such as enabling the use of stairs.
- Responsible Parties should put in place measures to reduce bi-directional foot traffic using tape or signs with arrows in narrow aisles, hallways, or spaces, and post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g. health screening stations).
- Responsible Parties must post signs throughout the site, consistent with DOH COVID-19 signage. Responsible Parties can develop their own customized signage specific to their workplace or setting, provided that such signage is consistent with the Department's signage. Signage should be used to remind employees to:
  - Cover their nose and mouth with a mask or cloth face-covering when six feet of social distance cannot be maintained.
  - Properly store and, when necessary, discard personal protective equipment.
  - Adhere to physical distancing instructions.

- Report symptoms of or exposure to COVID-19, and how they should do so.
- Follow hand hygiene and cleaning guidelines.
- All signs shall be in English and Spanish.

## **B. Gatherings in Enclosed Spaces**

- Responsible Parties must limit in-person gatherings (e.g. in tack rooms, a harness paddock, feed storage areas) to the greatest extent possible and use other methods such as video or teleconferencing whenever possible, per CDC guidance "[Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)". When videoconferencing or teleconferencing is not possible, Responsible Parties should hold meetings in open, well-ventilated spaces and ensure that individuals maintain six feet of social distance between one another (e.g. if there are chairs, leave space between chairs, have employees sit in alternating chairs).
- Responsible Parties must put in place practices for adequate social distancing in confined areas, such as restrooms and breakrooms, and should develop signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas.
- Responsible Parties should stagger schedules for employees to observe social distancing (i.e., six feet of space) for any gathering (e.g. coffee breaks, meals, and shift starts/stops).

## **C. Workplace Activity**

- All licensees and arriving workers shall receive training on COVID-19 safety and sanitation protocols with more comprehensive training for groups with frequent employee and vendors contact. Training on how to properly use and dispose of all Personal Protective Equipment is mandatory. Training must occur in a language that licensees and employees understand. Training must take place prior to opening such racetrack operations.
- Due to the congregate nature of housing at such racetracks, all residents at a racetrack shall be tested for COVID-19, and any positive test shall be reported to both the State and local DOH. For more information on screening and reporting practices, see Section III "Processes," Subsection D "Dormitory Operations" and Subsection E "Screening and Testing."
- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
  - limiting in-person presence to only those staff who are necessary;
  - adjusting workplace hours;
  - reducing on-site workforce to accommodate social distancing guidelines;
  - shifting design (e.g. A/B teams, staggered arrival/departure times);
  - prioritizing tasks that allow for social distancing over those that do not; and/or
  - avoiding multiple crews and/or teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas.

## **D. Movement and Commerce**

- Responsible Parties shall prohibit non-essential visitors on site.

- Responsible Parties must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- Responsible Parties should limit on-site interactions (e.g. designate an egress(es) for workers leaving their shifts and a separate ingress(es) for workers starting their shifts) and movements (e.g. employees should remain near their workstations as often as possible).
- Responsible Parties should implement a touchless delivery system, whereby drivers stay in the vehicle while delivery takes place or, where not practicable, Responsible Parties must provide acceptable face coverings, gloves, and foot booties/coverings to delivery workers at no cost for the duration of the delivery process.
- The following shipping protocols shall be observed:
  - Trainers Currently Stabled. Trainers with stalls on racetrack grounds and staff in place may bring horses onto a racetrack property with the explicit approval of the Racing Secretary. No off-property staff shall accompany a horse onto racetrack property.
    - Transport In. Drivers shall only access racetrack property through the common gate and shall follow protocols for entrance. If cleared through screening (See Subsection E), the transport will be authorized to proceed to barn to discharge the horse(s). If the driver is not cleared, horses shall be unloaded outside racetrack grounds into the custody and control of the trainer's present on-track licensed personnel.
    - Transport Out. Trainers may ship to run horses at other racing facilities provided staff does not accompany the horse for the race (e.g. the horse must be shipped to that trainer's staff or another trainer at said racetrack and cared for by that trainer's staff). The horse may return to racetrack property under the conditions listed above.
  - Trainers Stabled Off Racetrack Grounds. Trainers awarded stalls may ship horses to racetrack grounds. All accompanying personnel shall access racetrack property through the common gate and shall follow protocols for entrance. If transport and accompanying personnel are admitted access to the racetrack, the transport and accompanying personnel will be authorized to proceed to barn to discharge the horse(s). If the driver is not cleared, horses shall be unloaded outside racetrack grounds into the custody and control of the trainer's present on-track licensed personnel. If the trainer does not have any present on-track personnel, the horses will not be allowed in the facility. If accompanying personnel fail to clear, they will be denied access to the racetrack grounds.
  - Trainers Shipping in to Run and Depart. Trainers who are not stabling on racetrack property may ship a horse(s) to race, however their horses and licensed personnel must be held at a quarantine barn, until such time as the personnel is tested for COVID-19. Anyone accompanying these horses will be kept isolated from the general population. No licensee may access the racetrack without being cleared through the standard admission protocols.
    - In the alternative, a horse may be shipped without staff to a licensed trainer or assistant trainer currently stabled on racetrack grounds who will be required to run the ship-in horse for said race. These arrangements must be made by the trainers themselves and the State Steward or Presiding Judge must approve of such arrangement.

## II. PLACES

### A. Protective Equipment

- In addition to any necessary personal protective equipment (PPE) as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable face coverings and provide such coverings to all personnel at no cost to the personnel. Responsible Parties should have an adequate supply of face coverings, masks and other required PPE on hand should any personnel need a replacement. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields. For purposes of this obligation, horsemen are responsible for satisfying this requirement as to their employees.
  - The Responsible Parties must have an identified, specific source for PPE, as well as an adequate reserve of PPE, before they will be considered for reopening.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult the [CDC guidance](#) for additional information on cloth face coverings and other types of personal protective equipment (PPE), as well as instructions on use and cleaning.
  - Note that cloth face coverings or disposable masks shall not be considered acceptable face coverings for workplace activities that impose a higher degree of protection for face covering requirements. Responsible Parties must adhere to OSHA guidelines for such safety equipment.
- Responsible Parties must allow employees to use their own acceptable face coverings but cannot require employees to supply their own face coverings. Further, this guidance shall not prevent employees from wearing their personally owned additional protective coverings (e.g. surgical masks, N95 respirators, or face shields), or if the Responsible Parties otherwise requires employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.
- Responsible Parties must put in place measures to limit the sharing of objects, such as buckets and hoses, as well as the touching of shared surfaces, such as railings and fences; or, require workers to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require workers to sanitize or wash their hands before and after contact.
- Responsible Parties must train workers on how to adequately don, doff, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

### B. Hygiene and Cleaning

- Responsible Parties must ensure adherence to hygiene and sanitation requirements as advised by the CDC and DOH, including "[Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)," and the "[STOP THE SPREAD](#)" poster, as applicable. Responsible Parties must maintain cleaning logs that include the date, time, and scope of cleaning.
- Responsible Parties must provide and maintain hand hygiene stations on site, at each barn or facility, and in additional places as needed, as follows:
  - For handwashing: soap, running warm water, and disposable paper towels.
  - For sanitizer: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.

- Hand sanitizer dispensers, touchless whenever possible, shall be placed at key employee entrances and contact areas. The density of sanitizer availability shall be determined pursuant to public health guidelines.
- Responsible Parties must provide no-touch disposal receptacles to mitigate risk.
- Responsible Parties must instruct licensed personnel to wash their hands, or use sanitizer when a sink is not available, every 60 minutes (for 20-seconds) and after any of the following activities: using the restroom, after using the timeclock or other sign-in procedure, sneezing, touching the face, blowing the nose, cleaning, sweeping, mopping, smoking, eating, drinking, going on break and before or after starting a shift.
- Responsible Parties must provide appropriate cleaning / disinfection supplies for shared and frequently touched surfaces and encourage employees to use these supplies before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of the site and more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces. Cleaning and disinfecting must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed. Please refer to DOH's "[Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)" for detailed instructions on how to clean facilities.
  - Responsible Parties must ensure regular cleaning and disinfecting of restrooms. Restrooms should be cleaned more often depending on frequency of use.
    - Responsible Parties must ensure distancing rules are adhered to by reducing restroom capacity where feasible.
  - Responsible Parties must ensure that equipment and tools are regularly disinfected using registered disinfectants, including at least as often as workers change workstations or move to a new set of tools. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State and identified by the EPA as effective against COVID-19.
  - If cleaning or disinfection products or the act of cleaning and disinfecting causes safety hazards or degrades the material or machinery, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.
  - Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event of a positive case of COVID-19 of a worker, with such cleaning to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. feed storage bins, hoses, and stall doors).
- CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" if someone is suspected or confirmed to have COVID-19 infection are as follows:
  - Close off areas used by the person who is sick.
    - Responsible Parties do not necessarily need to close operations, if they can close off the affected areas.
  - Open outside doors and windows to increase air circulation in the area.
  - Wait 24 hours before you clean or disinfect. If 24 hours is not feasible, wait as long as possible.
  - Clean and disinfect all areas used by the person who is sick, such as offices, bathrooms, common areas, and shared equipment.

- Once the area has been appropriately disinfected, it can be opened for use.
  - Workers without close contact with the person who is sick can return to the work area immediately after disinfection.
    - Per CDC’s “Evaluating and Testing Persons for Coronavirus Disease 2019 (COVID-19),” considerations when assessing close contact include the duration of exposure (e.g. longer exposure time likely increases exposure risk) and the clinical symptoms of the person with COVID-19 (e.g. coughing likely increases exposure risk as does exposure to a severely ill patient).
- If more than seven days have passed since the person who is sick visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit shared food and beverages (e.g. buffet style meals), encourage bringing lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

#### **D. Communications Plan**

- Responsible Parties must affirm that they have reviewed and understand the state-issued industry guidelines, and that they will implement them.
- Responsible Parties should develop a communications plan for all licensed personnel and vendors that includes applicable instructions, training, signage, and a consistent means to provide licensed personnel with information. Responsible Parties may consider developing webpages, text and email groups, and social media.
- Responsible Parties may seek certifications from vendors accessing racetrack grounds regarding their understanding and affirmation to comply with protocols and requirements contained within.

### **III. PROCESSES**

#### **A. COVID-19 Manager**

- Responsible Parties must hire or designate a single point of contact responsible for coordinating all COVID-19-related programs, training and restrictions, and such individual must be approved by the Gaming Commission. The individual must have unrestricted access to the racetrack, to the extent necessary to fulfill his or her duties as defined herein. This individual shall be responsible to monitor all medical protocols and procedures, ensure that all the following risk management protocols are being followed and be responsible to notify state and local health department officials of the real-time assessment of the essential and critical racing infrastructure personnel working at the racetrack. The COVID-19 Manager shall have a published email and mobile telephone number to allow immediacy of contact when needed.

#### **B. Access to Racetrack Grounds**

- To the extent possible, and to the extent reconcilable with social distancing requirement, Responsible Parties should limit access to racetrack grounds to a single point of entry. Should Responsible Parties determine that multiple points of entry are optimal, the full controls discussed within shall be present at each point of entry. Egresses should be one direction only, to the extent practicable.

- Responsible Parties must allow entry only to those individuals who present valid State racing license and racetrack credentials and have been identified as essential personnel as required below. Responsible Parties must decline entry all other individuals.
- Grandstand and race-viewing is limited only to those employees of the Responsible Party necessary to ensure the integrity of the race. In no event shall owners, trainers or spectators be permitted to view the proceedings from the grandstand.
- Responsible Parties shall establish and maintain a listing of all personnel necessary to access the racetrack grounds. This list shall be produced daily and shall include the Licensee or Vendor Name, License Number, Employer, and telephone number or e-mail address. Access to racetrack grounds shall be limited to those on the list. The accuracy of such list is paramount, as it will be used, as necessary, to perform contact tracing.
- The COVID-19 Manager shall be responsible for the creation and maintenance of a daily master work list. Individuals with a confirmed excessive temperature (above 100.0°F) shall be listed in red until the licensee has returned to the grounds and is afforded admittance consistent with the access protocol. For more information on screening procedures, see subsection E, "Screening and Testing," below.
- Responsible Parties must compile a daily master list from horsemen, operations, regulatory staff and facilities. It is to contain those licensees REASONABLY expected to be required to report to work on a given day. For more information on screening procedures, see subsection E, "Screening and Testing," below.
  - Horsemen. The Horsemen's Association shall be responsible for individual trainer list creation and maintenance. Each individual trainer is responsible to undertake the daily screening of their employees and clear them for work.
  - Operations. The racetrack president or their designee shall be responsible for creation and maintenance of the daily essential worker list. Each unit within the racetrack will be responsible to undertake the daily screening of their employees and clear them for work.
  - Regulatory Staff. The State Steward or Presiding Judge shall be responsible for creation and maintenance of the daily essential worker list. The State Steward or Presiding Judge is responsible to undertake the daily screening of their employees and clear them for work.
  - Services. The Director of Facilities shall be responsible for creation and maintenance of the daily essential worker/operations list. This shall include identification of those vendors necessitating racetrack access on a per day basis. Such vendors include sanitation services, feed and hay providers, pest control services, etc.
  - Unplanned Access. For personnel or entities requiring unplanned access, the COVID-19 Manager may authorize access for emergency purposes or necessary essential functions under standard admission protocols.

### **C. Backstretch Kitchen and Food Service**

- Backstretch kitchens and food trucks will be allowed to operate, but for takeout or delivery only, not for dine-in.
  - All food service staff shall wear gloves and masks and shall be trained in proper hygiene and food preparation practices.
  - Food shall only be available for purchase as "grab-and-go" and people will not be allowed to congregate and seating at kitchens and any dining halls shall not be permitted.

- Staff that handle food must follow State and Local Sanitary Code guidelines.
- All kitchen areas and food trucks shall be cleaned and sanitized each day and food safety best practices shall be followed throughout. Cleaning and disinfection of frequently touched surfaces and high-risk areas must be rigorous.

#### D. Dormitory Operations

- A complete and updated list of all backstretch residents shall be maintained and updated daily, as needed, by the COVID-19 Manager. At regular approved intervals, each resident shall be temperature tested with a no touch thermometer and asked screening questions (See Daily Screening" above). Anyone displaying a temperature over 100.0°F shall receive a secondary temporal temperature screening. A resident confirmed to have a temperature over 100.0°F or otherwise displaying symptoms of COVID-19 will be directed towards appropriate medical evaluation and care.
- For any new residents of the backstretch community, the new individual shall undergo serologic (antibody) testing and molecular testing and, if antibodies are not present, shall be temperature tested daily for a period of two weeks as well as screened for other symptoms. During these two weeks, they shall be segregated from the general population.
  - The serologic testing and segregation requirements do not apply to the initial reopening of a racetrack dormitory for racetracks returning to racing, however the daily testing for a fortnight is required.
  - Where possible, new residents should be housed together and avoid mixing with existing residents; if quarantine becomes necessary, the smaller group living together can quarantine together. Quarantined individuals may work, if in compliance with DOH guidance, but they must live in the quarantine when not working, and managers must arrange for food and other necessities for the group.
- Dormitory residences should provide adequate physical distancing, and be cleaned and disinfected, and the necessary controls to prevent transmission of COVID-19:
  - Residents should be housed in the smallest groups possible.
  - Where possible, beds should be at a distance of at least six feet apart.
  - Ventilation should be increased in all housing areas, including living and sleeping, cooking and eating, and bathroom and shower areas by opening doors and windows if outdoor temperatures are agreeable.
  - Physical distancing measures should be implemented for common areas to the extent practicable.
  - Increased garbage pick-up shall be provided.
- Separate sleeping quarters and separate bathroom facilities should be used for those under quarantine. If this is not possible, the Gaming Commission and local department of health must be notified. Quarantine and/or isolation protocol is required to be followed, as applicable.

#### E. Screening and Testing

- Responsible Parties must implement mandatory daily health screening practices. Screening should be coordinated to prevent workers from intermingling in close contact with each other prior to completion of the screening.
  - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the site, to the extent possible; or may be performed on site.

- Screening should be coordinated to prevent workers from intermingling in close contact with each other prior to completion of the screening.
- Screening should be required of each individual living in dormitories and/or seeking access to the racetrack grounds; screening should be completed using a questionnaire that determines whether the individual has:
  - (a) knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19,
  - (b) tested positive for COVID-19 in the past 14 days, or
  - (c) has experienced any symptoms of COVID-19 in the past 14 days.
- Those positively responding to any of the supplemental screening questions shall not be allowed entry to the property and will be directed towards appropriate medical care. The names of those refused entry are required to be reported to the COVID-19 Manager for red font inclusion in subsequent daily work lists.
- Screening should also include temperature testing using a thermal camera or non-invasive temperature instrument. Anyone displaying a temperature over 100.0°F shall be taken to a private area for a secondary temporal temperature screening.
  - Individuals confirmed to have a temperature over 100.0°F shall not be allowed entry to the property and will be directed toward appropriate medical care.
  - Daily temperature checks must follow U.S. Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. temperature data).
- The names of those refused entry are required to be reported to the COVID-19 Manager for red font inclusion in subsequent daily work lists.
- Daily temperature checks may also be conducted per U.S. Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. temperature data).
- According to the CDC guidance on "Symptoms of Coronavirus," the term "symptomatic" includes employees who have the following symptoms or combinations of symptoms: fever, cough, shortness of breath, or at least two of the following symptoms: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell.
- Responsible Parties should require personnel to immediately disclose if and when any response to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of work hours.
  - The COVID-19 manager shall be immediately notified and the personnel shall be separated or sent home immediately or to a quarantine dormitory, as appropriate.
- Responsible Parties should instruct all personnel to contact the COVID-19 Manager if they notice a coworker with a cough, shortness of breath, or other known symptoms of COVID-19.
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious workers or visitors entering the site. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols, and must wear appropriate

- PPE, including at a minimum, a face mask and gloves, and may include, a gown, and/or a face shield.
- Any personnel who screens positive for COVID-19 symptoms should not be allowed to enter the worksite and should be sent home with instructions to contact their healthcare provider for assessment and testing. Responsible Parties must immediately notify the local health department and state DOH about the suspected case. Responsible Parties should provide the employee with information on healthcare and testing resources.
- Personnel who has responded that they have had close contact with a person who is confirmed or suspected for COVID-19 may not be allowed to enter the site without abiding by the precautions outlined below and the Responsible Parties has documented the employee's adherence to those precautions.
- Responsible Parties must review all personnel responses collected by the screening process on a daily basis and maintain a record of such review.
- To the extent possible, Responsible Parties should maintain a log of every person, including workers and vendors, who may have close contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means. 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. Responsible Parties must cooperate with local health department contact tracing efforts.
- If alerted to a presumptive case of COVID-19 on the grounds, the Responsible Parties must work with the local health department and DOH and follow the appropriate actions recommended.
- Employers and employees should take the following actions related to COVID-19 symptoms and contact:
  - If an employee has COVID-19 symptoms AND EITHER tests positive for COVID-19 OR did not receive a test, the employee may only return to work after completing a 14-day self-quarantine. If an employee is critical to the operation or safety of a site, the Responsible Parties may consult their local health department and the most up-to-date CDC and DOH standards on the minimum number of days to quarantine before an employee is safely able to return to work with additional precautions to mitigate the risk of COVID-19 transmission.
  - If an employee does NOT have COVID-19 symptoms BUT tests positive for COVID-19, the employee may only return to work after completing a 14-day self-quarantine. If an employee is critical to the operation or safety of a site, the Responsible Parties may consult their local health department and the most up-to-date CDC and DOH standards on the minimum number of days to quarantine before an employee is safely able to return to work with additional precautions to mitigate the risk of COVID-19 transmission.
  - If an employee has had close contact with a person with COVID-19 for a prolonged period of time AND is symptomatic, the employee should notify the Responsible Parties and follow the above protocol for a positive case.
  - If an employee has had close contact with a person with COVID-19 for a prolonged period of time AND is NOT symptomatic, the employee should notify the Responsible Parties and adhere to the following practices prior to and during their work shift, which should be documented by the Responsible Parties:
    - 1) Regular monitoring: As long as the employee does not have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.

- 2) Wear a mask: The employee should wear a face mask at all times while in the workplace for 14 days after last exposure.
  - 3) Social distance: Employee should continue social distancing practices, including maintaining, at least, six feet distance from others.
  - 4) Disinfect and clean work spaces: Continue to clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely.
- If an employee is symptomatic upon arrival at work or becomes sick during the day, the employee must be separated and sent home immediately, following the above protocol for a positive case.

## **B. Tracing and Tracking**

- Responsible Parties must notify the local health department and state DOH immediately upon being informed of any positive COVID-19 test result by any personnel at their site.
- In the case of any personnel testing positive, the Responsible Parties must cooperate with the local health department to trace all contacts in the workplace and notify the health department of all employees logged and visitors/customers (as applicable) who entered the facility dating back to 48 hours before the personnel began experiencing COVID-19 symptoms or tested positive, whichever is earlier, but maintain confidentiality as required by federal and state law and regulations.
- Local health departments will implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.
- Personnel who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of alert and shall either not be permitted to remain on site or to appropriately quarantine in the dormitory or dormitories set aside to house such individuals.

## **G. Union Considerations**

- Should unionized staff be utilized for operations or the conduct of business at a racetrack, the union shall be consulted regarding the interests and needs of their members.

## **IV. EMPLOYER PLANS**

- Responsible Parties must conspicuously post completed safety plans on site. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

**Additional safety information, guidelines, and resources are available at:**

New York State Department of Health Novel Coronavirus (COVID-19) Website  
<https://coronavirus.health.ny.gov/>

Centers for Disease Control and Prevention Coronavirus (COVID-19) Website  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Occupational Safety and Health Administration COVID-19 Website  
<https://www.osha.gov/SLTC/covid-19/>

**At the link below, affirm that you have read and understand your obligation to operate in accordance with this guidance:**

<https://forms.ny.gov/s3/ny-forward-affirmation>