



May 14, 2020

TO: ALL NYSE MEMBERS AND MEMBER ORGANIZATIONS

FROM: NYSE REGULATION

SUBJECT: STANDARDS OF CONDUCT FOR THE SAFETY AND WELFARE OF PERSONS ON THE TRADING FLOOR RELATING TO COVID-19

Purpose

This memorandum communicates to all members and member organizations along with associated persons and employees (together, “Members”) the standards of conduct that are required to ensure the safety and welfare of persons on the Trading Floor at 11 Wall Street (the “Floor”) and to ensure the ordinary and efficient conduct of business following the resumption of trading operations on the Floor on May 26, 2020. Given the circumstances of the COVID-19 pandemic and until further notice, all Members accessing the Exchange’s facilities at 11 Wall Street (the “Facilities”) must follow the practices set forth in this bulletin.

Member organizations should provide a copy of this memorandum to all Floor employees.

Background

To protect the health and well-being of employees and the Floor community in response to the COVID-19 pandemic, the Exchange announced on March 18, 2020, that all-electronic trading would begin on March 23, 2020, and that the Floor would temporarily close.¹ On May 14, 2020, the Exchange announced that trading operations on the Floor would resume on May 26, 2020.²

¹ See “New York Stock Exchange to Move Temporarily to Fully Electronic Trading,” available at <https://ir.theice.com/press/news-details/2020/New-York-Stock-Exchange-to-Move-Temporarily-to-Fully-Electronic-Trading/default.aspx>.

² See Trader Update, “NYSE Equities Trading Floor to Partially Reopen on Tuesday, May 26, 2020,” dated May 14, 2020.

Standards of Conduct During the COVID-19 Pandemic

Consistent with local requirements³ and pursuant to Rules 35 (Access to and Communication with the Floor) and 476(a)(7) (prohibiting acts detrimental to the interest or the welfare of the Exchange), Members may be present in the Facilities on or after May 26, 2020, only if they comply with the following requirements:

- avoid the Facilities while experiencing a cough, fever, or other symptoms commonly associated with COVID-19;
- avoid the Facilities if the person has a positive diagnosis for COVID-19 or has a reasonable basis to believe that he or she has COVID-19;
- avoid the Facilities if the person or a member of his or her household has been exposed, within the preceding 14 days, to a person who has a positive diagnosis for COVID-19 or has a reasonable basis to believe that he or she has COVID-19;
- avoid public transportation by arranging alternative forms of transportation to and from the Facilities;
- avoid visiting any establishment that was open in violation of a local law instituted in connection with the COVID-19 pandemic;
- submit to temperature checks, medical screening and monitoring provided by the Exchange upon entering the Facilities or at such other times as determined by the Exchange;
- agree to be subject to COVID-19 (or related or similar infection or antibody) testing on a periodic basis as determined by the Exchange, or to provide the result of such testing to Exchange personnel, at the request of the Exchange as determined by the Exchange;
- wear a cloth face mask or covering as required by the Face Mask Orders⁴ in the Facilities at all times;

³ The relevant requirements are embodied in a series of Executive Orders issued by the New York State Governor beginning with a disaster emergency declaration in March. See Executive Order No. 202, dated March 7, 2020 (disaster declaration), available at <https://www.governor.ny.gov/news/no-202-declaring-disaster-emergency-state-new-york>; Executive Order No. 202.6, dated March 18, 2020, available at <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>, which was subsequently amended by later Executive Orders or may be amended in the future (together, the “New York State on PAUSE Order”); Executive Orders 202.16, dated April 12, 2020, available at <https://www.governor.ny.gov/news/no-20216-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>, which was subsequently amended by later Executive Orders or may be amended in the future (together, the “Face Mask Orders”). Failure to comply with the New York State on PAUSE Order or the Face Mask Orders is punishable offense.

⁴ See note 3, supra.

- adhere to the following requirements consistent with the New York State on PAUSE Order, including:
 - maintaining at least six-foot physical distancing from individuals while entering and within the Facilities;
 - adhere to pandemic safety protocols established by the Exchange, which include, among other items, practices for preventing the spread of infectious diseases:
 - frequently wash hands with soap and water for at least 20 seconds, or use hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - cover coughs and sneezes with a tissue or fabric or, if not possible, cough or sneeze into the sleeve or elbow (but not into hands); and
 - avoid shaking hands and unnecessary physical contact with others.

Members are reminded that the conduct of individuals while on the Floor or other premises under NYSE control can impact the safety and welfare of others and the efficient conduct of business, and that all individuals must refrain from engaging in any act or practice that may be detrimental to the interest or welfare of the Exchange. Individuals violating of any of the above requirements or any applicable federal, state or local law may be subject to formal or informal disciplinary action or may be asked not to enter or to leave the Facilities by the Exchange.

Supervision

Pursuant to Rule 3110, Members must implement policies and procedures designed to reasonably ensure compliance by the Member and its associated persons and employees with the above requirements. Members are reminded that failure to adequately supervise an employee to ensure his or her compliance with safety and conduct requirements may also result in disciplinary action.

Contact Information

Regulatory questions relating to this bulletin should be addressed to:

- Michael Fitzpatrick, Director, Regulation, Michael.Fitzpatrick@theice.com, 212-656-2092, or
- Stephen Larson, Senior Director, Regulation, Stephen.Larson@theice.com, 212-656-3830.

Operational questions related to the subject matter of this bulletin should be addressed to Charles Caccese, Director, NYSE Floor Operations, Charles.Caccese@nyse.com, 212-656-3230.