**COVID-19 CONTRACTOR/CONSULTANT GUIDANCE FOR CONSTRUCTION JOBSITES**

In response to the public health emergency for the COVID-19 virus, Governor Andrew Cuomo has declared a State disaster emergency and temporarily suspended or modified laws that would prevent, hinder, or delay action necessary to cope with the disaster or emergency. The Governor has also issued directives to allow for the expansion of certain services including those relating to emergency procurement, and to facilitate the continued work of essential businesses. Under the Governor’s executive orders and related guidance, certain construction projects are deemed essential businesses. The purpose of this guidance is to set forth the recommended practices for contractors and consultants performing work at essential construction sites in the context of the COVID-19 health crisis.

**Contractor/Consultant Responsibilities**

Under standard contracting agency/authority agreements:

* Contractors/consultants and their subcontractors are required at all times to guard the lives and health of all persons on and in the vicinity of the work site
* Contractors/consultants and their subcontractors are required to comply with all applicable rules, regulations, codes, and bulletins of the New York State Department of Labor and the standards imposed under the Federal Occupational Safety and Health Act of 1970, as amended (“OSHA”)
* Contractors and their subcontractors are also required to comply with all Client safety requirements
* Contractors/consultants and their subcontractors must comply with all City or State of New York safety requirements for projects within the City or State of New York constructed in accordance with the applicable building code, and contractors are required to provide written safety plans for the site showing how all safety requirements of applicable law will be implemented for the duration of the contract.

Contractors/consultants and their subcontractors must adhere to the following practices to help prevent exposure and spread of COVID-19. The following recommendations are based on what is currently known about COVID-19. Contractors/consultants and their subcontractors are advised to stay current on updates to all relevant materials and Executive Orders (available at <https://www.governor.ny.gov/keywords/executive-order>) and immediately implement the most current practices to protect the safety and health of your employees, clients, and the general public.

Symptomatic and Infected Employees:

* Contractors/consultants and their subcontractors should educate their employees on the symptoms of COVID-19, which include cough, fever, trouble breathing, and pneumonia. Contractors/consultants and their subcontractors must instruct any employee who feels they may meet the above criteria to immediately contact their physician and the local health department in the county in which they reside and to refrain from reporting to the jobsite
* If the employee begins to exhibit these symptoms while in the workplace, steps should be taken to isolate the individual, place a surgical mask on the individual and inform your local health department and the contracting agency/authority
* Personnel should be advised to self-quarantine in accordance with the requirements of the New York State and local health department. Contracting agencies/authorities reserve the right to require any employee of the Contractor and their subcontractors exhibiting symptoms on the jobsite to be removed from the jobsite
* If an employee is confirmed to have COVID-19 infection, Contractors/consultants and their subcontractors should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by applicable New York State and federal law. The fellow employees should then self-monitor for symptoms (i.e., cough, fever, trouble breathing, and pneumonia) and self-quarantine in accordance with the requirements of the New York State and local health department. Contractor should also notify the contracting agency/authority of this information while maintaining confidentiality as required by applicable New York State and federal law
* If an employee tests positive for COVID-19, contractors/consultants and their subcontractors should direct the employee to self-quarantine or remain quarantined for 14 days and follow the guidance of New York State and local health department
  + Contractors/consultants and their subcontractors may permit such employee to return to jobsite when the employee produces negative COVID-19 test or medical clearance to return to work
* If an employee tests negative for COVID-19, Contractors/consultants and their subcontractors may direct the employee to return to work after recovery from their illness. Any direct contacts on pre-cautionary quarantine may return to the jobsite and resume their work activities

Social Distancing:

* Do not host large group meetings or congregate in large groups. When meetings are necessary, maintain a distance of 6-feet between people
* Perform meetings online or via conference call whenever possible
* Only essential personnel should be permitted on the jobsite
* Discourage handshaking and other contact greetings
* Stagger work schedules to minimize the number of people on a job site at any one time.
* Keep one contractor or subcontractor in an area at a time. Indicate an area is occupied with workers with a sign or flag indicating which contractor or subcontractor is in the area at that time. Remove the sign or flag after completion of work in that area to let others know they may then enter into that area to perform their work. The next contractor or subcontractor will then post their sign or flag to notify others that the area is occupied
* Minimize the number of workers in an area as much as possible by using indicators of an occupied area (signs or flags) scheduling work activities to stagger those required to be in any one time to a minimal number of workers
* Minimize entryways into a work area so that employees will be able to observe flagging practices described above. Do not reduce the number of emergency exits
* In addition to the social distancing guidelines provided here, employees are required to wear a mask or cloth face covering while on a jobsite as provided below

General Jobsite Practices

* Utilize personal protection equipment (PPE)
* Sanitize reusable PPE per manufacturer’s recommendation prior to each use
* Do not share PPE
* Ensure used PPE and other trash is disposed of properly
* Do not use a common water cooler
* Do not share tools
* Disinfect reusable supplies and equipment
* Don’t stack trades, if possible

Hand and Respiratory Hygiene

Procedures and supplies should be in place to encourage proper hand and respiratory hygiene.

* + Hand hygiene:

Signage with handwashing procedures should be posted in prominent locations promoting hand hygiene, which includes:

* Regular handwashing with soap and water for at least 20 seconds:
  + Before and after eating
  + After sneezing, coughing, or nose blowing
  + After using the restroom
  + Before handling food
  + After touching or cleaning surfaces that may be contaminated
  + After using shared equipment and supplies
* If soap and water are not available, use an alcohol-based hand sanitizer that contains at least 60% alcohol
* Utilize disposable gloves where appropriate and instruct workers to wash hands after removing gloves
* Respiratory Hygiene:
  + Cover coughs and sneezes with tissues or the corner of elbow
  + Dispose of soiled tissues immediately after use
  + Implement requirements and/or best practices on masks and face coverings

Face-Coverings and Masks

* In a manner consistent with all applicable Executive Orders and guidance (as now or hereafter issued or amended):
* Contractors/consultants and all personnel are required to cover their nose and mouth with a face covering when on a job site and not maintaining (or unable to maintain) social distance (see, e.g., Executive Order 202.17).
* Contractors/consultants are responsible for providing employees with a face covering and requiring the use thereof when in direct contact with the public (which shall include without limitation any customers and/or clients), and ensuring that all contractors, subcontractors, vendors, suppliers, consultants, materialmen and/or agents of any tier comply with this requirement (see, e.g., Executive Order 202.16).
* Examples of face coverings include, without limitation, cloth (e.g., homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields.
* In accordance with current recommendations of the Centers for Disease Control, cloth face-covering should fit snugly, but comfortably against the side of the face, be secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction and be able to be laundered and machine dried without damage or change to shape. Information on face coverings and the use and cleaning thereof is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html> and <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
* Additional best practices:
  + Sanitize reusable face coverings and masks per manufacturer’s recommendation prior to each use.
  + Do not share faced coverings or masks.
  + Ensure used face coverings and masks and other trash are disposed of properly.
* Contractors/consultants shall be responsible for consulting with all applicable Executive Orders and associated guidance on this topic and implementing all applicable requirements, as each may now or hereafter be amended.
* Nothing in this guidance shall supersede any respiratory protection equipment requirements set forth by the United State Department of Labor’s Occupational Safety and Health Administration (OSHA).

Cleaning

* Avoid cleaning techniques, such as pressurized air or water sprays that may result in generation of bioaerosols.
* Practice routine environmental cleaning and disinfecting of all frequently touched surfaces on the jobsite. This includes work stations, project trailers and offices, portable toilets, countertops, handles, doorknobs, gang boxes, tools and equipment. See OSHA Guidance on Preparing Workplaces for COVID-19. [www.osha.gov/Publications/OSHA3990.pdf](http://www.osha.gov/Publications/OSHA3990.pdf)
* If a confirmed case of COVID-19 is found at the jobsite, perform cleaning and disinfection of all surfaces throughout the area. Cleaning and disinfection should be conducted by individuals who have been trained to use products in a safe and effective manner, utilizing appropriate cleaning agents by workers trained on the hazards and OSHA requirements regarding same, and consistent with the requirements of New York State and local health departments. Information about cleaning/disinfection techniques and products can be found at: <https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_non-healthcare_settings.pdf> and

<https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_general_building.pdf>

Written Safety Plan

Contracting agencies/authorities may request an updated written safety plan for the site to address practices to help prevent exposure and spread of COVID-19 at the jobsite pursuant to New York State, OSHA recommendations and Centers for Disease Control requirements, which include:

* Assessment of potential worker exposure hazards, taking into account the specific recommendations and controls for the four levels of worker exposure risk identified in OSHA’s Guidance on Preparing Workplaces for COVID-19 (i.e., very high, high, medium, and lower);
* Evaluation of exposure to risk;
* Selecting, implementing, and ensuring the use of controls (i.e., social distancing appropriate personal protective equipment, hygiene, and cleaning supplies);
* Minimizing the number of workers in an area as much as possible by using indicators of an occupied area (signs or flags) and scheduling work activities to stagger those required to be in any one area to a minimal number of workers;
* Minimizing entryways into a work area so that employees will be able to observe flagging practices described above. Do not reduce number of emergency exits; and
* Additional criteria consistent with health and safety practices at the work site.

Project Closure:

Where work is suspended on a project, Contractors/consultants may be directed to follow any additional project shut-down protocols as provided by the contracting agency/authority and those required by local, state and federal requirements.

Additional Resources:

OSHA COVID-19 Resources - <https://www.osha.gov/SLTC/covid-19>

OSHA Guidance on Preparing Workplaces for COVID-19 -<https://www.osha.gov/Publications/OSHA3990.pdf>

CDC Interim Guidance for Business and Employers to Plan and Respond to Coronavirus Disease 2019 [https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business- response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-%20response.html)

Centers for Disease Control -- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

<https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_non-healthcare_settings.pdf>