NEW YORK STATE | Department of Health

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

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

As of May 13, 2020

Purpose

This Interim Guidance for Construction Activities during the COVID-19 Public Health Emergency ("Interim COVID-19 Guidance for Construction") was created to provide owners/operators of construction projects and their employees and contractors with precautions to help protect against the spread of COVID-19 as indoor and outdoor construction sites reopen.

These guidelines are minimum requirements only and any employer 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. Construction sites must adhere to all local, state and federal requirements relative to construction activities. All construction-involved entities are also accountable for staying current with any updates to these requirements, as well as incorporating same into any construction 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 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 Construction Activities in New York State

No construction activity 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 construction activities – both essential and non-essential – in operation during the COVID-19 public health emergency until rescinded or amended by the State.

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

I. PEOPLE

A. Physical Distancing

- For any work occurring indoors (e.g. construction within an existing building), no more than 1 worker per 250 square feet is allowed on site, excluding supervisors, unless additional personal protective measures are implemented; or

- A distance of at least six feet must be maintained among workers at all times, unless safety of the core activity requires a shorter distance (e.g. dry walling, glazing, lifting). Any time employees must come within six feet of another person, acceptable face coverings must be worn. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet.
    - 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.

- The number of work stations and employee seating areas, and their use, may be modified or restricted, 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, the use of face coverings or physical barriers (e.g. plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation) must be provided and required.

  - 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.

- The use of tightly confined spaces (e.g. elevators, hoists, vehicles) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings, should be prohibited. 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. Ventilation with outdoor air should be increased to the greatest extent possible, while maintaining safety protocols, and additional measures to prevent congregation in elevator waiting areas and limit density in elevators, such as enabling the use of stairs, should be taken.

- Measures should be put in place 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. clock in/out stations, health screening stations, etc.).

- Signs must be posted throughout the site, consistent with DOH COVID-19 signage. Customized signage specific to a workplace or setting can be developed and used, 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.

B. Gatherings in Enclosed Spaces

- In-person gatherings (e.g. shapeups, toolbox talks, safety meetings) must be limited to the greatest extent possible and other methods such as video or teleconferencing must be used 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, meetings should be held in open, well-ventilated spaces and it should be ensured 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).

- Practices for adequate social distancing in confined areas, such as restrooms and breakrooms, must be put in place, and signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas should be developed; and

- Schedules should be staggered 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

- Measures should be taken to reduce interpersonal contact and congregation, through methods such as:
  - limiting in-person presence to only those staff who are necessary to be on site;
  - 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 (e.g. steel erection) over those that do not (e.g. dry walling, glazing); 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

- Non-essential visitors on site should be prohibited.
- Designated areas for pickups and deliveries must be established, limiting contact to the extent possible.
- On-site interactions (e.g. designate an egress for workers leaving their shifts and a separate ingress for workers starting their shifts) and movements (e.g. employees should remain near their workstations as often as possible) should be limited.

II. PLACES

A. Protective Equipment

- In addition to necessary personal protective equipment (PPE) as required for certain workplace activities, acceptable face coverings must be procured, fashioned, or otherwise obtained, and such coverings must be provided to employees while at work at no cost to the employee. An adequate supply of face coverings, masks and other required PPE should be on hand in the event an employee needs a replacement, or a visitor is in need. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult 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. For example, if N95 respirators are traditionally required for specific construction activities, a cloth or homemade mask would not suffice. OSHA standards for such safety equipment must be adhered to.
- Employees must be allowed to use their own acceptable face coverings, but cannot be required 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). Compliance with all applicable OSHA standards is required.

- Measures should be put in place to limit the sharing of objects, such as tools, machinery, materials, and vehicles, 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.

- Workers must be trained on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

B. Hygiene and Cleaning

- 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, is required. Cleaning logs that include the date, time, and scope of cleaning must be maintained.

- Hand hygiene stations must be provided and maintained on site, 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.

- Appropriate cleaning / disinfection supplies for shared and frequently touched surfaces must be provided, and employees should be encouraged to use these supplies before and after the use of these surfaces, followed by hand hygiene.

- Regular cleaning and disinfection of the work site must be conducted, as well as 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.
  - Regular cleaning and disinfecting of restrooms must be ensured. Restrooms should be cleaned more often depending on frequency of use.
    - Distancing rules must be adhered to by reducing restroom capacity where feasible.
  - 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. 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, hand hygiene stations must be put in place for in between uses and/or disposable gloves must be supplied.

- Cleaning and disinfection of exposed areas must be provided for 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. shared tools, machines, vehicles, handrails, portable toilets).

- 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.

        - Operations do not necessarily need to be closed, if affected areas can be closed off.
    - 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.

- Shared food and beverages (e.g. buffet style meals) must be prohibited, bringing lunch from home should be encouraged, and adequate space for employees to observe social distancing while eating meals must be identified and reserved.

C. Phased Reopening

- Reopening activities are encouraged to be phased-in so as to allow for operational issues to be resolved before production or work activities return to normal levels. A limited number of employees and hours, when first reopening should be considered so as to provide operations with the ability to adjust to the changes.

D. Communications Plan

- Affirmation that the state-issued industry guidelines have been reviewed, are understood, and that they will be implemented, must be provided.

- A communication plan for employees, visitors, and customers should be developed that includes 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.

III. PROCESSES

A. Screening and Testing

- Mandatory daily health screening practices must be implemented.
    - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the work 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.
- At a minimum, screening should be required of all workers and visitors and completed using a questionnaire that determines whether the worker or visitor 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.

- 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.

- Employees should be required to immediately disclose if and when their responses to any of the aforementioned questions change, such as if they begin to experience symptoms, both during work hours or outside of work hours.

- Daily temperature checks may also be conducted per Equal Employment Opportunity Commission or DOH guidelines. Keeping records of employee health data (e.g. temperature data) is prohibited.

- Any personnel performing screening activities, including temperature checks, must be 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.

- Screeners should be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield.

- An employee 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. The local health department and DOH must be immediately notified about the suspected case. Information on healthcare and testing resources should be provided to the employee.

- An employee 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 worksite without abiding by the precautions outlined below and documentation of the employee's adherence to those precautions has been done.

- All employee and visitor responses collected by the screening process on a daily basis must be reviewed and a record of such review must be maintained. A contact as the party for workers to inform if they later are experiencing COVID-19-related symptoms, as noted in the questionnaire, must be identified.

- A site safety monitor must be designated whose responsibilities include continuous compliance with all aspects of the site safety plan.

- To the extent possible, a log of every person, including workers and visitors, who may have close contact with other individuals at the work site or area must be maintained; 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. Cooperation with local health departments contact tracing efforts is required.

- 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 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 may be consulted.
  - 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 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 may be consulted.
  - 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 their employer 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 their employer and adhere to the following practices prior to and during their work shift, which should be documented:
    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

- The local health department and DOH must be notified immediately upon being informed of any positive COVID-19 test result by a worker at the site.

- In the case of a worker or visitor testing positive, cooperation with the local health department is required to trace all contacts in the workplace, and the local health department must be notified of all workers and visitors who entered the site dating back to 48 hours before the worker began experiencing COVID-19 symptoms or tested positive, whichever is earlier, but confidentiality must be maintained as required by federal and state law and regulations.

- Local health departments may, under their legal authority, implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.

- Employees 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 not be permitted to remain or return to the work site.

IV. EMPLOYER PLANS

Completed safety plans must be conspicuously posted 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