



STAY HOME – WORK SAFE
ORDER 20200324-007
Supplemental Guidance for the Construction Industry
March 30, 2020

This document provides additional guidance for persons and business associated with the construction industry and building trades on the meaning and application of Order 20200324-007 issued by the Mayor of the City of Austin on March 24, 2020 (the “Order”) and supplements the guidance published on March 25. For the purposes of this supplemental guidance document, construction work by a single worker who is the sole employee/worker on a job site may proceed.

1. Types of construction work permitted under the Stay Home Order.

- Paragraph 2.p. in Exhibit B to the Order lists the specific types of construction activities that are permitted while the Order is in effect. The information in this document is provided as additional guidance for different sectors of the construction industry on how this part of the Order must be interpreted and applied.
- Administrative Process. The City has created an administrative process, managed by the City’s Development Services Department, to make determinations regarding construction under the Order. The administrative process may be used to: (1) determine whether a construction project may continue to operate, and (2) if the construction project cannot continue to operate, determine if a wind-down period allowing limited continuation of construction work is necessary to mitigate a risk to persons or infrastructure. During a wind-down period approved under the City’s administrative process, the project must follow the social distancing requirements in Section 6.j. of the Order, the recommendations for employees in Exhibit B of the Order, and the provisions in Section 2 of this supplemental guidance.
- Public works construction. The City of Austin is continuously engaged in multiple public works construction projects that benefit residents of the City. The City Manager will evaluate all current and planned City public works projects and determine which are critical at this time and must proceed, and which can be deferred until a future time. All private construction firms and other public agencies are strongly urged to follow this practice.

“Public works” as used in the Order also includes construction projects by private sector firms that involve building infrastructure elements (such as stormwater drainage

systems, subdivision streets, utility lines, or sidewalks) that will be used by the general public when completed. Private sector firms may continue these projects under the Order because these types of public works are considered Critical Infrastructure under the Order.

If part of a private construction project involves construction of infrastructure to be dedicated to the City that will expand public infrastructure capacity beyond what is necessary to serve the private construction project, as evidenced by an agreement with the City, then the whole construction project will be deemed critical infrastructure.

- Construction of affordable housing. For the purposes of this supplemental guidance document, Affordable Housing means a development that includes construction on-site of income restricted dwellings for rent or sale, as required by City regulation, federal or state regulation, or private agreement dated prior to March 24, 2020. Payment in lieu of on-site affordable units does not constitute Affordable Housing for the purposes of this supplemental guidance. Income restricted means the unit must be rented or sold to a household with an income that does not exceed specified levels. Construction of housing units by either private businesses or public agencies that meet the definition of affordable housing in this supplemental guidance is permitted under the Order. Questions about whether a specific project meets this definition may be submitted to the Director of the City's Development Services Department, whose determination is final.

If part of a construction project involves construction of affordable housing units, but other parts of the project at the same location do not, the whole project at that site will be deemed to be affordable housing under the Order.

Construction work supporting Essential Businesses. Section 6.f. of the Order lists the types of "Essential Businesses" that can continue operating because they are vital to the continuing needs of Austin's residents. Paragraph 2.p. in Exhibit B of the Order provides that construction work supporting such Essential Businesses is permitted. For purposes of the Order, this includes completion of current construction work and new construction work for a business or facility that is an Essential Business under the Order.

- Construction work supporting Critical Infrastructure. Paragraph 2.b in Exhibit B to the Order lists public and private facilities and assets that can continue to operate because they are "Critical Infrastructure" vital to the security, governance, public health, safety, and economic continuity of the City. Paragraph 2.p. in Exhibit B of the Order provides that construction work supporting such Critical Infrastructure facilities is permitted. For purposes of the Order, this includes completion of current construction work and

new construction work for a facility that is a part of the City's Critical Infrastructure under the Order.

- Construction wind-down. To protect the safety of all workers and structures and to mitigate housing uncertainty for individuals purchasing homes still under construction, the City will not cite a construction business or operator for a violation of the Order at a construction site if the business or operator can demonstrate that:
 - it is winding down its operations in an efficient and safe manner;
 - it is ensuring that all workers at that site are consistently following the social distancing requirements in Section 6.j. of the Order; and
 - It is following the recommendations in Exhibit B of the Order, and the further requirements in Section 2 of this Guidance.

Questions about whether a specific project meets this definition may be submitted to the Director of the City's Development Services Department, whose determination is final.

2. Employer requirements for all construction work.

- In addition to the distancing guidelines and healthy work practice requirements in Exhibits A and B of the Order, for all construction sites within the City with more than 10 active workers at any time, the person in charge of the overall site ("Site Manager") shall:
 - Post at the site, in languages understood by all persons working there, a notice showing the sizes and types of shift crews working there, and directions on how the Site Manager is limiting crew sizes and rotating shifts.
 - Conduct a jobsite pre-screening of the general health of each worker, understood by the worker, every day before the commencement of work.
 - Ensure that the site has at least one handwashing station with soap or hand sanitizer for each 15 workers at the site.
 - Prohibit the use of community water coolers.
 - Ensure that shared tools are disinfected between users, and that common areas (lunch and break areas, tool box talk areas, large equipment, etc.) and collective touch points (door knobs, counters, keyboards, etc.) are cleaned and disinfected at least twice a day.
 - Post in a conspicuous place or places on a site where notices to employees are customarily posted, once such signage is made by available by the City, a sign in English and Spanish providing the social distancing requirements in Section 6.j. of the Order, the recommendations for employees in Exhibit B of the Order, and the provisions in Section 2 of this supplemental guidance, and information for workers to submit complaints of any violations.

- If a worker at a construction site is confirmed to have contracted the coronavirus virus, the Site Manager shall immediately send the worker home, notify Austin Public Health, and follow all directions from Austin Public Health concerning that worker.
- The Site Manager shall ensure that every worker who enters a jobsite has signed in and shall keep a list of and contact information for every worker that enters the jobsite every day for the purpose of identifying and notifying workers if they have shared a jobsite with someone who has been confirmed to have the coronavirus virus.
- All Construction Industry employers are encouraged to observe the following employment practices for the benefit of the overall economy of the City:
 - a. Take no adverse action against a worker who declines to work at a construction site if the worker believes in good faith that the site presents an imminent health risk to the health of the worker or others due to coronavirus.
 - b. Take no adverse action against a worker who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus.
 - c. Do not contest a claim for unemployment benefits filed by a worker temporarily furloughed as the result of the closure of a construction site due to coronavirus.

3. Continuing review of health conditions. The City will continue to monitor closely the health condition of the community and the statistical models for the likely spread of the COVID-19 virus in the community on an ongoing basis. If this evidence continues to indicate that the City’s ability to provide adequate care for those with serious cases of the COVID-19 virus remains significantly compromised, additional emergency orders or guidance may further restrict even the limited construction activity now permitted under the Stay Home Order. All persons in the construction industry should be aware of this risk and are strongly encouraged to take all feasible steps to eliminate person-to-person contact at construction sites, and to observe the City’s recommended social distancing and hygiene practices at all times.

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