



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: Back to Work, Safely:
Preparing a Protected, Prudent
Path

DATE: April 28, 2020

SUPPLEMENTAL

APPROVED: *Sam Liccardo*

DATE: 4/27/20

**REASON FOR
SUPPLEMENTAL**

Since submitting the memo listed above, I have received a copy of a letter co-signed by multiple labor unions, major construction trade associations and affiliated members expressing the urgent need for construction to resume in Santa Clara County, and their absolute commitment to protect the health and safety of all workers and the public. The letter includes an attachment that specifies "COVID-19 Construction Field Guidelines" for all contractors.

SEE ATTACHED BELOW



CONSTRUCTION EMPLOYERS' ASSOCIATION



April 10, 2020

To: **County of Santa Clara Public Health Department:**
Health Officer and Public Health Director Sara H. Cody, MD – sara.cody@hhs.co.santa-clara.ca.us

Santa Clara County Board of Supervisors:
President Cindy Chavez – cindy.chavez@bos.sccgov.org
Supervisor Dave Cortese - dave.cortese@bos.sccgov.org
Supervisor Susan Ellenberg - supervisor.ellenberg@bos.sccgov.org
Supervisor Joe Simitian - supervisor.simitian@bos.sccgov.org
Supervisor Mike Wasserman - mike.wasserman@bos.sccgov.org

Re: Exemption for Construction Activities – Shelter in Place Order

Dear Public Health Director Cody and Santa Clara County Board of Supervisors:

On behalf of the undersigned labor unions, major construction trade associations and their affiliated members who collectively represent tens of thousands of workers, hundreds of union-affiliated contractors and billions of dollars annually in construction volume in Santa Clara County, we urge you to advocate for reopening and keeping open our jobsites in progress and not unnecessarily eliminate thousands of jobs that can be performed and supervised safely. The unionized construction industry believes it can perform all pending construction work – including public, private, commercial and housing – while meeting the highest standards set by State, Local and Cal-OSHA policy makers.

The unionized construction industry's number one priority is and always has been to protect the health and safety of all workers and the public. As your organization examines and continues to modify the policies you have enacted over the course of the COVID-19 pandemic, it is important to consider the capabilities, resources, and track record of the union construction industry. As labor and management partners, we are all committed to implementing and enforcing robust social distancing and other critical COVID-19-related safety protocols and best practices to mitigate the risk of COVID-19 spread on our jobsites. The unionized construction industry's culture of health and safety as the top priority and its commitment to training to the highest safety standards has prepared it to quickly and effectively respond to necessary COVID-19 safety protocols.

We have already demonstrated our ability, and now stand ready as an industry, to abide by the attached industry-specific COVID-19 Construction Field Guidelines. We will take the same proactive approach in all counties where our members are performing work.

Our contractors are taking seriously the implementation and enforcement of site-specific COVID-19 safety plans to ensure that people who choose to work are healthy as they enter the jobsite and are kept safe throughout the workday. These plans provide for social distancing, jobsite personal hygiene, personal protective equipment, jobsite sanitizing, discouraging of carpooling, monitoring and enforcing the site safety COVID-19-related safety requirements and documenting of these efforts. The intent and purpose of these plans is to ensure the safety of all workers on the jobsite.

Workers who may potentially be infected are excused from work so as not to expose any other workers on the jobsite. Our industry has increased the frequency of cleaning of communal and high touch surfaces and

continues to be extra vigilant in social distancing practices and the use of PPE and hygiene protocols. Workers have the choice to work in a safe manner on our projects to continue to support themselves and their families, or to not work if they choose not to for personal reasons.

To help ensure that all workers remain healthy and safe, an online COVID-19 Preparedness course has been launched which has been uniformly adopted by the Carpenters, Laborers, Operating Engineers and State Building and Construction Trades. Many of our union members and contractors' jobsite supervision and safety personnel have already taken the course, and many more are completing it every day. The training program is accessible to more than 250,000 union workers and over 1,000 union employers.

We are respectfully and urgently seeking acknowledgement and relief on behalf of our members, from the revised March 31 Shelter-in-Place Order that unnecessarily shut down many construction projects that were operating safely and resulted in the temporary lay-offs of thousands of workers as well as detrimental impacts for supply chain partners.

Thank you for your consideration of expanding the definition of construction as an "Essential Business," provided robust COVID-19 safety protocols are in place. The number one and foundational value system of our industry is Safety First. Please know that our members will continue to enact and update jobsite specific protocols to protect workers lives and livelihoods while meeting the Bay Area's significant construction needs.

Sincerely,

Peter Tatzishi
CEO, AGC of California

Michael Walton
Secretary, Construction Employers'
Association

Michael Nanning
Executive Director, Construction Elevator
Contractors Association

Michael Nanning
Executive Director, Crane Owners
Association, Inc.

Michael Nanning
Executive Director, Millwright Employers
Association

Michael Nanning
Executive Director, Modular Installers
Association

Mark Breslin
CEO, United Contractors.

Frank Nunes
CEO, Wall and Ceiling Alliance

Robert Alvarado
Executive Officer, Northern California
Carpenters Regional Council

Oscar De La Torre
Business Manager, Northern California
District Council of Laborers

Dan Reding
Business Manager, Operating Engineers
Local 3

Robbie Hunter
President, State Building and Construction
Trades Council of California

Industry Specific COVID-19 Construction Field Guidelines

Contractors should prepare a new or updated Site-Specific Health and Safety Plan to address Covid-19-related issues and are strongly urged to adopt and implement the following measures as industry best practices under that safety plan. Also, contractors should review the latest OSHA COVID-19 Workplace Safety Guidance document as a resource in preparation of their Site-Specific Health and Safety Plan.

1. Submit a new or updated Site-Specific Health and Safety Plan to address Covid-19-related issues to the appropriate County and/or Owner Representative.
2. Establish an assembly point for staff, before the start of work each day that complies with the recommended social distancing parameters.
3. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the work site. If workers leave and re-enter the work site during the shift, re-screen individuals prior to re-entry into the work site.
4. Provide a daily tailgate session reviewing site protocols to mitigate potential spread of the virus. As information is changing continuously regarding COVID-19, these tailgates should occur daily and contractors should document attendance and require worker signatures.
5. Designate a Site Safety Rep (SSR) to monitor and implement all recommended safety practices regarding the COVID-19 virus with all contractor staff members. Labor supervisors must have the authority, through consultation with the SSR, to halt all activities that do not adhere to the COVID-19 safety practices. The SSR should have training commensurate with this hazard and all required industrial hygiene practices that may be required on the job site. This person will be responsible to maintain supplies of disinfectants and make sure that workers follow decontamination, hand washing, distancing, and PPE rules.
6. Establish the level of PPE required for each specific task. This is especially important for tasks that may require staff to work inside of the recommended social distancing zone. Employ a task specific Job Hazard Analysis (JHA).
7. For work sites where multi-employers share the same work space, inform all employers about each site-specific COVID-19 Construction Field Safety Guideline. Where one contractor enters the space of another contractor, the most stringent guidelines will be followed.
8. Clean and sanitize trailers, toilets and other enclosed spaces. Establish deep cleaning schedules on job sites to address exposed surfaces.
9. Social distancing or appropriate PPE must be maintained in elevators and lifts. Establish a regular cleaning and disinfection schedule for elevators and lifts.
10. Establish a cleaning and decontamination protocol prior to entry and exit of the job site. Establish a similar cleaning protocol within the job site area.
11. Establish cleaning and/or hand washing stations within the work areas. They should be of sufficient quantity to allow staff to remain within the work areas without exiting into break areas. It is critical to adequately maintain these stations continuously.
12. Establish adequate time in the work day to allow for proper cleaning and decontamination including prior to leaving the job site for the day.

Also, as part of the Site-Specific Health and Safety Plan contractors should draft and implement a Code of Safe Practices that will at a minimum require staff/labor to follow the following guidelines during the course of their work:

1. If you feel sick, and/or have been exposed to anyone who is sick, stay at home. You may be required to provide test result showing a negative result (not infected) before being allowed to return to work. This is critical to preventing spread of the virus.

2. Wash hands frequently for at least 20 seconds with soap and water. Avoid touching your face with un-sanitized hands. Avoid touching common surfaces with bare hands.
3. Constantly observe your work distances in relation to other staff. Maintain the recommended 6 feet at all times when not wearing the necessary PPE for working in close proximity to another person. Do not shake hands or make other direct contact with other staff. Do not carpool with other staff unless they are family members living within your household.
4. Do not share phones. Use of microwaves, water coolers and other similar group equipment for breaks are suspended until further notice.
5. Clean personal tools prior to use, as well as group tools.
6. If your task requires working in close proximity to another person, review the required JHA to ensure you are equipped with the proper PPE and are trained in and understand the directions for use. Do not start any task until you have been properly equipped and trained on procedures.
7. Ensure you clean and maintain your personal PPE and do not loan any item out to other staff.
8. Disposable PPE, paper towels, and similar waste must be deposited in non-touch waste bins.
9. Do not cough or sneeze into your hand; rather, direct coughs and sneezes into the crook of your arm at your elbow; follow established CDC guidelines.
10. Workers should change work clothes and shoes prior to arriving at home. All clothing should not be shook out. Launder work clothes separate from other laundry.