



## ASSOCIATED GENERAL CONTRACTORS OF NEW YORK STATE “NY FORWARD” RECOVERY PLAN

New York’s construction industry is a powerful economic engine during normal times; each \$1 billion invested in non-residential construction spending adds about \$3.4 billion to Gross Domestic Product (GDP), about \$1.1 billion to personal earnings and creates or sustains 28,500 jobs. As Governor Cuomo takes steps to begin to “Unpause” New York, the construction industry is primed and ready to continue working *safely* and play a crucial role in our State’s economic recovery and resurgence through “NY Forward.”

Construction has been broadly deemed “essential” in New York throughout the COVID-19 crisis under Governor Cuomo’s “New York on Pause” Executive Orders. Our industry—which already had significant experience working safely in hazardous conditions and applying rigorous protocols and utilizing personal protective equipment (PPE) to mitigate exposure to pathogens and other health risks—has developed and honed best practices to mitigate health risks to construction workers and others as construction work has continued across New York during this pandemic.

The construction industry, informed by that experience and driven by our abiding commitment to safety, is exceptionally well prepared for a broader reopening of construction activity that will put more people back to work and help prime and sustain economic recovery.

The Associated General Contractors of New York State (AGC NYS), New York’s leading statewide construction industry organization, representing the full breadth of our industry, building and highway, union and open shop, in every region of our State, offers the following recommendations, procedures and guidelines for the safe resumption of construction activity.

The construction industry, quite literally, built New York. We remain prepared to resume and continue work to help New York rebuild and recover in the wake of the economic damage wrought by this pandemic.

### **1. COVID-19 Mandatory Policies and Procedures for All Construction Sites and Construction Workers**

All contractors must implement a safety plan addressing site policies and procedures to protect their employees from COVID-19. All employees must be trained in established safe practices and are required to follow all measures implemented to protect the workforce from potential exposure to the coronavirus. Safety plans developed to protect employees from COVID-19 must be maintained on the project. Safety plans and procedures related to COVID-19 must be current and modified as site conditions change and to reflect the most current information available by [OSHA](#), [CDC](#), and the [NYSDOH](#).

## **Employee Health Protection**

- Sick employees are not to report to work.
- Any employee exhibiting any of the symptoms below, must report such symptoms to a supervisor (via phone, texting, or email) immediately, and head home from the job site or stay home if already there. Employees that show signs or complain about such symptoms, shall be directed to leave the project site immediately. COVID-19 typical symptoms:
  - Fever
  - Cough
  - Shortness of Breath or difficulty breathing
  - Sore Throat
  - New loss of taste or smell

Prior to starting a shift, each employee will either self-certify or be examined by a qualified person that they:

- Have no signs of a fever or a measured temperature greater than 100.3 degrees.
- Had no cough or trouble breathing within the past 24 hours.
- Have not had "close contact" with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.
- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Any employee that exhibits symptoms, answers yes to any items on the daily questionnaire, or who are unable to certify they do not have an elevated temperature, must be directed to leave the work site. If warranted, employees must seek medical attention and receive applicable testing per their health care provider. They are not to return to the work site until cleared by a medical professional if the health care provider determines they may be or have been infected with COVID-19. [CDC](#) and [NYSDOH](#) guidelines must be followed accordingly.

## **General site procedures to prevent and limit the transmission of COVID-19**

- For applicable projects such as building, transit facilities and secured sites, employees arriving on site are to utilize designated entry points established for the project. Designated entry points should be utilized to eliminate or limit employees from interacting with non-construction personnel. Designated entry points need to be identified within the site safety plan. Unsecured project sites including but not limited to highway work shall be excluded from requiring designated entry points.
- No handshaking or other touching.

- All persons on site must wash their hands upon entering the worksite and periodically over the course of their shift with soap and water or shall use an alcohol-based hand sanitizer comprised of least 60% ethanol or 70% isopropanol.
- Each jobsite must have hand washing stations available for employees when practical. Employees must be aware of proper hand washing procedures and instructions as to how to properly wash one's hands must be provided onsite. When hand washing stations are not practical, hand sanitizer must be provided. Having both handwashing capabilities and providing hand sanitizer is recommended when it is achievable. All wash stations shall be provided with soap, hand sanitizer, paper towels and a garbage receptacle with a liner. If a worker notices soap or towels are running low or are out, they are to immediately notify their supervisor.
- Each jobsite shall develop cleaning and disinfection procedures following [CDC guidelines](#).
- A "No Congregation" policy is in effect on all construction projects. All employees must adhere to social distancing protocols by maintaining a minimum distance of 6 feet from other individuals. If a construction activity must be performed and it is infeasible to perform that operation while maintaining social distancing, employees must be provided with the appropriate PPE as defined by [OSHA](#) and the [CDC](#).
- Where appropriate, employers should stagger shifts and coordinate work activities so social distancing can be maintained.
- Do not convene meetings of more than 10 people. All face to face meetings must be conducted while maintaining social distancing. Employers should utilize cell phones, texting, web meeting sites and conference calls for project discussion when practical.
- Employers must assess the potential exposure to COVID-19 and ensure their employees are provided with the appropriate personal protective equipment. The [OSHA document](#) covering "Guidance on Preparing Workplaces for COVID-19" provides worker PPE that is required based on the potential level of exposure to the employee.
- All construction workers shall wear a face covering where social distancing cannot be consistently maintained.
- All employees shall be encouraged to maintain appropriate social distancing when traveling to work or returning home from work. Employees that utilize company vehicles are not to share their vehicle with others to get to and from work. If a construction activity requires more than one employee to occupy the vehicle, appropriate PPE must be worn.
- When entering a machine or vehicle which you are not sure you were the last person to enter, door handles, steering wheel, etc. are to be cleaned and disinfected.
- All high contact surfaces, such as but not limited to, meeting areas, door handles, handrails, personnel hoists, elevators, laptops, tools, bathrooms/porta-potties, etc. shall be cleaned and disinfected at least twice daily.

- Personnel hoists and elevators shall only be used at 50% capacity and employees must be provided with appropriate PPE.
- Cover coughing or sneezing with a tissue, then throw the tissue in the trash and wash hands, if no tissue is available then cough into your elbow.
- Avoid touching eyes, nose, and mouth with your hands.
- To avoid spreading germs, all employees must clean up after themselves. No person shall be responsible for moving, unpacking and packing up tools or other personal belongings of another individual.

NOTES:

- Every company needs to have an employee working on site who is aware of OSHA and CDC guidelines for protecting their workforce. Employers are responsible for designating an individual that is responsible to ensure safe work practices are being followed and that they are properly trained in policies and procedures related to COVID-19.
- The Governor should consider temporary suspension or modification of any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during the State's disaster emergency, if compliance with this statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster. This would include suspension of measures that would ease or enhance compliance with precautions and procedures necessary to mitigate the risk of COVID-19.

## **2. COVID-19 Liability Protections for General Contractors**

Throughout the COVID-19 pandemic Governor Cuomo has demonstrated strong leadership, guidance, and support for the employers and employees that are doing the essential work of the construction industry. The Governor's leadership and guidance have provided clarity for general contractors acting in good faith to protect the health and safety of workers and the general public from this invisible enemy.

The construction industry has taken extraordinary steps to protect the health and safety of workers, but despite our best efforts COVID-19 knows no boundaries. It does not heed warning signs at the workplace, at home, on transportation systems, and in our communities. Daily briefings from medical experts continue to warn the public that the virus will be with us for possibly several cycles or until there is enough testing, contact tracing, and a vaccine.

Despite the projections of health care professionals and government officials the gradual reopening of the economy to allow the greater movement of goods and services will elevate the risk of another COVID-19 outbreak. The gradual reopening of the economy will pose additional health risks and open general contractors to significant legal liability for potential workplace COVID-19 related labor and employment claims. New York State must recognize the significant legal liability posed by COVID-19 and protect responsible general contractors acting in good faith and following applicable statutes, rules, executive orders, and approved sector-specific restart plans.

AGC NYS urges Governor Cuomo to extend meaningful liability protections for responsible general contractors to ensure our economy is not further devastated by COVID-19 related labor and employment lawsuits during the recovery.

### **3. Regional Approach**

Given the vastly different prevalence of COVID-19 infection and exposure in different parts of New York—and the often vastly different nature of construction and density of workers in different regions and environments—we believe that the scope and pace of a resumption of construction activity should be tailored on a regional basis.

### **4. Federal Stimulus – “Phase 4”**

AGC NYS and our infrastructure partners in Washington, D.C. are urging the New York State Congressional Delegation to take four important steps related to infrastructure in the next COVID-19 legislation—the “Phase 4” emergency relief and economic recovery package. AGC NYS is currently working with the delegation on an immediate infusion of \$4B for the Metropolitan Transportation Authority, \$50B in flexible federal funding to offset the potential loss in state transportation revenues; a multi-billion infrastructure package to rebuild New York’s transportation and building infrastructure; funding for cash-strapped local governments; and we stand committed to working with Governor Cuomo to secure additional infrastructure funding for disproportionately COVID-19 impacted states.

#### **Contact:**

**Mike Elmendorf, President and CEO**

**AGC NYS**

**10 Airline Drive, Suite 203**

**Albany, New York 12205**

**518-456-1134 Phone**

**[melmendorf@agcnys.org](mailto:melmendorf@agcnys.org)**

**[www.agcnys.org](http://www.agcnys.org)**

