

COVID-19 in Pennsylvania Construction Return-to-Work

On May 1, 2020, construction operations in Pennsylvania will be allowed to resume following mandated closure in March. These and other businesses and establishments were closed in an effort to stop the spread of COVID-19. Pennsylvania issued Stay-at-Home orders for all individuals, and ordered all non-life-sustaining businesses, government and non-emergency services to be closed as of March 23. [A list of life-sustaining establishments can be found here.](#)

On April 15, 2020, the State issued orders requiring certain practices and protections be implemented at places of business (other than healthcare) remaining open under the original stay-at-home order. These requirements still apply. [See this link for the full order.](#)

Briefly, the Safety Requirements include:

- Cleaning and disinfection guidelines.
- Providing handwashing facilities.
- Providing and requiring employees to use masks.
- Maintaining social distancing of six feet between individuals.
- Staggering employee work start / stop times and break times to prevent gatherings.
- Policies and practices to promote social distance in common areas and during breaks.
- Conducting meetings and trainings virtually; limiting physical attendance at meetings.
- Ensuring the facility has sufficient numbers of employees / personnel to carry out all measures effectively, and ensuring safety for the public and employees.
- Ensuring that the facility has sufficient personnel to control access, maintain order, and maintain social distancing.
- Prohibiting non-essential visitors from entering the premises; and
- Ensuring that all employees are notified of these required procedures.

Workplace Areas with Exposure to COVID-19

Under the Order, there are requirements to establish specific protocols for situations when the business has been exposed to a person who is a probable or confirmed case of COVID-19. These required protocols include:

- Isolation and ventilation of the work area, including a 24-hour delay before cleaning.
- Guidelines for cleaning and disinfecting the work areas.

- Identifying individuals and following up with individuals in contact with person who is infected.
- Contact tracing with the infected individual.
- Monitoring the health status of the COVID-19-infected individuals and contacted workers.
- Having workers stay home and sending workers home when ill or having signs / symptoms.
- Ensuring adequate time off for sick or exposed individuals.
- Having enough staff to carry out the program.
- Temperature screenings before work; and
- Ensuring workers follow protocols before returning to work.

Requirements Related to Construction Work Resuming on May 1 – For All Work

In *addition to* the requirements listed above for construction work resuming on May 1, 2020, the following construction-related guidelines and requirements must be followed:

- PA Secretary of Health, PA Department of Health, or CDC Guidance or orders (including the April 15, 2020 Order) must be followed.
- Social distancing guidelines must be followed unless worker or public safety necessitates otherwise.
- Handwashing facilities located appropriately.
- Cleaning and sanitizing protocols.
- Ensuring social gatherings are limited to 10 or fewer people with social distancing.
- Limiting tool-sharing and sanitizing tools that are shared.
- Employing jobsite screening (based on CDC) to determine if employees can work or should be sent home.
- Prohibiting unnecessary visitors and limit supply deliveries.
- Limiting access to enclosed spaces to the extent feasible.
- Ensuring workers are traveling to jobsites separately and, where possible, not sharing vehicle; and
- Identifying a Pandemic Safety Officer for each site or, for a large site, identifying a Safety Officer for each contractor at the site.

Residential Construction – (One and Two Family Structures of < 3 Stories and Related Structures):

- Limit number of workers who are actively performing construction work to four at any one time (does not including inspectors, delivery person...etc.).

Non-Residential or Commercial Construction:

- For enclosed projects / parts of projects of < 2000 sq. ft. – must limit the number of employees to < 4 for that project / portion of project.
- One additional person per 500 sq. ft. is allowed (not inclusive of inspectors, deliveries...etc.); and
- Strongly consider implementing a written Safety Plan for each site.

[The entire Guidance Document can be found here.](#)



OSHA Requirements

OSHA retains enforcement capability for worker safety at worksites with potential exposure to COVID-19. Because of the unique challenges of the COVID-19 outbreak, numerous letters of interpretation and relaxation of OSHA requirements have been issued for things such as:

- Inability to annually fit test respirators.
- Extended use of respirators and use of non-approved respirators due to shortages.
- Procedures for conducting OSHA inspections and issuing citations.
- Consideration of employer good faith efforts to comply with OSHA; and
- Recordkeeping and reporting of COVID-19 illnesses, hospitalizations, and fatalities.

[Memos and other related COVID-19 information from OSHA can be found here.](#)

Businesses Open to the Public

The Pennsylvania Safety Order issued on April 15, 2020, includes requirements for businesses (other than healthcare) that serve the public such as retail stores or other businesses open to the public. These requirements are not presented here, but can be found at the link to the Order. These orders may apply to stores that supply materials to the building trades, or locations and sites that serve the public.

Additional Resources

Recommendations and Best Practices are also important to be aware of and followed in an effort to reduce the risk of coronavirus spread. Some CDC and State recommendations are requirements under the State of PA Guidance as well. Important sources for information include the following websites:

CDC – Presents comprehensive information for businesses and employers, and information on cleaning and disinfecting:

<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>

OSHA – Contains regulatory and guidance information on employee safety issues:

<https://www.osha.gov/Publications/OSHA3990.pdf>

<https://www.osha.gov/Publications/OSHA4000.pdf>

Commonwealth of Pennsylvania – General Guidance on the State requirements and restrictions related to the COVID outbreak and a sample written program:

<https://www.pa.gov/guides/responding-to-covid-19/>

If you have questions, contact:

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