

Town of Wellesley COVID 19 Essential Construction

Due to the declared State of Emergency and the Emergency Orders declared and issued by Governor Baker, the Commonwealth of Massachusetts has developed an “Essential Services” list as part of the March 23 Emergency Order and refined in the March 31 Emergency Order. Governor Baker’s emergency order requires that all businesses and organizations that do not provide “COVID-19 Essential Services” close their physical workplaces and facilities to workers, customers and the public through May 4. **Update: Per the extension of the Governor’s order, this requirement is extended through May 18.**

Based on the Governor’s Order, the Town of Wellesley defines “Essential Construction” as follows:

- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC technicians, inspectors and other service providers who provide services that are necessary to **maintaining** the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, health care facilities, senior living facilities, and any temporary construction required to support COVID-19 response.
- Workers performing housing construction related activities, including construction of mixed-use projects that include housing, to ensure additional units can be made available to combat the Commonwealth’s existing housing supply shortage.

Construction may continue in Wellesley only if it the meets the Executive Order’s definition of essential construction, the project currently has a valid permit issued prior to April 14, 2020 and also complies with the Safety Guidelines and Procedures for Construction Sites issued by the Commonwealth (attached), including: strict social distancing, hand hygiene, employee health protection, and site risk prevention measures.

April 14 through May 18, 2020 the following permits shall not be issued as they are deemed non-essential:

1. Demolition of Single-Family Residential Structures that will be replaced with Single Family Residential Structures.
2. Retaining Walls
3. Swimming pools/spas
4. Permits for new additions of any kind. (Except for commercial permits that support COVID 19 Operations)
5. Permits for interior remodels/alterations of any kind. (Except for commercial permits

that support COVID 19 Operations)

6. Roof replacement – (unless emergency need)
7. Window replacement
8. Siding replacement
9. Accessory structures (sheds, detached garages, barns, etc.)
10. Tents (except in support of COVID 19 Operations)
11. Fences
12. Solid Fuel Burning Appliances (wood stoves, pellet stoves, etc.)

All Projects: Construction sites that cannot consistently comply with the COVID-19 Safety Guidelines and Procedures for Construction Sites issued by the Commonwealth, including ensuring that social distancing and safety requirements are being followed, must safely secure the site and cease construction activities until a corrective action plan is prepared, submitted and approved by both the Owner and Town.

The Town may, upon receipt of properly substantiated complaints that the project site is not in compliance with the Commonwealth's Safety Guidelines and Procedures for Construction Sites during the State of Emergency, require the site to cease construction activities until a corrective action plan is prepared, approved, and a third-party private inspector (accountable to the Town) has been hired, at the cost of the contractor, to oversee and inspect the site, and has reported to the Town the site is in compliance with social distancing and safety requirements.

**Enforcement of the COVID-19 Safety Guidelines and
Procedures for Construction Sites**

COVID-19 Order No. 13, as revised and extended on March 31, 2020, requires the Massachusetts Department of Transportation and the Division of Capital Asset Management and Maintenance to "issue guidance and enforcement procedures for the safe operation of public works construction sites." The safety guidance is attached as "COVID-19 Guidelines and Procedures for All Construction Sites and Workers at All Public Works Sites" (hereinafter, the COVID-19 Construction Safety Guidance) and is posted online and may be revised from time to time. This document contains the required enforcement procedures, which shall be followed by all state agencies and authorities who undertake, manage or fund construction projects and may be used by each city or town for ensuring the safety of both publicly- and privately-owned construction projects.

- All Projects: Construction sites that cannot consistently comply with the COVID-19 Construction Safety Guidance, including ensuring that social distancing and safety requirements are being followed, must:
- Safely secure the site and pause construction activities until a corrective action plan is prepared, submitted and approved by both the Owner and the city or town; or
- Close down the site for the duration of the State of Emergency if repeatedly found by either the Owner's COVID-19 Officer or a state or local inspector (including a third-party private inspector accountable to a city or town) to be in violation of the social distancing and safety requirements.
- A city or town may additionally require the Owner to develop and submit a site-specific risk analysis and enhanced COVID-19 safety plan. The city or town shall review and approve such plan and may require such projects to pause construction until such a risk analysis and plan is submitted and approved. Once such an enhanced COVID-19 safety plan is approved, a violation of the plan shall be treated the same as a violation of the COVID-19 Construction Safety Guidance.
- A site-specific COVID-19 Officer (who may also be the Health and Safety Officer) shall be designated for every site.
- The approved project Health and Safety Plan (HASP) shall be modified to require that the

Contractor's site-specific project COVID-19 Officer submit a written daily report to the Owner's Representative. The COVID-19 Officer shall certify that the contractor and all subcontractors are in full compliance with the COVID-19 Construction Safety Guidance.

- Public Projects: For all projects undertaken, managed or funded by a state agency or authority there shall be joint enforcement responsibility between the project's public Owner and the city or town where the project is located.
- The Owner of the project has the lead responsibility for compliance and enforcement including frequent on-site inspections by an employee or contractor of the state agency or authority who is familiar with the COVID-19 Construction Safety Guidance and is authorized to enforce that guidance and shut down work at the site if violations are found.
- The Owner of the project is required to notify the municipality where the work is taking place whenever a site is shut down or of any violations of the COVID-19 Construction Safety Guidance and the resulting corrective action plan, as well as to provide copies of the COVID-19 Officer's written daily reports upon request.
- While the public Owner has the lead responsibility for enforcement, cities and towns retain the authority to take enforcement action against public projects found not in compliance with the COVID-19 Construction Safety Guidance, including the authority to order the project to shut down until a corrective action plan is developed, approved and implemented.
- Private Projects: For all private projects the primary enforcement responsibility rests with the city or town, with the Massachusetts Department of Transportation and other state agencies providing technical assistance and resource support.
- Cities and towns are authorized to enforce the COVID-19 Construction Safety Guidance using their public health staff, building inspectors or any other appropriate official or contractor.

- Cities and towns may enforce the safety and distance protocols including requiring the Owner and/or Contractor to safely secure the site and pause construction activities until a corrective action plan is prepared, submitted and approved by the city or town.
- The city or town may require the Owner of a private project to pay for an independent, third party inspector or inspection firm (or to pay into a pool to pay for such inspections). The third party inspector shall be accountable solely to the city or town and shall be responsible for enforcement on behalf of the city or town. A city or town may require private projects to pause construction until such a third-party inspector has been secured.

Any questions about these enforcement procedures or the accompanying Guidance can be directed to:

For MassDOT, Michael McGrath, Assistant Administrator for Construction Engineering, michael.a.mcgrath@state.ma.us

For DCAMM, Jay Mitchell, Deputy Commissioner, Jayson.mitchell@mass.gov

Supplemental Guidelines for Construction Sites

ADDENDUM 1 Limiting Exposures and Worker Infection Protocol

COVID-19 Employee Health, protection, guidance and prevention

Limiting Exposures

Workers should follow the General On-the-Job Guidance to Prevent Exposure & Limit the Transmission of the Virus of the COVID-19 Employee Health, protection, guidance and prevention guide.

In addition, Contractors should advise workers of best practice to limit exposures off the construction site.

When leaving a construction site for breaks, lunch, or other reasons are required to wash hands with soap for at least 20 seconds or use an alcohol-based hand sanitizer with at least 60% ethanol or 70% isopropanol before leaving the site and must maintain social distancing if traveling to other locations off the construction site. Frequent use of handwashing or alcohol-based hand sanitizers should be encouraged and handwashing facilities and/or alcohol-based hand sanitizers should be made readily available at work sites.

Worker Infection Protocol

As provided in the guidance document, there is a zero tolerance for sick workers reporting to work. Employees should be instructed that even those with mild symptoms of respiratory infection (cough, shortness of breath, sore throat) or fever should stay off work. Contractors shall take immediate steps to limit infections at the job site in the event that a worker discovered to have tested positive for COVID-19 or has COVID-19 related symptoms.

Although it is understood that contractors are enforcing Work Site Risk Prevention Practices including social distancing rules and use of PPE, consistent with guidelines it is also recognized that there may be occasions where someone who has tested positive for COVID-19 or who has COVID-19 symptoms has been present in a work area..

Prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, vendors, visitors, and others at a worksite.

IDENTIFICATION OF EXPOSURE

The Contractor shall direct workers with COVID-19 related symptoms to leave the jobsite immediately and contact their healthcare provider. The Massachusetts Department of Health (DPH) or a local board of health will make appropriate notifications to those who had direct prolonged contact with the COVID-19 positive workers.

The Contractor shall work with the local board of health to identify any potential jobsite exposures, including :

- Other workers , vendors, inspectors, or visitors to the work site with close contact to the individual
- Work areas such as supply cabinets and designated work stations or rooms
- Work tools and equipment
- Common areas such as break rooms and tables, vending machines, and sanitary facilities

NOTIFICATION AND QUARANTINE REQUIREMENTS

As provided by law, the identity of the worker must be kept confidential.

Upon learning of an infection, the contractor must immediately notify the designated COVID-19 safety officer, the site safety officer, and the owner.

SANITIZATION REQUIREMENTS

Contractor shall take immediate steps to sanitize common areas and direct work places. This includes all on-site bathrooms facilities, any break facilities, and any other common areas on the job site that may have been in close contact with the infected worker.

Sanitation will be conducted with personnel, equipment, and material approved for COVID-19 sanitization.

Identified areas should remain isolated from workers until sanitation process has been completed and area is deemed safe for use.

RETURNING TO WORK

All impacted workers should follow CDC and DPH recommended steps concerning return to work. Workers who are considered close contacts to a COVID19 case by public health authorities should not return for 14 days and are subject quarantine by public health.

Workers who leave during the work day due to COVID-19 symptoms and develop COVID-19 as confirmed by laboratory testing or diagnosis by a healthcare provider shall not return to the site until either released from isolation by healthcare provider or public health.

IN ALL CASES

Keep all employee names confidential as required by law.

Other employees may be sent home while a workspace is being cleaned but will return to work after cleaning unless advised otherwise by a health care provider.

Other employees should be asked to contact their health provider if they have any questions. Remind other employees to continue to practice proper sanitation and monitor for flu like symptoms.