Pennsylvania Construction Projects Can Soon Resume After COVID-19 Shutdown

Insights
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Pennsylvania Governor Tom Wolf recently announced that construction industry businesses in the state will be permitted to resume operations on May 1, 2020 after having been shut down as a result of the COVID-19 pandemic. However, upon reopening, all construction businesses – including those previously permitted to continue operations because they were supporting life-sustaining businesses or activities – must abide by certain guidelines to prevent the spread of the virus. This alert details what those in the construction industry need to know to reopen and continue or begin projects.

Restrictions For Residential Construction
Residential construction projects are not permitted to have more than four people at the jobsite at any one time. This limit includes the employees of both the prime and sub-contractors, but excludes delivery persons, code inspectors, and other individuals that need temporary access to the project and are not directly engaged in the construction activity.

Restrictions On Commercial Construction
Enclosed commercial construction projects spanning 2,000 square feet or less are prohibited from having more than four people present at the jobsite. Again, this limit includes the employees of both the prime and sub-contractors, but excludes delivery persons, code inspectors, and other individuals that need temporary access to the project and are not directly engaged in the construction activity. For every 500 square feet above 2,000, one additional person is allowed to be present.

Additionally, commercial construction businesses are advised to establish a written safety plan for each jobsite that sets forth the business' plan to prevent the spread of COVID-19 at the project. This plan must be shared with all workers.

Requirements For All Construction Activities
In addition to the above restrictions, all Pennsylvania construction projects must:

- Include a "Pandemic Safety Officer" (PSO) who is responsible for conveying, implementing, and enforcing social distancing and other restrictions on the project. For smaller projects, only one PSO need be identified. For larger projects, a PSO should be selected for each contractor;

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- Maintain at least six feet of distance between workers unless public or worker safety requires otherwise (including the installation of drywall or lifting heavy items);
- Prohibit gatherings of more than 10 people (social distancing should be maintained even if outside);
- Limit access to enclosed spaces unless necessary;
- Meet and distribute information electronically if possible;
- Reorganize shifts, breaks, and work areas to decrease the number of workers at the job site;
- Restrict visitors and other unnecessary personnel from the job site;
- Employ job site screening as outlined by the Centers for Disease Controls and Prevention (CDC), including barring employees with COVID-19 symptoms;
- Provide handwashing stations at appropriate job site locations, such as building entrances and break rooms;
- Create cleaning and sanitizing protocols for areas where there is a high risk of transmission;
- Limit the sharing of tools (if this is not possible, sanitize each tool after its use);
- If possible, prohibit workers from traveling to and from the job site in the same vehicle;
- Follow the applicable provisions of the Secretary of Health's April 15, 2020 Order (including requiring the use of masks/face coverings at the work site, and establishing procedures to address the potential exposure of the business to a probable or confirmed case of COVID-19);
- Follow the applicable provisions of the Secretary of Health's April 5, 2020 Order (including cleaning and disinfecting high-touch areas); and
- Follow the applicable Department of Health and CDC guidance.

Conclusion

As you begin the process of reopening, you should familiarize yourself with our alert: 5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance. You should also keep handy our 4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers and our FP Resource Center For Employers.

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our Philadelphia or Pittsburgh office, or any member of our Post-Pandemic Strategy Group Roster.

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