



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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May 6, 2020

**To: SONOMA COUNTY Superintendents, Member School Districts
(K-12)**

From: Jennifer Henry, Associate General Counsel *J.H.*

**Subject: Sonoma County Relaxes Construction Restrictions in New
Shelter in Place Order**
Memo No. 30-2020

Sonoma County’s Public Health Officer (“County”) revised the Shelter in Place Order, effective as of May 4, 2020, until it is rescinded or revised (“Order”).¹ While much remains unchanged from the previous orders, the County reduced construction and landscaping restrictions. The County added to the list of Essential Businesses allowed to operate “business provided construction services,” which means construction work on the exterior of any structure, and construction work on the interior of any unoccupied structure. Interior work may be performed on a new or existing structure that no person resides in, or accesses for the duration of the construction activity, except for the construction workers.

The Order allows “lower risk” businesses including construction, landscaping, and related services, to resume operating, as long as two important criteria are met:

1. The previous Social Distancing Protocol is posted and given to each employee, per the previous March 31, 2020 Order (See our Legal Update dated April 1, 2020, Memo No. 25-2020; and https://socoemergency.org/wp-content/uploads/2020/05/Appendix-A_05-01-2020extended.pdf.)
2. The construction and landscaping work is performed in compliance with the County’s new Construction Field Safety Requirements. (See https://socoemergency.org/wp-content/uploads/2020/05/Appendix-B_05-01-2020.pdf.)

¹ The Order can be found online at <https://socoemergency.org/order-of-the-health-officer-no-19-09-shelter-in-place-extended/>.



The County’s Construction Field Safety Requirements mandate construction businesses to establish a daily screen protocol for employees; provide a daily tailgate session to review site protocols; designate a Site Safety Rep; regularly clean and sanitize trailers, toilets, and enclosed spaces; establish a cleaning/decontamination entry/exit protocol; establish cleaning/hand washing stations; ensure easy access to parking; and establish a Code of Safety Practices. For more detail, see the County’s Construction Field Safety Requirements attached, and posted online at: https://socoemergency.org/wp-content/uploads/2020/05/Appendix-B_05-01-2020.pdf.

Also allowed to resume work are services needed to support construction activity, which includes, for example, environmental review work, land-surveying, painting, plumbing, electrical, roofing, drywall, fencing, paving, fixture installation, inspection, and similar services.

Please also ensure that your contractors are aware of the new Cal/OSHA Safety and Health Guidance on COVID-19 Infection Prevention in Construction that was issued on April 27, 2020. (See <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Construction.pdf>.) Although it does not impose any new legal obligation, it contains information for construction employers on ways to update their required Injury and Illness Prevention Program to address COVID-19 employee training and prevention.

We interpret this Order to mean that construction projects may now move forward whether or not the Local Education Agency (“LEA”) has designated them as “Essential,” provided that contractors comply with all applicable public health protocols.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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Appendix B: COVID-19 Construction Field Safety Requirements

The following are required elements of a Social Distancing Protocol for construction businesses engaged in allowed construction activity under Section 16.f.vi of the Health Officer's Order C19-09, dated May 1, 2020.

1. If requested, submit to the appropriate County Representative the new or updated Social Distancing Protocol consistent with these guidelines;
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, and distancing;
6. For work sites where multiple employers share the same work space, inform all employers about each Social Distancing Protocol and site-specific COVID-19 Construction Field Safety Requirements. Where one contractor enters the space of another contractor, the most stringent protocol or guideline will be followed. Stagger the trades as needed to reduce density and maintain social distancing and separation of at least 6 feet. Minimize interactions when picking up or delivering equipment or materials;
7. Regularly clean and sanitize trailers, toilets, and other enclosed spaces;
8. Social distancing must be maintained in elevators and lifts. Establish a regular cleaning and disinfection schedule for elevators and lifts. Identify other "choke points" or "high-risk areas" where persons may come into close contact, and take appropriate steps to maintain social distancing and hygiene;
9. 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;

Order of the County Health Officer of the
County of Sonoma Extending the Shelter in Place

10. 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;
11. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to leaving the job site for the day;
12. Ensure easy access to parking, since public transit may be limited;
13. Assign a second safety officer to the construction site to ensure protocols are being followed;
14. Ensure all persons utilize appropriate personal protective equipment, including facial coverings or masks, depending on the nature of the work; and
15. Establish a Code of Safety Practices that will at a minimum require staff/labor to follow the following practices during the course of their work:
 - a. If you feel sick, or have been exposed to anyone who is sick with COVID-19, stay at home. You may be required to provide COVID-19 test result showing a negative result (not infected with COVID-19) before being allowed to return to work. This is critical to preventing spread of the virus.
 - b. 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.
 - c. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum 6 feet separation from one another at all times feasible. Do not shake hands or make other unnecessary direct contact with other staff.
 - d. Do not carpool with other staff unless they are family members living within your household. Do not share phones. Use of microwaves, water coolers, and other similar group equipment for breaks is suspended until further notice.
 - e. Clean and disinfect personal tools prior to use, as well as group tools.
 - f. Disposable paper towels and similar waste must be deposited in non-touch waste bins.
 - g. Do not cough or sneeze into your hand; rather, direct coughs and sneezes into a cloth or tissue or, if not available, the crook of your arm at your elbow; follow established CDC guidelines.
 - h. 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.