

Los Angeles, New York Impose New Construction Requirements and Restrictions Due to COVID-19

By Courtney M. Malveaux

April 8, 2020

While the [Occupational Safety and Health Administration](#) (OSHA) and some states have offered guidance to prevent employee exposure to COVID-19, Los Angeles and New York City are enforcing more restrictive measures for construction sites.

Based on guidance from the U.S. Centers for Disease Control and Prevention (CDC), the Los Angeles Department of Building and Safety is [requiring construction employers to develop comprehensive exposure control plans to address COVID-19](#), the potentially deadly respiratory disease caused by the novel coronavirus. Each employer's control plan must address five elements:

1. Social distancing
2. Symptom checking
3. Hygiene
4. Decontamination procedures
5. Training

Failure to comply may mean withheld municipal inspections or even a shutdown of the construction site. In addition, the Mayor of Los Angeles has ordered essential workers to wear non-medical face coverings and has required employers to provide face coverings to employees at the employer's cost.

Amid [growing concerns of construction workers who share tools and portable commodes without adequate sanitation](#), newly released guidance from the Governor of New York has [halted all non-essential construction](#), except for emergency construction (such as work on facilities necessary to protect the health and safety of the occupants, infrastructure projects, or unfinished sites that cannot safely shut down). Sites failing to ensure proper social distancing and other best safety practices will be subject to fines of up to \$10,000 per violation. The New York City Department of Buildings is the largest municipal bureau tasked with implementing the ban, and it provides [more specific guidance on construction it deems essential](#).

For projects deemed essential, the New York City Department of Buildings expects contractors to follow best practices, including handwashing, cleaning surfaces, symptom monitoring, and staggered schedules for in-person meetings (such as pre-shift meetings and new employee orientations). It also suggests telephonic or outdoor meetings when a group must convene.

Construction employers also should:

- Ensure sufficient handwashing stations with soap and running water near commodes and break areas;
- Keep workers at least six feet apart whenever possible while working together or supervising each other; and
- Sanitize shared equipment and tools.

General contractors, prime subcontractors, and site owners also may consider sharing known or suspected cases of COVID-19 with subcontractors at every level and inspectors before they enter the site and encourage them to do the same. Contractors and necessary visitors can use this information to develop plans to segregate tasks by time or distance to prevent spread.

Jackson Lewis attorneys and the dedicated [COVID-19 Task Force](#) are available to assist employers with workplace health matters or to answer any questions.

Meet the Author



[Courtney M. Malveaux](#)

Principal
Richmond 804-212-2862
Email

Practices

Disability, Leave and Health Management
Workplace Safety and Health

Services

COVID-19

Industries

Construction

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

©2021 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.