

AGC Georgia Guidance for Construction Industry following Kemp's 4.2.2020 Executive Order

Released Friday, April 3, 2020

AGC Georgia believes construction in the state can and will continue through the latest EO, but under certain criteria and adherence to specific guidelines.

Yesterday, Governor Kemp issued a [Statewide Shelter in Place Executive Order](#), which becomes effective at 6:00 p.m. today and expires at 11:59 pm on Monday, April 13, eliminating all of the different and varying local city and county orders addressing this topic. While this new Order provides statewide consistency, there are a few areas in the Order impacting construction that need further clarification. AGC Georgia will be working with the Governor's office and the Georgia Department of Economic Development to seek further clarification for the construction industry.

[Supplemental resources for your review: • [Georgia Department of Economic Development's informational page](#) and • [Summary of the EO provided by the Governor's office](#)]

Analysis of this latest EO is extremely complicated due to the reference to the [US Department of Homeland Security's guidance dated March 28, 2020](#) and the EO's references to two categories: "**Critical Infrastructure**" and "**not Critical Infrastructure.**" AGC Georgia has taken time to talk with numerous stakeholders throughout Thursday evening and Friday morning to ensure we are providing the most reliable guidance possible.

Construction can proceed if it falls in one of these two categories.

If by definition your project is "**critical infrastructure,**" a specific set of guidelines apply, and you **SHALL** implement measures which mitigate the exposure and spread of COVID-19 among the workforce. Such measures **MAY** include, but **SHALL** not be limited to: *(See page 5 of the EO)*

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;

14. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace; and
15. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen; and
16. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies.

NOTE: The second "Ordered" in the middle of page 2 of the EO relating to the gathering of 10 or more does not apply to "critical infrastructure."

Construction that is "**not Critical Infrastructure**" (page 4 of the EO) can also continue **IF** it satisfies the definition of "**Minimum Basic Operations**" shown at the bottom of page 3:

1. The minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation, or organization, provide services, manage inventory, ensure security, process payroll and employee benefits, or for related functions. Such minimum necessary activities include remaining open to the public subject to the restrictions of this Order.
2. The minimum necessary activities to facilitate employees or volunteers being able to work remotely from their residences or members or patrons being able to participate remotely from their residences.
3. Instances where employees are working outdoors, without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

NOTE: Item 3 above makes specific allowance for outdoor work which does not involve regular contact with other persons.

Additionally, contractors performing work that falls in the "**not Critical Infrastructure**" category **SHALL** also implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures **SHALL** include the following (all of which, in this case, are mandatory, as opposed to suggested best practices to be followed where practical):

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;

13. Prohibiting handshaking and other unnecessary person-to- person contact in the workplace;
14. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen;
15. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies;
16. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
17. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternative point of sale is permitted under Georgia law;
18. Increasing physical space between workers and customers;
19. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
20. Increasing physical space between workers' worksites to at least six (6) feet.

NOTE: The second "Ordered" in the middle of page 2 of the EO relating to the gathering of 10 or more **DOES** apply to this type of work.

Please know that AGC Georgia's team hasn't stopped working through these details since Thursday evening. We do not want to provide any advice without extensive review. We are continuing to reach out to all leaders in construction-related state agencies, the Governor's office, the construction law community and our AGC of America counselors who have direct contact with the Department of Homeland Security. We commit to bring you the latest information as we learn more.