Advisory Commission on Intergovernmental Relations
Best Practices Guidelines

Public Works - updated 5/21/20 - added Executive Order 7QQ-6

| Critical Functions | “The APWA [American Public Works Association] has identified 145 different functions that are related to public works. They can be classified into 8 broad categories:

1. **Transportation** - This includes streets, bridges, sidewalks, bike paths, airports, seaports, traffic control and storm water management. Public works is responsible for the design, construction and maintenance of these facilities.

2. **Sanitation** - Traditionally cities collect solid waste within the corporate limits and counties dispose of solid waste. However, some cities do operate solid waste landfills, compost facilities and incinerators. Increasingly, cities are becoming involved in recycling operations.

3. **Utilities** - This includes water, wastewater, gas and electric. It may also include storm water and flood control. Utility operations may be a function of public works or utilities may be handled by other city departments or other governmental entities.

4. **Buildings and Grounds** - This includes the design, construction, maintenance and management of public buildings and facilities including urban forestry.

5. **Municipal Engineering** - This includes civil and environmental engineering functions such as new facilities design, technical studies, construction inspection and surveying. The size of your city's public works department, as well as the expertise of personnel, will determine how many of these functions it performs. Larger departments tend to perform some of their own engineering services; small departments will contract these services. Major and complex projects are almost always contracted.

6. **Fleet Management** - This function involves the procurement and maintenance of city owned equipment and vehicles. Some public works departments only manage their own equipment; some provide this service for all city departments. Many contract maintenance services.

7. **Management and Administration** - This includes operations management and supervision, financial management and reporting, public relations, procurement of professional services, requesting and evaluating proposals, awarding bids and contract management.

8. **Other** - Various other functions such as parks maintenance, cemetery operation, airport services, dead animal pickup, etc. may be included under public works.” |

| Statutory Notes | Organizational Structure of Municipal Public Works Departments, Municipal Technical Advisory Service (MTAS, University of Tennessee - https://www.mtas.tennessee.edu/knowledgebase/organizational-structure-municipal-public-works-departments |

- Solid Waste Management - Chapter 446d
- Municipal Sewerage Systems - Chapter 103
- Municipal Waterworks Systems - Chapter 102

**✓ (4) Public services.** (C) Provide for entertainment, amusements, concerts, celebrations and cultural activities, including the direct or indirect purchase, ownership and operation of the assets of one or more sports franchises; (F) Provide for lighting the streets, highways and other public places of the municipality and for the care and preservation of public lamps, lamp posts and fixtures; (G) Provide for the furnishing of water, by contract or otherwise; (H) Provide for or regulate the collection and disposal of garbage, trash, rubbish, waste material and ashes by contract or otherwise, including prohibiting the throwing or placing of such materials on the highways;

**✓ (6) Public works, sewers, highways. (A) Public facilities.** (I) Establish, lay out, construct, reconstruct, alter, maintain, repair, control and operate cemeteries, public burial grounds, hospitals, clinics, institutions for children and aged, infirm and chronically ill persons, bus terminals and airports and their accessories, docks, wharves, school houses, libraries, parks, playgrounds, playfields, fieldhouses, baths, bathhouses, swimming pools, gymnasiums, comfort stations, recreation places, public beaches, beach facilities, public gardens, markets, garbage and refuse disposal facilities, parking lots and other off-street parking facilities, and any and all buildings or facilities necessary or convenient for carrying on the government
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<table>
<thead>
<tr>
<th>Statutory Notes</th>
<th>of the municipality;</th>
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<td>- (ii) Create, provide for, construct, regulate and maintain all things in the nature of public works and improvements;</td>
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<td>- (iii) Enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement, and take by eminent domain any lands, rights, easements, privileges, franchises or structures which are necessary for the purpose of establishing, constructing or maintaining any public work, or for any municipal purpose, in the manner prescribed by the general statutes;</td>
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<td>- (iv) Regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the municipality;</td>
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<td>- (v) Provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds;</td>
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<td>- (vi) Provide for improvement of waterfronts by a board, commission or otherwise;</td>
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✓ (B) Sewers, drainage and public utilities. (i) Lay out, construct, reconstruct, repair, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants; |
| - (ii) Enter into or upon any land for the purpose of correcting the flow of surface water through watercourses which prevent, or may tend to prevent, the free discharge of municipal highway surface water through said courses; |
| - (iii) Regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the municipality; |
| - (iv) Prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the municipality or into sanitary sewers; |
| - (v) Enter into energy-savings performance contracts; |

✓ (C) Highways and sidewalks. (i) Lay out, construct, reconstruct, alter, maintain, repair, control, operate, and assign numbers to streets, alleys, highways, boulevards, bridges, underpasses, sidewalks, curbs, gutters, public walks and parkways; |
| - (ii) Keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in the municipality; |
| - (iii) Control the excavation of highways and streets; |
| - (iv) Regulate and prohibit the excavation, altering or opening of sidewalks, public places and grounds for public and private purposes and the location of any work or things thereon, whether temporary or permanent, upon or under the surface thereof; |
| - (v) Require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction therefrom, provide penalties upon their failure to do so, and cause such snow, ice, sleet, debris or other obstruction to be removed and make the cost of such removal a lien on such property; |

Executive Orders

7H - Essential Businesses - The EO identifies 16 Critical Infrastructure Sectors, as defined by the federal Department of Homeland Security - including: the general heading of “essential government services”

The EO further identifies as essential: Infrastructure (water and wastewater operations, transportation, and utilities, trash and recycling collection, Construction, Professionals for essential infrastructure or for emergency repair and safety purposes - including planning, engineering, design, bridge inspection, and other construction support activities

Executive Order 7H Link: https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7H.pdf

7L- 3. Suspends restrictions on the re-employment of retired municipal employees: To enable municipalities to meet critical staffing needs caused by COVID-19 with skilled and experienced employees who require little to no additional training, the order modifies state statutes to allow certain retired employees who are in the municipal retirement system to work without any hourly or durational limitation while also continuing to receive retirement allowances. **Sec. 7-438(b), Continuation of retirement allowance upon other public employment. Participation in state retirement system. Reemployment by participating municipality.**

Executive Order 7L Link: https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7L.pdf
### Public Works
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| Executive Orders | 7R4. Restrictions on entrance to state parks, forests, and other lands: | In light of significant visitors to certain state parks in recent days, the order gives the commissioner of Energy and Environmental Protection the authorization to ban visitors from entering state parks and other lands under the agency's control after the property has reached a capacity adequate to supporting implementation of social distancing policies to limit the spread of COVID-19. | Executive Order 7R Link: [https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7R.pdf](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7R.pdf) |
| 7V 1. Safe workplaces in essential businesses: | Requires the Department of Economic and Community Development to work in consultation with the Department of Public Health on the development of legally binding statewide rules prescribing additional protective measures that every workplace in Connecticut deemed essential – and any other business or nonprofit allowed to remain open – must follow. Such rules will be mandatory throughout the state. | • Go to DECD's website for the most recent guidance: [https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Safe-Workplace-Rules-for-Essential-Employers](https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Safe-Workplace-Rules-for-Essential-Employers) | Executive Order 7V Link: [https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V.pdf](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V.pdf) |
| 7BB - 1. Cloth face coverings or higher level of protection required in public wherever close contact is unavoidable: | Effective at 8:00 p.m. on April 20, 2020, any person in a public place in Connecticut who is unable to or does not maintain a safe social distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face-covering. In addition, individuals shall use a mask or cloth face covering when using the services of any taxi, car, livery, ride-sharing or similar service or means of mass public transit, or while within any semi-enclosed transit stop or waiting area. The commissioner of the Department of Economic and Community Development will be required to update the previously issued Safe Workplace rules and Safe Store rules. Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, anyone under the age of 2 years, or by an older child if the parent, guardian or person responsible for the child is unable to place the mask safely on the child's face. If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition. | Executive Order 7BB Link: [https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7BB.pdf](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7BB.pdf) |
| 7QQ-6 - Clarification that Commissioner Orders Issued Pursuant to the Governor's Executive Orders Are Not Regulations Subject to the UAPA. | Section 4-166(16) of the Connecticut General Statutes is modified to clarify that the definition of a regulation does not include any amendment or repeal of an existing regulation and any directive, rule, guidance, or order issued by a Commissioner or Department Head pursuant to a Governor's Executive Order during the existing civil preparedness and public health emergency and any renewal or extension thereof. Notwithstanding Sections 4-166 to 189, inclusive, of the Connecticut General Statutes, any Commissioner or Department Head, as permitted or directed by any such Governor's executive order, may modify or suspend any regulatory requirements adopted by the Commissioner or Department Head that they deem necessary to reduce the spread of COVID-19 and to protect the public health. This section applies to all orders that have been issued since the declaration of public health and civil preparedness emergencies on March 10, 2020 and for the duration of the public health and civil preparedness emergency, including any period of renewal of such emergency declaration. | Executive order 7QQ Link - [https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7QQ.pdf](https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7QQ.pdf) |

### Continuity Issues
- Staffing - It is unknown who (what skill set) may be impacted directly or indirectly by the pandemic. This may result in shortages not only in total staffing but specificities expertise to address routine as well as special circumstance situations.
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| Continuity Issues | Safety - As essential employees, public works personnel are in a more precarious place than most. Some administrative and management staff may work remotely - but front line workers are at increased risk.  
|                   | ✓ Safety Supplies - PPEs are still difficult to secure.  
|                   | Supplies - Many of the vendors that public works depend on have faced their own distribution/manufacturing interruptions due to the pandemic. This can lead to interruptions/delays in repair, maintenance and construction projects.  

### Suggested Best Practice

| Safe Workplace Rules for Essential Employers  
| ✓ Remember - Rank and file public employees are a resource that must be used when discussing, planning or implementing safety protocols and to assist in determining safe practices for public interactions. To not the people who will be staffing worksites is shortsighted, may compromise their safety and will only lead to future problems.  
| ✓ Identify workers who may be at increased susceptibility for SARS-CoV-2 infection or complications from COVID-19 and consider adjusting their work responsibilities or locations to minimize exposure. Other flexibilities, if feasible, can help prevent potential exposures among workers who have diabetes, heart or lung issues, or other immuno-compromising health conditions. (OSHA)  
| ✓ Additional Safety Precautions include: (adapted from - Construction Industry Safety Coalition Recommendations)  
| ‣ Employees must familiarize themselves with the symptoms of COVID-19  
| ‣ Any employee/contractor/visitor showing symptoms of COVID-19 will be asked to leave the job-site and return home.  
| ‣ Safety meetings will be by telephone, if possible. If safety meetings are conducted in-person, attendance will be collected verbally and the foreman/superintendent will sign-in each attendee. Attendance will not be tracked through passed-around sign-in sheets or mobile devices. During any in-person safety meetings - all current social distancing measures must be adhered to.  
| ‣ Employees must avoid physical contact with others and direct employees/contractors/visitors to increase personal space to at least six (6) feet. Where work trailers are used, only necessary employees should enter the trailers and all employees should maintain social distancing while inside the trailers.  
| ‣ Employees will be encouraged to stagger breaks and lunches, if practicable, to reduce the size of any group at any one time - consistent with the most recent Executive Order.  
| ‣ Access to running water for hand washing may be impracticable. In these situations, the Town will provide alcohol-based hand sanitizers and/or wipes.  
| ‣ Employees should limit the use of co-workers’ tools and equipment. To the extent tools must be shared, the Town will provide alcohol-based wipes to clean tools before and after use. When cleaning tools and equipment, consult manufacturing recommendations for proper cleaning techniques and restrictions - as well as CDC guidelines.  
| ‣ The Town will divide crews/staff into groups of not more than two persons where possible so that projects can continue working effectively in the event that one of the divided teams is required to quarantine. As part of the division of crews/staff, the Town will designate employees into dedicated shifts, at which point, employees will remain with their dedicated shift for the reminder of the project. If there is a legitimate reason for an employee to change shifts, the Town will have sole discretion in making that alteration.  
| ‣ Employees should not use ride-sharing.  
| ‣ If practicable, employees should use/drive the same truck or piece of equipment every shift.  
| ‣ In lieu of using a common source of drinking water, such as a cooler, employees should use individual water bottles.  
| ‣ When employees perform construction and maintenance activities, these work locations may present unique hazards with regards to COVID-19 exposures. All such situations should be evaluated by the Town in terms of their workers safety - when determining best practices related to COVID-19.   

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### Suggested Best Practice

- The number of visitors to the job site, including the trailer or office, will be limited to only those necessary for the work.
- All visitors will be screened in advance of arriving on the job site. If the visitor answers "yes" to any of the following questions, he/she should not be permitted to access the job-site:
  - Have you been confirmed positive for COVID-19?
  - Are you currently experiencing, or recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
  - Have you been in close contact with any persons who has been confirmed positive for COVID-19?
  - Have you been in close contact with any persons who have traveled and are also exhibiting acute respiratory illness symptoms?
- Site deliveries will be permitted but should be properly coordinated in line with the employer’s minimal contact and cleaning protocols. Delivery personnel should remain in their vehicles if at all possible.
- In addition to regular PPE for workers engaged in various tasks (fall protection, hard hats, hearing protection), employers will also provide:
  - Gloves: Gloves should be worn at all times while on-site. The type of glove worn should be appropriate to the task. If gloves are not typically required for the task, then any type of glove is acceptable, including latex gloves. Employees should avoid sharing gloves.
  - Eye protection: Eye protection should be worn at all times while on-site.
  - NOTE: The CDC is currently not recommending that healthy people wear N95 respirators to prevent the spread of COVID-19. Employees should wear N95 respirators if required by the work and if available.
- Due to the current shortage of N95 respirators, the following Work Practice Controls should be followed:
  - Keep dust down by using engineering and work practice controls, specifically through the use of water delivery and dust collection systems.
  - Limit exposure time to the extent practicable.
  - Isolate workers in dusty operations by using a containment structure or distance to limit dust exposure to those employees who are conducting the tasks, thereby protecting nonessential workers and bystanders.
- Institute a rigorous housekeeping program to reduce dust levels on the job-site.
- Job-site trailers and break/lunchroom areas will be cleaned at least once per day. Employees performing cleaning will be issued proper personal protective equipment ("PPE"), such as nitrile, latex, or vinyl gloves and gowns, as recommended by the CDC.
- Any trash collected from the job-site must be changed frequently by someone wearing nitrile, latex, or vinyl gloves.
- Any portable job-site toilets should be cleaned by the leasing company at least twice per week and disinfected on the inside. The Company will ensure that hand sanitizer dispensers are always filled. Frequently touched items (i.e. door pulls and toilet seats) will be disinfected frequently.
- -Vehicles and equipment/tools should be cleaned at least once per day and before change in operator or rider
- If an employee has tested positive for COVID-19, OSHA has indicated that there is typically no need to perform special cleaning or decontamination of work environments, unless those environments are visibly contaminated with blood or other bodily fluids. Notwithstanding this, the Company will clean those areas of the job-site that a confirmed-positive individual may have come into contact with before employees can access that work space again.
- The Company will ensure that any disinfection shall be conducted using one of the following:
  - Common EPA-registered household disinfectant;
  - Alcohol solution with at least 60% alcohol; or
  - Diluted household bleach solutions (these can be used if appropriate for the surface).
- The Town will maintain Safety Data Sheets of all disinfectants used on site
### Safe Workplace Rules for Essential Employers


- Identify workers who may be at increased susceptibility for SARS-CoV-2 infection or complications from COVID-19 and consider adjusting their work responsibilities or locations to minimize exposure. Other flexibilities, if feasible, can help prevent potential exposures among workers who have diabetes, heart or lung issues, or other immuno-compromising health conditions. (OSHA)

### Municipal Waste (OSHA)

- Workers and employers should manage municipal (e.g., household, business) solid waste with potential or known SARS-CoV-2 contamination like any other non-contaminated municipal waste. Use typical engineering and administrative controls, safe work practices, and PPE, such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect workers from sharps and other items that can cause injuries or exposures to infectious materials.

### Recycling (OSHA)

- As with municipal waste, employers and workers in the recycling industry should continue to use typical engineering and administrative controls, safe work practices, and PPE, such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to recyclable materials they manage, including any contaminants in the materials.

### Wastewater (OSHA)

- Coronaviruses are susceptible to the same disinfection conditions in the healthcare setting as other viruses, so current disinfection conditions in wastewater treatment facilities are expected to be sufficient. This includes conditions for practices such as oxidation with hypochlorite (i.e., chlorine bleach) and peracetic acid, as well as inactivation through the use of ultraviolet irradiation.

- There is no evidence to suggest that additional, COVID-19-specific protections are needed for employees involved in wastewater management operations, including those at wastewater treatment facilities. Wastewater treatment plant operations should ensure workers follow routine practices to prevent exposure to wastewater, including using the engineering and administrative controls, safe work practices, and PPE normally required for work tasks when handling untreated wastewater. The CDC provides additional information about wastewater management ([https://www.cdc.gov/coronavirus/2019-ncov/php/water.html](https://www.cdc.gov/coronavirus/2019-ncov/php/water.html)).

### Staffing Solutions

- Towns may consider either an inter-municipal agreement or mutual aide agreement with a neighboring community to either share staff or “piggyback” various town staffing with a community with more capacity. Before exercising this option, municipalities should consult with their bargaining units to meet any staffing challenges to ensure proper coordination in accordance with the terms of existing bargaining agreements and all applicable laws including but not limited to the Teachers Negotiations Act and the Municipal Employees Relation Act.
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Suggested Best Practice

- Regional councils of government should be assembling rosters of qualified public works positions who can fill in as independent contractors on an as-needed basis to fill vacancies or work loads of member towns
  - ✅ Avoids need for inter-town agreements
  - ✅ Independent contractors used to fill temporary need should be allowed through E.O. so as not to conflict with local collective bargaining agreements
- Towns with either staffing capacity issues or a temporary interruption in staffing due to COVID-19 could bridge such situations utilizing their regional council of governments (COGs). The nine regional COGs either have the staffing capacity or the ability to “staff up” to perform most town functions. COGs have the statutory authority (8-31b) to provide most any function a town may need. COGs already provide dozens of services otherwise preformed individually by towns on a shared or regional basis.
  - ▶ COGs must engage and involve bargaining unit representatives to be part of any regional staffing.
- Utilizing Executive Order 7L-3 municipalities are allowed to re-hire retired municipal employees - allowing communities third experienced staff. Before exercising this option, municipalities should consult with their bargaining units to meet any staffing challenges to ensure proper coordination in accordance with the terms of existing bargaining agreements.

Resources

- American Public Works Association (APWA) - Coronavirus and the Public Works Community - https://www.apwa.net/MyApwa/MyApwa_Public/Coronavirus_and_the_Public_Works_Community.aspx

The information contained in this document is not intended to provide legal advise and should be used only for guidance regarding various functions performed by municipalities. Individual questions regarding the applicability of Executive Orders should be directed to the Office of Policy and Management Intergovernmental Policy and Planning Division (IGPP) or the town’s legal representative.