

ACIR

Advisory Commission on Intergovernmental Relations Best Practices Guidelines

Updated 12/14/20, Force Majeure Contract Clauses

Public Works

Critical Functions/Responsibilities

“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.”

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>)

Statutory Issues/References

- Solid Waste Management** - Chapter 446d
- Municipal Sewerage Systems** - Chapter 103
- Municipal Waterworks Systems** - Chapter 102
- Municipalities: General Provisions** - Chapter 97 - Sec. 7-148. Scope Of Municipal Powers.
 - ✓ (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 of the municipality;

- ▶ (ii) Create, provide for, construct, regulate and maintain all things in the nature of public works and improvements;
 - ▶ (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;
 - ▶ (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;
 - ▶ (v) Provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds;
 - ▶ (vi) Provide for improvement of waterfronts by a board, commission or otherwise;
- ✓ (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

Declaration of Public Health and Civil Preparedness Emergencies, Governor Ned Lamont:

*...since first declaring emergencies in March of this year, we have learned of unanticipated health effects from COVID-19 that are not well understood by the medical community, that no vaccine or effective treatment for COVID-19 has been approved or made available for wide distribution, and that our residents, businesses, and government agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic, which require the flexibility and responsiveness provided by the emergency powers in Sections 19a-131a and 28-9 of the Connecticut General Statutes in order to protect the public health and promote civil preparedness. As a result, out of an abundance of caution and to eliminate any confusion about the extent of my emergency powers to address the many risks and concerns that will arise in the coming months and did not constitute clear justifications for the original emergencies I declared in March of this year, and pursuant to Sections 19a-131a and 28-9 of the Connecticut General Statutes, **I hereby declare that new states of public health and civil preparedness emergency exist throughout the State... The new states of emergency shall run concurrently with the renewed states of emergency and shall remain in effect until February 9, 2021, unless earlier terminated by me.***

(September 1, 2020)

Executive Order 9L (Executive Order Extensions)

9. **Extension of COVID-19 Executive Orders to February 9, 2021.** Pursuant to the emergency declarations issued on September 1, 2020, all executive orders issued pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 (COVID-19 Orders) that are unexpired and currently in effect as of the date of this order are hereby **extended through February 9, 2021**, unless earlier modified or terminated by me. Any individual section of any such order that is scheduled to expire on any other specific date shall remain in effect until such specific date, and any specific effective date or date for action contained in any such individual section shall remain valid. By way of illustration, and for the sake of clarity, Executive Order No. 9E has no specific duration because each individual section has specific dates for expiration or other action. The specific deadlines within such order, including the January 1, 2021 expiration of the eviction moratorium in Section 1 of that order and the February 9, 2021 expiration of the café liquor permits provided for in Section 2 of that order, shall remain unchanged and unaffected by this order.
10. **Extension of Agency and Municipality Orders of Concurrent Duration with Public Health and Civil Preparedness Emergencies.** Any unexpired order, rule, regulation, directive or guidance issued by any official, agency, department, municipality, or entity pursuant to an unexpired COVID-19 Order, which by its own terms provides that it shall remain in place for the duration of the public health and civil preparedness emergency **shall remain in effect until February 9, 2021**, unless earlier modified or terminated by the issuing authority or a subsequent executive order.

Executive Order Link 9L - <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-9L.pdf>

- ☐ **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>
- ☐ **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>
- ☐ **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>**Executive Order 7V Link:** <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V.pdf>

- **7BB - 1. (Repealed and Replaced by EO 7NNN)** 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>

- **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>

- **7NNN - 1 - Executive Order No. 7BB, Section 2, issued on April 17, 2020, is repealed.** Effective immediately, any person in a public place in Connecticut, whether indoors or outdoors, who 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 any means of mass public transit, or while within any semi-enclosed transit stop or waiting area.
 - a. 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, a child in a child care setting, or anyone under the age of 2 years. Any person who declines to wear a mask or face covering because of a medical condition shall be exempt from this order and any requirement to wear masks in Sector Rules or other rules issued by the Commissioner of the Department of Economic and Community Development (DECD), but only if such person provides written documentation that the person is qualified for the exemption from a licensed medical provider, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. Such documentation need not name or describe the condition that qualifies the person for the exemption
 - b. The Commissioner of DECD shall issue updated versions of Sector Rules, Safe Workplace Rules for Essential Employers, or other rules issued pursuant to previous executive orders, which updated versions shall set forth updated requirements for face coverings within those settings, and which, when complied with, shall constitute compliance with this order.
 - c. This order shall supersede and preempt any current or future municipal order whenever such order conflicts with this order.

Executive Order Link 7NNN- <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7NNN.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 specific expertise to address routine as well as special circumstance situations.
- ❑ **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.
- ❑ **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.
- ❑ **Contracts** for goods and services

Suggested Best Practices

❑ General

- ✓ 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>
- ✓ 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.

❑ Staffing Options

- ✓ 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..
- ✓ Regional councils of government could 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
- ✓ 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 performed 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.

❑ Safety (general)

- ✓ 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 immunocompromising health conditions. (OSHA)
- ✓ Towns should ensure that: (adapted from - [Construction Industry Safety Coalition Recommendations](#))
 - ▶ Employees 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 to - 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 remainder 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.
- ▶ 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

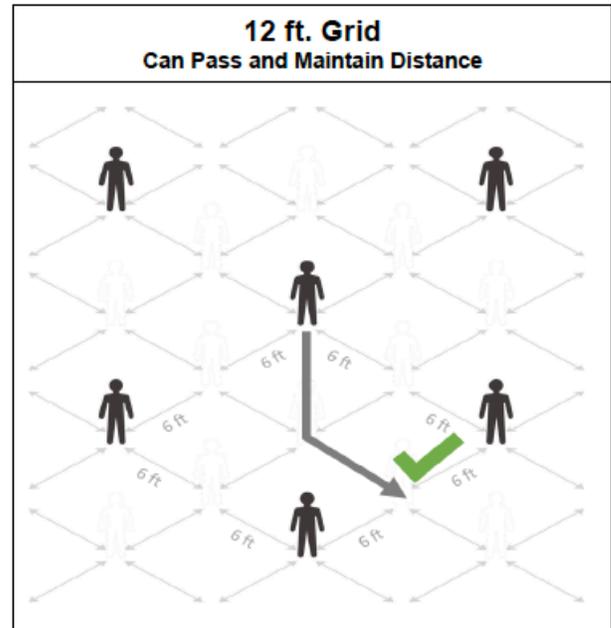
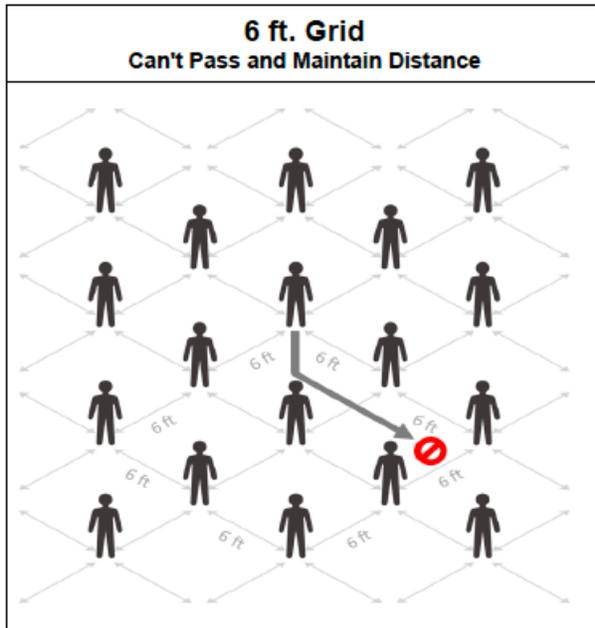
☐ Safety (specific)

- ✓ **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>)

☐ Covid-19 Social Distancing Calculator (From The Colorado Department Of Health)

IMPORTANT NOTICE: This calculator is provided to assist you in planning social distancing for your employees and customers. However, the results given by this calculator do not relieve you of your obligation to follow all applicable Public Health Orders as they apply to your space. The configuration of any given space (aisles, racks, etc.) may result in a lower actual capacity limit. It is up to each business to ensure compliance with all portions of current orders. You may find information about more specific business sector requirements using the links below. In order to maintain at least 6 feet of separation from each other when taking into account the unpredictable dynamics of each person's movement, this calculator uses a 12 foot grid distribution.

- 1. Enter The Total Square Footage Of The Space.** Due to the varying nature of use and shared facilities, each space within a building may need to be analyzed individually. Proprietors of shared spaces should account together for common areas within a larger area, including, but not limited to, entrances/exits and plan in partnership with others, to ensure all social distancing requirements can be met and maintained for staff and the public interacting within the shared space.
- 2. Estimate the percent of floor space occupied by items such as furniture, equipment, displays, etc.**



3. **Maximum number of people that the space can accommodate with adequate 6 feet social distancing.** Any codes, regulations, or ordinances requiring a smaller number of people must be followed. Use the links below to find space specifics and other requirements & recommendations per business sector.

Total Square Footage Of The Space	
Estimate the percent of floor space occupied by items such as furniture, equipment, displays, etc.	
Maximum number of people that the space can accommodate with adequate 6 feet social distancing.	

Or use the State of Colorado's online tool (<https://www.calconic.com/calculator-widgets/social-distancing-calculator/5ef21c169444bf0029086759>) that calculates transmission risk using the total square footage of the space and objects in the room to determine how many people can safely be there at one time.

CDC Interim Guidance For Employers With Workers At High Risk (<https://www.cdc.gov/coronavirus/2019-ncov/downloads/PhP/Cdc-Activities-Initiatives-For-Covid-19-Response.Pdf#Page=57>)

As workplaces consider a gradual scale up of activities towards pre-COVID-19 operating practices, it is particularly important to keep in mind that **some workers are at higher risk for severe illness from COVID-19**. These workers include individuals over age 65 and those with underlying medical conditions. Such underlying conditions include, but are not limited to, chronic lung disease, moderate to severe asthma, hypertension, severe heart conditions, weakened immunity, severe obesity, diabetes, liver disease, and chronic kidney disease that requires dialysis. Workers at higher risk for severe illness should be encouraged to self-identify, and employers should avoid making unnecessary medical inquiries. Employers should take particular care to reduce workers' risk of exposure to COVID-19, while making sure to be compliant with relevant Americans with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA) regulations. First and foremost, this means following CDC and the Occupational Safety and Health Administration (OSHA) guidance for reducing workplace exposure for all employees. All decisions about following these recommendations should be made in collaboration with local health officials and other state and local authorities who can help assess the current level of mitigation needed based on levels of COVID-19 community transmission and the capacities of the local public health and healthcare systems. In addition, the guidance offered below applies to workplaces generally; specific industries may require more stringent safety precautions. Finally, there may be essential workplaces in which the recommended mitigation strategies are not feasible. CDC is releasing this interim guidance, laid out in a series of three steps, to inform a gradual scale up of

operations. The scope and nature of community mitigation suggested decreases from Step 1 to Step 3. Some amount of community mitigation is necessary across all steps until a vaccine or therapeutic drug becomes widely available. Scaling Up Operations:

In all Steps:

- Establish and maintain communication with local and state authorities to determine current mitigation levels in your community
 - Protect employees at higher risk for severe illness by supporting and encouraging options to telework
 - Consider offering workers at higher risk duties that minimize their contact with customers and other employees (eg , restocking shelves rather than working as a cashier), if agreed to by the worker
 - Encourage any other entities sharing the same work space also follow this guidance
 - Provide employees from higher transmission areas (earlier Step areas) telework and other options as feasible to eliminate travel to workplaces in lower transmission (later Step) areas and vice versa
- ✓ Step 1: Scale up only if business can ensure strict social distancing, proper cleaning and disinfecting requirements, and protection of their workers and customers; workers at higher risk for severe illness are recommended to shelter in place
 - ✓ Step 2: Scale up only if business can ensure moderate social distancing, proper cleaning and disinfecting requirements, and protection of their workers and customers; workers at higher risk for severe illness are recommended to shelter in place
 - ✓ Step 3: Scale up only if business can ensure limited social distancing, proper cleaning and disinfecting requirements, and protection of their workers and customers

☐ **Guidance on Mask Management** (World Health Organization - Advice on the use of masks in the context of COVID-19: Interim Guidance)

For any type of mask, appropriate use and disposal are essential to ensure that they are as effective as possible and to avoid any increase in transmission. WHO offers the following guidance on the correct use of masks, derived from best practices in health care settings:

- perform hand hygiene before putting on the mask;
- place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask;
- avoid touching the mask while wearing it;
- remove the mask using the appropriate technique: do not touch the front of the mask but untie it from behind.
- after removal or whenever a used mask is inadvertently touched, clean hands with an alcohol-based hand rub, or soap and water if hands are visibly dirty;
- replace masks as soon as they become damp with a new clean, dry mask;
- do not re-use single-use masks;
- discard single-use masks after each use and dispose of them immediately upon removal.

☐ **Maintain Healthy Environment** (CDC)

- ✓ Intensify cleaning and disinfection of frequently touched surfaces
- ✓ Ensure ventilation systems operate properly and increase circulation of outdoor air
- ✓ Ensure all water systems are safe to use
- ✓ Modify layouts to promote social distance of at least 6 feet between people – especially for person who do not live together
- ✓ Install physical barriers and guides to support social distancing if appropriate
- ✓ Close communal spaces, or stagger use and clean and disinfect between use
- ✓ Limit sharing of objects, or clean and disinfect between use

☐ **Maintain Healthy Operations** (CDC)

- ✓ Protect people at higher risk for severe illness from COVID-19
- ✓ To cope with stress, encourage people to take breaks from the news, take care of their bodies, take time to unwind and connect with others, particularly when they have concerns
- ✓ Maintain awareness of local or state regulations
- ✓ Stagger or rotate scheduling
- ✓ Create static groups or “cohorts” of individuals and avoid mixing between groups

- ✓ Pursue virtual events. Maintain social distancing at any in-person events, and limit group size as much as possible
- ✓ Limit non-essential visitors, volunteers, and activities involving external groups or organizations, especially with those who are not from the local area
- ✓ Encourage telework and virtual meetings if possible
- ✓ Consider options for non-essential travel in accordance with state and local regulations
- ✓ Designate a COVID-19 point of contact
- ✓ Implement flexible and non-punitive leave policies
- ✓ Monitor absenteeism and create a back-up staffing plan
- ✓ Train staff on all safety protocols
- ✓ Consider conducting daily health checks such as temperature screening or symptom checking
- ✓ Encourage those who share the facilities to also adhere to mitigation strategies
- ✓ Put in place communication systems for:
 - ✓ Individuals to self-report COVID-19 symptoms, a positive test for COVID-19, or exposure to someone with COVID-19
 - ✓ Notifying local health authorities of COVID-19 cases
 - ✓ Notifying individuals (employees, customers, students, etc.) of any COVID-19 exposures while maintaining confidentiality in accordance with privacy laws
 - ✓ Notifying individuals (e.g, employees, customers, students) of any facility closures

☐ Other Safety Measures:

- ✓ Maintain minimum six-foot separation between all employees (and customers) in all interactions at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimizing staff or customers in narrow or enclosed areas, and staggering breaks and work shift starts.
- ✓ Tightly enclosed spaces or small rooms should be occupied by only one individual at a time, unless all occupants are wearing cloth face coverings, masks or respirators. If occupied by more than one person, will keep occupancy under 50% of maximum capacity.
- ✓ Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas on the site (e.g. clock in/out stations, health screening stations)
- ✓ Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- ✓ Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible.
- ✓ Provide (at no cost to employees) and require the wearing of personal protective equipment (PPE), such as gloves, goggles, face shields and face masks as appropriate or required for the work activity being performed. Cloth face coverings must be worn by every employee not working alone on the job site unless their exposure dictates a higher level of protection under L&I safety and health rules and guidance.
- ✓ Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent virus transmission on tools or other items that are shared
- ✓ Conduct regular cleaning and disinfection at least after every shift, daily, or more frequently as needed, and frequent cleaning and disinfection of shared objects (e.g. tools, machinery) and surfaces, as well as high transit areas, such as restrooms and common areas, must be completed

☐ Facilities

- **CDC Recomendendes:**

- ✓ Ensure that ventilation systems in your facility operate properly. For building heating, ventilation, and air conditioning (HVAC systems) that have been shut down or on setback, review new construction start-up guidance provided in ASHRAE Standard 180-2018, Standard Practice for the Inspection and Maintenance of Commercial Building HVAC Systems
- ✓ Increase circulation of outdoor air as much as possible by opening windows and doors, using fans, and other methods. Do not open windows and doors if doing so poses a safety or health risk for current or subsequent occupants, including children (e.g., allowing outdoor environmental contaminants including carbon monoxide, molds, or pollens into the building).

- ✓ Evaluate the building and its mechanical and life safety systems to determine if the building is ready for occupancy. Check for hazards associated with prolonged facility shutdown such as mold growth, external air quality, rodents or pests, or issues with stagnant water systems, and take appropriate remedial actions.
- **Engineering controls: Ventilation in the building:**
 - ✓ Increase the percentage of outdoor air (e.g., using economizer modes of HVAC operations) potentially as high as 100% (first verify compatibility with HVAC system capabilities for both temperature and humidity control as well as compatibility with outdoor/indoor air quality considerations).
 - ✓ Increase total airflow supply to occupied spaces, if possible.
 - ✓ Disable demand-control ventilation (DCV) controls that reduce air supply based on temperature or occupancy.
 - ✓ Consider using natural ventilation (i.e., opening windows if possible and safe to do so) to increase outdoor air dilution of indoor air when environmental conditions and building requirements allow.
- **Engineering Controls: Improve central air filtration:**
 - ✓ Increase air filtration to as high as possible (MERV 13 or 14) without significantly diminishing design airflow.
 - ✓ Inspect filter housing and racks to ensure appropriate filter fit and check for ways to minimize filter bypass
 - ✓ Consider running the building ventilation system even during unoccupied times to maximize dilution ventilation.
 - ✓ Generate clean-to-less-clean air movement by re-evaluating the positioning of supply and exhaust air diffusers and/or dampers and adjusting zone supply and exhaust flow rates to establish measurable pressure differentials. Have staff work in areas served by “clean” ventilation zones that do not include higher-risk areas such as visitor reception or exercise facilities (if open).
 - ✓ Consider using portable high-efficiency particulate air (HEPA) fan/filtration systems to help enhance air cleaning (especially in higher risk areas).
 - ✓ Ensure exhaust fans in restroom facilities are functional and operating at full capacity when the building is occupied.
 - ✓ Consider using ultraviolet germicidal irradiation (UVGI) as a supplement to help inactivate the virus.
- **Engineering controls: Isolate workers from the hazard (CDC)**
 - ✓ Modify or adjust seats, furniture, and workstations to maintain social distancing of 6 feet between employees.
 - ✓ Install transparent shields or other physical barriers where possible to separate employees and visitors where social distancing is not an option.
 - ✓ Arrange reception or other communal seating area chairs by turning, draping (covering chair with tape or fabric so seats cannot be used), spacing, or removing chairs to maintain social distancing.
 - ✓ Use methods to physically separate employees in all areas of the facilities including work areas and other areas such as meeting rooms, break rooms, parking lots, entrance and exit areas, and locker rooms.
 - ✓ Use signs, tape marks, or other visual cues such as decals or colored tape on the floor, placed 6 feet apart, to indicate where to stand when physical barriers are not possible.
 - ✓ Replace high-touch communal items, such as coffee pots, water coolers, and bulk snacks, with alternatives such as pre-packaged, single-serving items.
- CDC has free, simple **posters** available to download and print, some of which are translated into different languages. - <https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html?Sort=Date%3A%3Adesc>

- **Contracts** - Review any **Force Majeure** clause in existing or new contracts with the municipality’s legal counsel to ensure that COVID-19 is addressed.
 - **Strategies for Managing Pre-COVID and Post-COVID Contracts, December 11, 2020, MRSC of Washington** (Excerpt) - (Protecting Public Works Projects from COVID-19 Economic Impacts - <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/December-2020-1/Protecting-Public-Works-Projects-from-COVID-19.aspx>)

“Project owners have to both manage projects that were bid, awarded, and commenced before the pandemic’s impact arrived early this year and consider revisions to its contracts that were bid or awarded after the pandemic’s effects were reasonably foreseeable. What follows are some strategies to consider for pre- and post-COVID contracts.

Pre-COVID Contracts

- ✓ *Determine whether there is a Force Majeure provision or other contract provision that covers pandemics or delays outside the control of the contractor and evaluate permissible remedies.*
- ✓ *Review site safety plans and ensure contractor compliance.*
- ✓ *If the risk of new laws and rules are allocated to the contractor, then insist on performance as agreed.*
- ✓ *If the risk of new laws and rules adopted after the project commences, provide a basis for equitable adjustment and determine if the contract only allows additional time or whether additional costs are compensable.*
- ✓ *Consider a process for monitoring claims for additional costs in a systematic, auditable manner.*
- ✓ *Consider use of suspension, termination, or liquidated damages remedies.*

Post-COVID Contracts

- ✓ *Within the contract provisions, include the existing laws, regulations, and directives related to COVID-19 to establish the foreseeable conditions at the time of contracting.*
- ✓ *Allocate the risks of current and future COVID-19 costs based upon existing and future proclamations or regulations.*
- ✓ *Consider whether it may be appropriate to provide a time extension remedy but no additional costs for any additional regulations that become effective after the contract is executed.*
- ✓ *Review the contractor’s site safety plan carefully to ensure that it covers all COVID-19 site safety requirements.*

In sum, successful management of ongoing projects affected by the pandemic requires fidelity to the risk allocation provisions in the project contract as well as pragmatism in accomplishing successful project outcomes. Contracts for future projects must incorporate provisions recognizing what are clearly foreseeable risks flowing from pandemic conditions.”

Resources

- ❑ **Department of Economic and Community Development - Safe Workplace Rules for Essential Employers** - <https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Safe-Workplace-Rules-for-Essential-Employers>
- ❑ **Control and Prevention - OSHA** - <https://www.osha.gov/SLTC/covid-19/controlprevention.html>
- ❑ **American Public Works Association (APWA) - Coronavirus and the Public Works Community** - https://www.apwa.net/MyApwa/Apwa_Public/Coronavirus_and_the_Public_Works_Community.aspx
- ❑ **UPDATED: A Resource Guide to Coronavirus for Government Leaders, Government Technology** - <https://www.govtech.com/health/A-Resource-Guide-to-Coronavirus-for-Government-Leaders.html>
- ❑ **Resuming Business Toolkit** - <https://www.cdc.gov/coronavirus/2019-ncov/community/resuming-business-toolkit.html>
- ❑ **Guidance on Returning to Work** - <https://www.osha.gov/Publications/OSHA4045.pdf>
- ❑ **Force Majeure Clauses and COVID-19** - <https://canons.sog.unc.edu/force-majeure-clauses-and-covid-19/>
- ❑ **Dealing With The Construction Impacts Of COVID-19, American Bar Association** - https://www.americanbar.org/groups/tort_trial_insurance_practice/publications/committee-newsletters/construction_impacts_of_covid/
- ❑ **Force Majeure in Construction and Real Estate Claims, American Bar Association** - <https://www.americanbar.org/groups/litigation/committees/commercial-business/articles/2020/spring2020-force-majeure-construction-real-state-claims/>
- ❑ **COVID-19 and Force Majeure Clauses – North Carolina Municipal Attorneys’ Discussion** - https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/Force%20Majeure%20COVID-19.pdf
- ❑ **COVID-19: Impossible Contracts and Force Majeure , Columbia Law School-** <https://clsbluesky.law.columbia.edu/2020/08/11/covid-19-impossible-contracts-and-force-majeure/>

ACIR

Best Practices Guidelines

- ❑ **Protecting Public Works Projects from COVID-19 Economic Impacts** - <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/December-2020-1/Protecting-Public-Works-Projects-from-COVID-19.aspx>
- ❑ **Toolkit for Worker Safety & Support, CDC** - <https://www.cdc.gov/coronavirus/2019-ncov/communication/toolkits/employees-and-worker-safety.html>
- ❑ **How to Properly Wear and Take Off a Mask, CDC** - <https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-covering.pdf>

The information contained in this document is not intended to provide legal advice 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.

The Advisory Commission on Intergovernmental Relations (ACIR) is a 24-member agency of the State of Connecticut created in 1985 to study system issues between the state and local governments and to recommend solutions as appropriate. The membership is designed to represent the state legislative and executive branches, municipalities and other local interests, and the general public.

The role of ACIR, as contained in Section 2-79a of the Connecticut General Statutes, is to: (1) serve as a forum for consultation between state and local officials; (2) conduct research on intergovernmental issues; (3) encourage and coordinate studies of intergovernmental issues by universities and others; and (4) initiate policy development and make recommendations to all levels of government.

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