

## **Requirements for Construction Businesses**

In addition to the Healthy at Work Minimum Requirements, **construction businesses** must meet the requirements below in order to reopen and remain open:

### **Social Distancing Requirements**

- Businesses must ensure that employees adhere to social distancing guidelines by staying at least six (6) feet away from other people whenever possible. Controls must be established and maintained when six (6) feet of physical distancing is not feasible.
- Businesses are encouraged to create phased plans for employees to return to on-site work and use site and project organizational planning to restrict on-site personnel to those required for that day's activities. Work crews should be separated wherever possible. Employers must limit face-to-face meetings. Employers should use teleconferencing, video conferencing, and other methods that do not require face-to-face interaction.
- Businesses must, to the greatest extent practicable, restrict access to common areas such as lobbies, waiting rooms, break rooms, and concession areas. No communal coolers or drink stations are allowed. For common areas that cannot be closed, social distancing signage and markers should be used to discourage congregation. Businesses must sanitize any common area immediately after each use.
- Businesses must, to the greatest extent practicable, limit the number of people riding in a vehicle together. If riding in separate vehicles is not practicable, employees should maximize social distancing and wear face coverings in the vehicle. Thorough cleaning and disinfecting vehicles after each trip is required.

### **Cleaning and Disinfecting Requirements**

- Businesses must ensure that adequate supplies of soap and/or sanitizer are readily available to employees and that they promote frequent hand washing by setting up multiple, easily accessible sanitation locations.
- Businesses must ensure cleaning and sanitation of frequently touched equipment, tools, objects, and surfaces with appropriate disinfectants. This may include, but is not limited to: vehicle/equipment door handles; keys; gear shifts; steering wheel/operator controls and levers; fuel pump dispensers; door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops; paper towel dispensers; desktops; handrails; folders; vending machines; counters; tables; and cabinets and knobs. Appropriate disinfectants include EPA registered household

disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- ❑ Businesses must ensure, to greatest extent practicable, that facilities and work areas are sanitized and disinfected after persons suspected or confirmed to have COVID-19 have been in the facility or work area.
- ❑ Businesses must, to the greatest extent practicable, close off areas used by the ill persons and wait as long as practical before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets. Open outside doors and windows to increase ventilation and wait up to 24 hours before beginning cleaning and disinfection if possible.
- ❑ Businesses must, to the greatest extent practicable, discourage employees from sharing tools or equipment. Shared tools and equipment must be disinfected between uses.

## **Personal Protective Equipment (PPE) Requirements**

- ❑ Businesses must ensure employees use appropriate face coverings and other personal protective equipment (PPE). No sharing of PPE is permissible. Businesses should ensure employees wear appropriate face coverings at all times practicable. For employees that are isolated in closed offices, assigned areas with more than six (6) feet of social distancing or remote areas, face coverings are not necessary at all times. However, when an employee may come within six feet of other people, a face covering must be worn. If not required by OSHA for a job task, N95 / KN95 masks shall not be provided to non-healthcare sector workers as face coverings. Cloth masks shall be used instead.
- ❑ Pursuant to Executive Order 2020-586 and 902 KAR 2010E, which are attached to this document, all businesses must ensure that all customers, vendors, contractors, and any other member of the public who enters the premises wear a face covering so long as they are not subject to any of the exemptions listed in the Executive Order.

If any person attempts to enter the business without a face covering, the business must inform them of the requirement to wear a face covering. If the individual refuses and is not subject to any of the exemptions listed in the Executive Order, the individual must not be permitted entry onto the premises.

If an individual who was previously wearing a face covering removes it while on the premises and not subject to any of the exemptions listed in the Executive Order, the business must ask them to put it back on. If the individual refuses to do so, the business must not provide them service and must ask them to leave.

Businesses who fail to follow these requirements of the Executive Order will be subject to a fine and may also be subject to an order from a local health department or the Labor Cabinet requiring immediate closure.”

## Training and Safety Requirements

- ❑ Businesses must appoint a Safety Coordinator to manage Healthy at Work requirements at each construction job or work site and coordinate with the business's Healthy at Work Officer.
- ❑ Businesses must provide special accommodations for persons at higher risk for severe illness per CDC guidelines (these guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>).
- ❑ Businesses must require sick workers to stay at home or go home if they start to have symptoms.
- ❑ Businesses must have COVID-19 testing information readily available for employees including testing location information.
- ❑ Employers must educate and train all individuals including employees, temporary employees, contractors, vendors, customers, etc., regarding Healthy at Work protocols.
- ❑ Employers must communicate with employees any industry, company, and/or site/job specific plans, guidelines and requirements. Any updates must also be shared to ensure understanding and compliance. All education and training must be communicated in the language best understood by the individual receiving the education and training. Businesses should post signage at employee entrances and/or where other essential employee information is posted such as bulletin boards on construction sites.



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-996**  
**December 3, 2020**

**STATE OF EMERGENCY**

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

**WHEREAS**, I declared on July 9, 2020, through Executive Order 2020-586 that Kentuckians were required to wear face coverings in many public places to fight the continued spread of COVID-19 for the reasons set forth in that Order; and

**WHEREAS**, I renewed that Order: on August 8, 2020, through Executive Order 2020-651; on September 4, 2020, through Executive Order 2020-750; on October 6, 2020, through Executive Order 2020-856, and; on November 4, 2020, through Executive Order 2020-931; and

**WHEREAS**, data from the University of Oxford show an inverse correlation between the number of COVID-19 mitigation measures taken by a state, such as a face covering mandate, and the seriousness of the virus's third spike within that state;

**WHEREAS**, the Centers for Disease Control and Prevention conducted a study of Kansas's face covering mandate, wherein the 24 counties who complied with the mandate experienced a 6% decrease in new COVID-19 infections but the 81 counties who opted out of the mandate experienced a 100% increase in new COVID-19 cases;

**WHEREAS**, the Kentucky Constitution and Kentucky Revised Statutes, including, but not limited to, KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth and the State of Emergency continues:



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GOVERNOR

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-996**  
**December 3, 2020**

**NOW, THEREFORE**, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a “face covering” is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.
2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: <https://healthyatwork.ky.gov>.
3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:
  - a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person’s household;
  - b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle, or driving any of the above while customers are present; or
  - c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of



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the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:
- a. Children who are age 5 or younger;
  - b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;
  - c. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;
  - d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
  - e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;
  - f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
  - g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;
  - h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;
  - i. Any person who is in a swimming pool, lake, or other body of water;
  - j. Any person who is exempt from wearing a face covering under guidance provided by the



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Kentucky High School Athletics Association or under guidance for athletic activities at institutions of higher education;

- k. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.
5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services. Failure to follow the requirements could also subject a person or entity to penalties as authorized by law.
6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.
7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.
8. This Order is effective at 5:00 p.m. on December 3, 2020, for a period of 30 days, and is subject to renewal.

  
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ANDY BESHEAR, Governor  
Commonwealth of Kentucky



MICHAEL G. ADAMS  
Secretary of State

RECEIVED AND FILED

DATE

12/4/2020

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MICHAEL G. ADAMS

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

Sarah M. Dungen