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New Austin Ordinance Authorizes Civil Enforcement of COVID-19 Safety Measures

Contractors performing work in Austin should be aware that the City of Austin (“City”) has recently approved an ordinance authorizing civil enforcement measures for worksites that fail to meet specific safety standards designed to prevent the transmission of COVID-19.

Austin’s contractor community has been proactive in taking steps to make jobsites safe for their employees. In many cases, contractors have implemented policies that impose health and safety procedures that are even more strict than past City orders or this new ordinance. Nevertheless, contractors should be aware that this new ordinance specifically addresses the construction industry.

The ordinance was approved on July 9, 2020 and applies to worksites with ten or more individuals present. However, the ordinance does not impose any additional or new restrictions or requirements on contractors in Austin. Rather, it merely codifies certain safety procedures already required in the City’s latest “Stay Home-Work Safe” order, which includes health and safety measures previously self-imposed by many contractors.

Importantly, the City may now impose a civil penalty for purposes of enforcement. The ordinance authorizes the City to declare a jobsite a “public health nuisance” if the COVID-19 safety measures are not followed and authorizes a penalty of up to \$2,000 for each separate offense and the City Attorney to file civil action against worksite violations.

Certain requirements in the ordinance are applicable to all businesses, including construction contractors, such as requirements for face coverings, posting notices, health screenings, sanitary conditions, hand washing, etc. In addition, there are construction-specific requirements as follows:

- Institute staggered shifts, including posting a notice of the size and types of shifts that crews are working.
- Ensure handwashing stations and restrooms are spaced at least six feet apart.
- Prohibit use of community water coolers.
- Provide individual water bottles or instruct workers to bring their own.
- Designate a COVID-19 safety monitor who is on-site at all times.
- Ensure each worker who enters a jobsite has signed a sign-in log for the purpose of identifying and notifying workers who have shared a jobsite with someone who has been confirmed to have contracted COVID-19.

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