

## Construction Deemed Essential Infrastructure – Contractor Responsibilities; Safety & Business Resources

The construction industry was deemed as “essential infrastructure” under the Ohio Dept. of Health Director’s [Stay at Home Order](#) issued yesterday. The definition of construction under the order is rather broad (see below). We have been fielding many questions from contractors and wanted to emphasize that we are in uncharted territory and are very fortunate our industry is deemed essential at this time.

The following quote from AGC of Ohio board member Jim Smith of Elford highlights the situation perfectly: ***Our Governor has deemed our Industry essential for all the right reasons, now it’s up to us to do all the right things each and everyday to preserve his confidence in us to keep our economy moving. We can at no times take lightly the hygiene precautions and social distancing, we must communicate diligently the seriousness of this compliance—to our employees, subcontractors, suppliers, owners – the entire project team. Our Governor has designated us essential, let’s make him proud!***

Additionally, some owners have chosen to temporarily stop work. It is important to review your contract in such situations, work with the owners and project team, and protect yourself from any penalties due to related delays; you should also consider consulting with legal counsel. With the ever-changing federal and state laws and orders related to the COVID-19 outbreak, it is difficult to obtain definitive guidance at this time. Much will be reliant on common sense and working with your owner and project team.

**AGC of Ohio has compiled all Coronavirus-related information and notifications on its website, <https://agcoho.com/corona-virus-covid-19/> to assist contractors.**

### APPROPRIATE SAFETY MEASURES:

OSHA: [Guidance on Preparing Workplaces for COVID-19](#); [Prevent Worker Exposure to COVID-19](#); [Fact Sheet on Protecting Workers During a Pandemic](#); [More information on COVID-19](#)

Ohio Health Dept.’s [Guidance for Screening Employees](#)

[CDC Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)

CPWR Extra, March 2020: [Steps Construction Employers and Workers Should Take in Response to the Coronavirus \(COVID-19\)](#)

### “ESSENTIAL INFRASTRUCTURE” DEFINITION:

Definition of construction under essential infrastructure:

**9. Essential Infrastructure...** *construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction)...*

*Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.*

**CORONAVIRUS BUSINESS RESOURCES:**

AGC of America's [COVID-19 webpage](#) that has helpful guidance and timely information about related federal matters for contractors, including a [Summary of Paid Leave Mandates under the Families First Coronavirus Response Act, H.R. 6201](#).

Ohio's [COVID-19 Checklist for Business and Employers](#) contains up-to-date information for employers about Ohio guidance, resources and directives related to COVID-19. Also, [www.Coronavirus.Ohio.Gov](http://www.Coronavirus.Ohio.Gov) and the Department of Health hotline, 1-833-4-ASK-ODH.

[CDC's Interim Guidance for Businesses and Employers](#)