



50-State Survey: COVID-19 Impact on Construction Services Government Orders and Guidelines Last Updated July 27, 2020



By [Laura Bourgeois LoBue](#), [Matthew D. Stockwell](#), [Andrew M. Argyris](#) and [Elizabeth J. Dye](#)
(For more information on Pillsbury’s Construction Counseling & Dispute Resolution Team, [click here.](#))

The COVID-19 pandemic is a continuously evolving problem, and regulations and guidelines directed at stopping its spread are constantly changing as new information becomes available. This chart is updated weekly to include any orders or guidance in the 50 states and Washington, DC, that impact construction projects. The chart also includes [guidance issued by the federal government.](#)

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
ALABAMA			
<p>Alabama State Health Officer Amended Safer-at-Home Order (Effective through July 31)</p>	<ul style="list-style-type: none"> On April 3, the Alabama State Health Officer issued its Stay-at-Home Order, which amended prior orders suspending certain public gatherings statewide) to direct its residents to shelter in place. Under Alabama’s Stay-at-Home Order, residents were required to stay home except under limited circumstances, including performing work certain types of construction. Alabama’s Stay-at-Home Order expired April 30. On April 28, the Alabama State Health Officer issued its Safer-at-Home Order, which lifted many restrictions on individuals and businesses. The order has been amended multiple times, with the most recent Amended Safer-at-Home Order being issued on July 15. The order does not expressly mention construction but suggests certain reasonable steps all employers must take to protect employees such as maintaining six feet separation and facilitating remote working arrangements. The order also states that employers are “strongly encouraged to read an implement” certain guidelines issued by the Alabama Depart of Public Health. The July 15 order instituted a mandatory mand requirement. 	<ul style="list-style-type: none"> Guidelines for Safeguarding All Businesses 	<ul style="list-style-type: none"> Amended Safer-at-Home Order (July 15) Safer-at-Home Order (April 28) Stay-at-Home Order (expired) Alabama COVID-19 News and Resources

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
ALASKA			
<p>Public Health Disaster Emergency Declaration <i>(signed on March 11)</i></p> <p>Health Mandate 010 – Order for Self-Quarantine <i>(Effective March 25 through April 21; Alaska Essential Services and Critical Workforce Infrastructure Order (formerly Attachment A) updated May 5)</i></p> <p>Health Mandate 016 – Reopen Alaska Responsibility Plan <i>(Phase 1/2 - Effective April 24 until May 22; Phase 3/4 – Effective May 22 until rescinded or modified)</i></p>	<ul style="list-style-type: none"> The State of Alaska issued a Public Health Disaster Emergency Declaration on March 11, 2020, which authorized the issuance of Health Mandates. Health Mandate No. 10 was issued on March 23 ordering individuals to self-quarantine after international and interstate travel. This mandate included an “Attachment A” of critical infrastructure workers that were exempted from the self-quarantine requirements. On March 27, the State of Alaska issued the “Alaska Essential Services and Critical Workforce Infrastructure Order” (formerly Attachment A), which it subsequently amended multiple times, the most recent being on May 5. Under the Order, all businesses within Alaska, except those specifically exempted, are required to cease all activities at facilities located within the state. Critical Infrastructure includes public works construction, essential construction, commercial construction, renovation or repair, including construction of housing. On April 24, Alaska issued Health Mandate 16: Reopen Alaska Responsibility Plan – Phase 1-A. Health Mandate 16 superseded Health Mandate 11, Social Distancing. Health Mandate 16 “seeks to balance the ongoing need to maintain diligent efforts to slow and disrupt the rate of infection with the corresponding critical need to resume economic activity in a reasonable and safe manner.” Although the mandate superseded Health Mandate 011 and lifted many restrictions on individuals and businesses, social distancing, such as maintaining six feet separation when possible, is required. The mandate does not expressly mention or otherwise directly impact construction. Phase 3/4 of the Reopen Alaska Responsibility Plan started on May 22. Phase 3/4 does not expressly mention or otherwise directly impact construction. 	<ul style="list-style-type: none"> Critical Infrastructure Construction Management Plan Instructions on Developing and Submitting Community/Workforce Protective Plans 	<ul style="list-style-type: none"> Emergency Declaration Alaska Essential Services and Critical Workforce Infrastructure Order (formerly Attachment A) All COVID-19 Health Mandates Alaska Dept. of Health and Social Services COVID website Reopen Alaska Responsibility Plan

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
ARIZONA			
Declaration of Emergency *COVID-19* (Effective March 11)	<ul style="list-style-type: none"> Governor Doug Ducey declared a State of Emergency on March 11 and on March 23, the Governor issued Executive Order 2020-12, which prohibits any county, city or town to issue orders or regulations restricting or prohibiting any person from performing an essential function. 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Declaration of Emergency
Executive Order 2020-12 Prohibiting the Closure of Essential Services (March 23)	<ul style="list-style-type: none"> Under the Arizona Order, “Essential Infrastructure Operations” includes “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, and housing construction). The Order further notes that “Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.” 		<ul style="list-style-type: none"> Arizona Executive Orders
Executive Order 2020-36 Stay Healthy, Return Smarter, Return Stronger (Effective May 12 until further notice; rescinded EOs 2020-18 and 2020-33)	<ul style="list-style-type: none"> Moreover, “Essential Business and Operations” includes “Critical trades: Building and Construction Tradesmen and Tradeswomen and other trades” 		<ul style="list-style-type: none"> Arizona Department of Health COVID-19 website
Executive Order 2020-40 Containing the Spread of COVID-19: Continuing Arizona Mitigation Efforts (Effective June 17 until further notice)	<ul style="list-style-type: none"> On May 12, the Governor issued Executive Order 2020-36, Stay Healthy, Return Smaller, Return Stronger, which rescinded Arizona’s stay-at-home orders, Executive Orders 2020-18 (Stay Home, Stay Healthy, Stay Connected) and 2020-33 (Returning Stronger). The order continues to promote physical distancing while encouraging social connectedness and allowing businesses to gradually and safely open in compliance with federal guidelines. The order does not expressly mention or otherwise directly impact construction. 		
Executive Order 2020-43 Pausing of Arizona’s Reopening: Slowing the Spread of COVID-19 (Effective June 29 to July 27; extended by EO 2020-52)	<ul style="list-style-type: none"> On June 17, the Governor issued Executive Order 2020-40, Containing the Spread of COVID-19: <i>Continuing Arizona Mitigation Efforts</i>. The order permits counties, cities, or towns to adopt policies regarding the wearing of face coverings in public and requires businesses to update and enforce “written policies in accordance with Executive Order 2020-36, Stay Healthy, Return Smarter, Return Stronger, that adopt guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19.” 		
Executive Order 2020-52 Continuation of Executive Order 2020-43 (Effective July 23 until further notice)	<ul style="list-style-type: none"> On June 29, the Governor issued Executive Order 2020-43, Pausing of Arizona’s Reopening: <i>Slowing the Spread of COVID-19</i>. The order applies to bars, gyms, movie theaters, and water parks and does not expressly mention or otherwise directly impact construction. On July 27, the Governor issued Executive Order 2020-52, Continuation of Executive Order 2020-43: <i>Slowing the Spread of COVID-19</i>, which extends Executive Order 2020-43 until further notice. 		

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
ARKANSAS			
<p>Governor’s Executive Order 20-37 to Renew the Disaster and Public Health Emergency to Mitigate the Spread and Impact of COVID-19 <i>(Effective for 60 days from June 18 until its expiration or renewal)</i></p>	<ul style="list-style-type: none"> On March 11, under Order 20-03, Governor Asa Hutchinson declared a state of emergency and delegated the authority to certain state agencies to handle the state response. The Governor also prohibited any regulations of commerce or travel by any place, city, town or county unless authorized by the State Secretary of Health. On April 4, the Arkansas Governor issued Executive Order 20-13, which superseded Order 20-10, and which continued the closure of certain businesses and imposed additional restrictions. 	<ul style="list-style-type: none"> COVID-19 Guidance for Employers 	<ul style="list-style-type: none"> EO 20-03 EO 20-13 EO 20-25 EO 20-37
<p>Governor’s Executive Order 20-41</p>	<ul style="list-style-type: none"> EO 20-13 restricts gatherings of 10 or more people, but specifically states that “This directive does not apply to businesses, manufacturers, construction companies...; however, these entities are advised to limit person-to-person contact, maintain appropriate social distancing of at least six (6) feet, and adhere to the social distancing protocols mandated by this order.” 		<ul style="list-style-type: none"> EO 20-41
<p>Governor’s Executive Order 20-43 For the Purpose of Requiring Face Coverings <i>(Effective until the expiration of the current emergency)</i></p>	<ul style="list-style-type: none"> EO 20-13 also requires that construction companies implement the following social distancing protocols (developed by the Arkansas Department of Health): <ul style="list-style-type: none"> Limit the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another; If lines form at a facility (inside or outside), facilities shall mark off six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing; Provide hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public; Retail businesses shall provide contactless payment systems or provide for disinfecting all payment portals, pens, and styluses after each use; Regularly disinfect any high-touch surfaces; Post a sign at the entrance of the facility informing all employees, customers, and congregants that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact. 		<ul style="list-style-type: none"> Arkansas Department of Health Social Distancing Protocols
<p>No Statewide Stay-at-Home Order</p>	<ul style="list-style-type: none"> EO 20-25, like EO 20-13 (see above), requires all businesses, manufacturers and construction companies, to adhere to social distancing protocols issued by the Arkansas Department of Health. EO 20-37 requires all business, manufacturers and construction companies to adhere to applicable directives or guidelines issued by the Secretary of Health. On July 3, Gov. Hutchinson issued EO 20-41, which permits cities to issue a local ordinance requiring the use of face coverings to help curb the spread of COVID-19. The order does not address how it will be applied to businesses. On July 20, Gov. Hutchinson issued EO 20-43, which superseded EO 20-41, which also required the use of face masks. While Order 20-43 permitted law enforcement local officials to levy a fine for non-compliance with the Order, it did not address how it will be applied to businesses. 	<ul style="list-style-type: none"> State of Arkansas COVID-19 website 	

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
CALIFORNIA			
Proclamation of a State of Emergency (<i>March 4</i>)	<ul style="list-style-type: none"> On March 4, 2020, Governor Gavin Newsom declared a State of Emergency, and on March 19 he issued Executive Order N-33-20, which required all Californians to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined in the CISA Guidance. The Order also allowed for the designation of additional sectors as critical. 	<ul style="list-style-type: none"> CAL OSHA Safety and Health Guidance: COVID-19 Infection Prevention in Construction 	<ul style="list-style-type: none"> Proclamation
Executive Order N-33-20 (<i>Effective March 19 until further notice</i>)	<ul style="list-style-type: none"> On March 22, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers,” which (in addition to the CISA Guidance sectors) included as a part of the “Essential Workforce”: <ul style="list-style-type: none"> Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste) 	<ul style="list-style-type: none"> California Department of Health – COVID-19 Industry Guidance: Construction 	<ul style="list-style-type: none"> Order N-33-20 CA Essential Critical Infrastructure Workers
California’s Roadmap to Modify the Stay-at-Home Order (<i>April 14</i>)	<ul style="list-style-type: none"> Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste) 	<ul style="list-style-type: none"> LA County Guidance on Construction Sites 	<ul style="list-style-type: none"> California State Executive Orders
Bay Area Counties’ Updated Stay at Home Orders (<i>Effective May 4 through May 31</i>)	<ul style="list-style-type: none"> It is important to note that while all construction work is exempted from this California’s statewide “Stay-at-Home” Order, various California counties and cities have issued their own shelter-in-place orders that are more restrictive and only exempt certain types of construction, including “essential infrastructure”, public works, health care, and residential construction. 	<ul style="list-style-type: none"> LA Building and Safety Guidance 	<ul style="list-style-type: none"> California’s COVID-19 website
LA County Safer at Home Order for Control of COVID-19 (<i>Effective March 16 until further notice; extended by May 13 Order</i>)	<ul style="list-style-type: none"> By a joint statement issued on April 27, the six Bay Area counties (Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara) and the City of Berkeley have now published updated stay-home orders, effective May 4. The updated orders extend the shelter-in-place requirements for most individuals and businesses through May 31, with limited expansions to the definitions of essential business and essential activities. The expanded definition of essential business now allows all construction projects to resume, as long as the projects comply with the construction safety protocols (incorporated as Appendices B-1 (small construction) and B-2 (large construction) to the orders. For more information about the Bay Area Stay-at-Home Orders, see Pillsbury’s client alert. 	<ul style="list-style-type: none"> San Francisco Information on construction projects during the coronavirus outbreak 	<ul style="list-style-type: none"> California’s Roadmap to Modify the Stay-at-Home Order
	<ul style="list-style-type: none"> On May 4, LA County issued guidance for construction sites, which was developed in response to the need for work on construction projects that is now permissible under the Health Officer’s Safer at Home Orders to continue in a safe manner. Under the Safer at Home Orders, construction is considered an Essential Business and is exempted from the Order’s requirements that all businesses cease in-person operations and remain closed to the public. 	<ul style="list-style-type: none"> San Francisco Small Construction Project Safety Protocol 	<ul style="list-style-type: none"> Update on California’s Pandemic Roadmap Western States Pact
	<ul style="list-style-type: none"> California is currently in early Stage 2 on its roadmap for modifying the stay-at-home order, where retail, related logistics and manufacturing, office workplaces, limited personal services, outdoor museums, child care, and essential businesses can open with modifications. The state continues to update its industry guidance to reduce the risk and allow the state to reopen safely. 	<ul style="list-style-type: none"> San Francisco Large Construction Project Safety Protocol 	<ul style="list-style-type: none"> Bay Area Stay-at-Home Orders – May 4
			<ul style="list-style-type: none"> Safer at Home Order for Control of COVID-19, Revised

COLORADO

<p>Executive Order D 2020 003 Declaring a Disaster Emergency <i>(Effective for 30 days from June 19; amended and extended by Order D 2020 125)</i></p>	<ul style="list-style-type: none"> On March 11, Governor Jared Polis issued Executive Order D 2020 003 declaring a disaster emergency. 	<ul style="list-style-type: none"> General COVID-19 Health Guidance and Resources 	<ul style="list-style-type: none"> EO D 2020 091
<p>Public Health Order 20-28 Safer at Home <i>(Effective April 27 through July 1; amended and extended by Eighth Amended PHO issued on June 30)</i></p>	<ul style="list-style-type: none"> On June 1, the Governor issued Safer at Home and in the Vast, Great Outdoors (D 2020 091), which “implements a number of measures that will allow many Coloradans to return to work and recreation in the great outdoors while [Coloradans] maintain a sustainable level of Social Distancing.” This Executive Order superseded the prior Safer at Home Orders (D 2020 044 and D 2020 079), which expired on June 1. 	<ul style="list-style-type: none"> Multi-Industry Construction Guidance 	<ul style="list-style-type: none"> Eighth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors
<p>Executive Order D 2020 091 Safer at Home and in the Vast, Great Outdoors <i>(Effective June 1 through July 30; amended and extended by Order D 2020 123)</i></p>	<ul style="list-style-type: none"> On June 30, Colorado issued the Eighth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors, which was issued pursuant to the Governor’s directive in Executive Order D 2020 091. Under this PHO, which superseded and amended the Fifth Updated PHO 20-24 Implementing Stay-At-Home Requirements, Critical Businesses include: “Construction, Including but not Limited to: <ul style="list-style-type: none"> Housing and housing for low-income and vulnerable people Skilled trades such as electricians, plumbers Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other Critical Businesses or Critical Government Functions, and other essential services 		<ul style="list-style-type: none"> Public Health and Executive Orders
<p>Eighth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors <i>(Effective June 30 through July 30)</i></p>	<ul style="list-style-type: none"> Critical Businesses also include Critical Government Functions, including “Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance.” The Critical Businesses, including Construction, must comply with the Social Distancing Requirements, which include the following: “individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.” 		<ul style="list-style-type: none"> Colorado’s COVID-19 website



CONNECTICUT

Governor’s Executive Order No. 7H (Effective March 23 through June 20; extended by Order dated June 16)

Department of Economic and Community Development Business Exemptions (March 20)

- Under Executive Order 7H, Governor Ned Lamont implemented restrictions on nonessential businesses. The Governor directed the Connecticut Department of Economic and Community Development (DECD) to issue “lawfully binding guidance” as to what businesses are essential. Notably, the Governor also provided a list in Order 7H and “construction” was included. Executive Order 7PP extended Executive Order 7H through June 20, but provides for resumption of limited social, recreational, athletic, and economic activity in various business sectors.
- The DECD issued its Business Exemptions, which determined that construction is essential, including:
 - all skilled trades such as electricians, HVAC, and plumbers;
 - general construction, both commercial and residential;
 - other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes; and
 - planning, engineering, design, bridge inspection, and other construction support activities.
- The DECD’s Business Exemptions also includes “Essential workers in the 16 Critical Infrastructure Sectors.” Notably, the DECD does not link to the CISA Guidance that has been updated twice, but rather links to a broad list from early March. The DECD has also published Safe Workplace Rules for Essential Employers, which includes additional rules specific to construction sites.
- On April 30, 2020, Governor Lamont signed Executive Order 7GG which, for any contract entered into on or after March 10, 2020, allows the head of any state contracting agency to waive the competitive solicitation requirements imposed by Connecticut laws and regulations, if he or she deems such waiver necessary to expedite the provision of construction or construction-related services in order to respond to emergency needs created by the COVID-19 pandemic.
- Certain businesses are permitted to reopen on May 20, including restaurants (outdoor seating only), retail and nail/hair salons. The DECD [published guidance for these and other businesses that may reopen](#). On June 16, Governor Lamont signed Executive Order 7ZZ, which lifts restrictions on other businesses.

- [Safe Workplace Rules for Essential Employers](#)
- [Connecticut FAQs](#)

- [EO 7H](#)
- [EO 7GG](#)
- [EO 7PP](#)
- [EO 7ZZ](#)
- [DECD Business Exemptions](#)
- [Connecticut FAQs](#)



Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
DELAWARE			
<p>Declaration of a State of Emergency, Modification #4 <i>(Effective March 24 through May 15)</i></p> <p>Fourth Extension of Declaration of a State of Emergency <i>(Effective July 6 until terminated)</i></p>	<ul style="list-style-type: none"> On March 22, through Modification #4 to the Declaration of a State of Emergency, Governor John Carney designated businesses as “Essential Businesses” and “Nonessential Businesses” and ordered all Nonessential Businesses in Delaware to close. Modification #4 includes the following as Essential Businesses: Construction: <ol style="list-style-type: none"> Workers who are engaged in the construction of residential, non-residential structures, or infrastructure, and any workers who provide critical maintenance to residential or non-residential structures. Businesses that supply materials and hardware to those engaged in the construction of residential or non-residential structures. Workers involved in activities related to the design and apportionment of residential and non-residential structures. Governor Carney’s Second Extension of the Declaration of a State of Emergency extended Delaware’s designations of essential and nonessential business and restrictions on activities through May 31. Governor Carney also issued Modifications to the State of Emergency, but none of the changes affected the construction industry which was already considered essential. On Friday, May 15, Governor Carney announced that Delaware will begin a phased reopening of its economy (starting June 1). Modifications #19, 20 and 21 to the Declaration of a State of Emergency set forth specific rules for reopening of various businesses. Delaware began the second phase of reopening its economy on June 15. The second phase was modified by Gov. Carney on July 27. 	<ul style="list-style-type: none"> Phase 1 Guidance (see page 13) Phase 2 Guidance 	<ul style="list-style-type: none"> Modification #4 to State of Emergency Modification #19 to State of Emergency Modification #20 to State of Emergency Modification #21 to State of Emergency Modification #22 to State of Emergency Modification #27 to State of Emergency Fourth Extension of Declaration of a State of Emergency All Delaware State of Emergency Declarations List of Essential and Nonessential Businesses

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
DISTRICT OF COLUMBIA			
<p>Mayor’s Order 2020-053 Closure of Nonessential Businesses <i>(Effective March 25 through June 8; extended by Order 2020-066)</i></p>	<ul style="list-style-type: none"> On March 24, Mayor Muriel Bowser issued a Closure of Nonessential Businesses Order (No. 2020-053), which ordered that all businesses in DC except “Essential Businesses” cease activities. Essential Businesses included “Construction and Building Trades.” 	<ul style="list-style-type: none"> Occupational Safety and Health Guidelines for construction sites 	<ul style="list-style-type: none"> Order 2020-075 (Phase II Reopening)
<p>Mayor’s Order 2020-067 Phase I Reopening Order <i>(Effective May 29 through July 24)</i></p>	<ul style="list-style-type: none"> On March 30, Mayor Bowser also issued a Stay-at-Home Order (No. 2020-054), mandating all DC residents must stay home unless engaged in certain allowed activities including “Essential Activities” or going to work at “Essential Businesses,” both of which include construction. The Stay-at-Home Order has since been lifted. 	<ul style="list-style-type: none"> Phase Two Guidance for Construction Sites 	<ul style="list-style-type: none"> Order 2020-067 (Phase I Reopening)
<p>Mayor’s Order 2020-075 Phase II Reopening Order <i>(Effective June 22 until further notice)</i></p>	<ul style="list-style-type: none"> Reopening: On April 23, Mayor Bowser announced the initiative ReOpen DC, which focuses on working together as a community to reopen Washington DC in a way that is safe and sustainable. Mayor Bowser established a ReOpen DC Advisory Group as well committees. The Real Estate and Construction Committee “will focus on supporting our ongoing housing, affordable housing, retail, commercial, and neighborhood-level real estate needs, while ensuring safety for workers and residents alike in this new economic and public health environment.” On May 21, the committee issued comprehensive Recommendations as DC Prepares for Phased Reopening. 	<ul style="list-style-type: none"> Recommendations by the Real Estate and Construction Committee to the ReOpen DC Advisory Group Steering Committee 	<ul style="list-style-type: none"> Order 2020-053 (Business Closure Order) Order 2020-054 (Stay at Home Order) (lifted)
	<ul style="list-style-type: none"> On May 29, Mayor Bowser issued her Phase I Reopening Order, which lifted the Stay-at-Home Order and allowed certain nonessential businesses to reopen with restrictions. On June 19, Mayor Bowser issued her Phase II Reopening Order, which includes a section on Real Estate, Construction, and Development. Regarding construction, the order states: Construction supervisors shall continue to implement site-specific plans to prevent and address COVID-19, including through the provision and mandated use of personal protective equipment, frequent hand washing, and providing that to the extent practicable, work should be conducted from a distance of at least six (6) feet between employees. 		<ul style="list-style-type: none"> Order 2020-066
	<ul style="list-style-type: none"> DC Also published Phase Two Guidance for Construction Sites, which includes safeguards and physical distancing measures that should be adopted in order for construction sites to continue. 		<ul style="list-style-type: none"> ReOpen DC Real Estate and Construction Committee District of Columbia Coronavirus website

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
FLORIDA			
<p>Executive Order No. 20-139 Phase I Reopening (<i>effective June 5</i>)</p>	<ul style="list-style-type: none"> On April 1, Governor Ron DeSantis issued a Safer at Home Order (No. 20-91), which mandated the closure of all nonessential businesses. <ul style="list-style-type: none"> Essential businesses include: all businesses operating in the federal critical infrastructure sectors, as outlined by the CISA Guidance; all “essential services” defined in Miami-Dade County Emergency Order 07-20 and its amendments; and other essential services approved by the State Coordinating Officer, who shall maintain a list online. The State Coordinating Officer’s online list generally follows the CISA Guidance and includes various types of construction. Notably, Miami-Dade Order 07-20, which is specifically incorporated into the State’s Order No. 20-91, more broadly includes “Open construction sites, irrespective of the type of building” as essential businesses. Reopening: On June 3, Gov. DeSantis issued Executive Order No. 2020-139 “Phase 2: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery.” The Phase II Order supersedes the Safer at Home order (20-91) and portions of the Phase I Orders (20-112 and 20-123). As it pertains to construction, Phase II includes no restrictions. On Friday, June 26, the Florida Department of Business & Professional Regulation issued Emergency Order 2020-09, suspending all on-premises consumption of alcohol at bars statewide. According to news reports, this move was the result of “widespread noncompliance” with rules regarding capacity and social distancing. 	<ul style="list-style-type: none"> Guidance for Businesses and Employees Best Practices for Social Distancing at Your Business 	<ul style="list-style-type: none"> Executive Order No. 20-139 (Phase II Reopening) Executive Order No. 20-112 (Phase I Reopening) Executive Order No. 20-123 (Full Phase I) Executive Order No. 20-91 (Safer at Home) Essential Services List Florida Executive Orders Florida Coronavirus Website
GEORGIA			
<p>Executive Order No. 07.15.20.01– Providing additional guidance and empowering a healthy Georgia (<i>Effective July 15 through July 31</i>)</p>	<ul style="list-style-type: none"> Under the Shelter-in-Place Executive Order (No. 04.02.20.01), Governor Brian Kemp ordered certain businesses to cease in-person operations but allowed other businesses to continue subject to restrictions. Construction is not among the list of businesses ordered to close. <ul style="list-style-type: none"> Restrictions on construction projects will vary. If the construction project is being provided in support of Critical Infrastructure (based on the CISA Guidance), then the GA Order encourages implementation of 17 requirements to mitigate the spread of COVID-19. If the construction project is not in support of Critical Infrastructure, then the GA Order mandates the business implement 21 requirements to mitigate the spread of COVID-19 and limits the business to engaging in “Minimum Basic Operations,” which includes “minimum necessary activities to maintain the value of the business.” Reopening: On July 15, Gov. Kemp issued an Executive Order “Providing additional guidance for Empowering a Healthy Georgia in response to COVID-19,” which revised his prior orders, providing reopening guidance. As it relates to “Critical Infrastructure,” the Order updated incorporation of the CISA Guidance to include versions 1.0, 2.0, and 3.0. The July 15 Order also states that Critical Infrastructure organizations “shall implement measures to mitigate the exposure and spread of COVID-19” and includes a list of 16 measures that “shall be implemented to the maximum extent practicable.” 	<ul style="list-style-type: none"> Business Guidance on COVID-19 	<ul style="list-style-type: none"> Georgia Executive Orders Statewide Shelter-In-Place Handout

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
HAWAI'I			
<p>Emergency Proclamation for COVID-19 <i>(Effective March 5 through July 30; extended by Tenth Supplementary Proclamation, issued on July 17)</i></p>	<ul style="list-style-type: none"> On March 5, Governor David Ige issued an Emergency Proclamation for COVID-19, declaring an emergency or disaster, and has issued multiple supplementary proclamations since then. The Governor issued the Tenth Supplementary Proclamation on July 17 stating that the following businesses and operations may operate during this emergency: “businesses or operations that are part of the federal critical infrastructure sectors, as set forth in Exhibit B attached hereto, and the businesses or operations operating in each county in accordance with the State Roadmap to Recovery and Resilience, attached hereto as Exhibit F.” Exhibit F notes that manufacturing and construction can proceed with physical distancing and safe practices. 	<ul style="list-style-type: none"> Beyond Recovery: Reopening Hawai'i County of Hawai'i Reopening Guidance 	<ul style="list-style-type: none"> Tenth Supplementary Proclamation All Emergency Proclamations
IDAHO			
<p>Stage 4 Stay Healthy Guidelines <i>(Effective June 13 until further notice)</i></p>	<ul style="list-style-type: none"> Governor Brad Little ordered the Director of the Idaho Department of Health and Welfare to issue an Order to Self-Isolate, directing all individuals living in Idaho to self-isolate at their place of residence. Under the Order, all businesses except Essential Businesses were required to cease activities. The Order defined Essential Businesses to include, among other things, Essential Infrastructure, which includes but is not limited to: “public works construction, commercial construction and the transfer and selling thereof, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness).” The order also incorporated by reference the CISA Guidance. Idaho issued the Stage 4 Stay Healthy Guidelines on June 13, 2020, which superseded the May 30 Stay Healthy Order. Under the June 13 Guidelines, businesses and governmental agencies may continue to resume operations at physical locations. The guidelines advised that all businesses and governmental agencies should adhere to the physical distancing and sanitation requirements described in Section 4 of the guidelines. The order does not expressly mention construction, so construction can continue as long as projects adhere to the social distancing and sanitation requirements. 	<ul style="list-style-type: none"> COVID-19 Guidance for Onboarding Seasonal Workers in Idaho 	<ul style="list-style-type: none"> Stage 4 Stay Healthy Guidelines Stages of Reopening List of Essential Services Idaho COVID-19 website

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
ILLINOIS			
<p>Executive Order 2020-43 (Community Revitalization Order) <i>(Effective June 26 until further notice)</i></p>	<ul style="list-style-type: none"> Under Order 2020-18, Governor J. B. Pritzker ordered that all businesses and operations must cease unless they are considered “Essential Businesses and Operations” as defined by the Order. In addition, all residents were ordered to stay home, with certain exceptions, including performing work for Essential Businesses and Operations. “Essential Business and Operations” includes “Essential Infrastructure,” which includes “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, and housing construction).” “Essential Business and Operations” also includes Critical trades such as “Building and Construction Tradesmen and Tradeswomen.” Under Order 2020-32, essential businesses will be required to provide face-coverings to all employees who are not able to maintain six-feet of social distancing, as well as follow new requirements that maximize social distancing. This will include occupancy limits for essential businesses and precautions such as staggering shifts. Under Order 2020-38 (“Restoring Illinois – Protecting Our Communities”), all businesses “must” (a) ensure employees practice social distancing and wear face coverings when social distancing is not always possible; (b) ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and (c) prominently post the guidance from the Illinois Department of Public Health (IDPH) and Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency. Additionally, Order 2020-43 (“Community Revitalization Order”) includes detailed requirements for businesses related to social distancing, face covering, and PPE requirements for businesses (the “Social Distancing Requirements”). These include required measures, including designated six-foot distances, hand sanitizer and sanitizing products, separate operating hours for vulnerable populations, online and remote access (when available) and providing employees with face covering and PPE. 	<ul style="list-style-type: none"> Business and Organization Guidance IDPH Guidelines 	<ul style="list-style-type: none"> Executive Order 2020-10 Executive Order 2020-18 (Extension) Executive Order 2020-32 (New Stay at Home Order) Executive Order 2020-38 Executive Order 2020-43 Illinois COVID-19 website

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
INDIANA			
<p>Governor’s Executive Order 20-22 <i>(Effective March 24 through May 23; extended by Order 20-26)</i></p> <p>Governor’s Executive Order 20-32 <i>(Effective June 12 through July 3, extended through August 3 per Order 20-34)</i></p> <p>Governor’s Executive Order 20-36 <i>(Effective through July 31).</i></p>	<ul style="list-style-type: none"> • Governor Eric Holcomb issued Executive Order 20-22, which superseded his previous Order 20-18, and ordered that all businesses and operations must cease unless they are considered “Essential Businesses and Operations” as defined by the Order. In addition, all residents were ordered to stay home, with certain exceptions, including performing work for Essential Businesses and Operations. • “Essential Business and Operations” includes “Essential Infrastructure,” which is to be defined broadly, and includes, but is not limited to: <ul style="list-style-type: none"> ○ “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 Business and Operations” also includes Critical trades such as “Building and Construction Tradesmen and Tradeswomen.” ○ Further, Indiana’s definition of “Essential Businesses and Operations” includes workers identified in CISA Guidance. • Executive Order 20-22 further defined “Critical Trades” to include building, construction, and other trades, including plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and governmental properties, security staff, HVAC, painting, moving and relocation services, and other service providers who provide services necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations. • Executive Order 20-26 extended Executive Order 20-22 through May 23, but set forth a phased plan to reopen Indiana businesses. As it relates to construction and infrastructure businesses, there is no change and those businesses may continue to operate consistent with IOSHA standards and Indiana safeguards. • Executive Order 20-36 was signed on July 16. All counties in Indiana (except for Elkhart County) have advanced to Stage 4.5 of Indiana’s phased reopening plan (per Order 20-35), and all businesses may operate in accordance with the rules and guidance set forth in EO 20-32. 	<ul style="list-style-type: none"> • Industry Guidelines 	<ul style="list-style-type: none"> • Order 20-36 • Order 20-35 • Order 20-34 • Order 20-32 • Order 20-22 • Order 20-18 • Order 20-08 • Indiana Essential Business and Operations List
IOWA			
<p>Iowa Presidential Disaster Declaration 2020-19 <i>(Effective June 25 through August 23, 2020 at 11:59 pm; extended by Declaration 2020-23)</i></p>	<ul style="list-style-type: none"> • The State of Iowa issued multiple Proclamations of Disaster Emergency, ordering the closure of various businesses in the state. However, none of the proclamations included construction companies or construction projects. • Iowa has begun to reopen businesses, but the newest Proclamation does not address construction companies or construction projects. • Iowa has not issued a statewide stay-at-home order. 	<ul style="list-style-type: none"> • Public Health COVID-19 Reopening Guide 	<ul style="list-style-type: none"> • 2020-40 • Extension: Part 1, Part 2, Part 3 • Iowa Guidance • Iowa Public Health Proclamation • Proclamation of May 26, 2020 • Proclamation of June 25, 2020 • Proclamation of July 14, 2020

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
KANSAS			
<p>EO 20-34: Implementing Phase Two of “Ad Astra: A Plan to Reopen Kansas” (Effective May 22 until rescinded)</p> <p>EO 20-52: Requiring mask and other face coverings in public (Effective July 3 until rescinded or until the statewide State of Disaster Emergency expires, whichever is earlier)</p>	<ul style="list-style-type: none"> • Under EO 20-16, all residents were ordered to stay home unless performing an essential activity, which included, among other things, performing work or other essential functions identified in the “Kansas Essential Functions Framework” (KEFF). KEFF essential functions include performing government contracts and providing and maintaining critical infrastructure, which includes: <ul style="list-style-type: none"> ○ Construct or repair roads ○ Construct, maintain, or clean buildings ○ Produce or distribute construction materials ○ Maintain specialized manufacturing or industrial equipment • EO-29 provided Kansas’s initial phased reopening for all businesses. All businesses are subject to social distancing restrictions, including the wearing of masks. Business must also avoid instances in which groups of more than 10 individuals are in one location and unable to maintain social distancing restrictions. • EO 20-34 includes updated Phase Two Guidance for Individuals and Employers/Businesses, which maintains social distancing restrictions, which includes maintaining at least six feet of distance and avoid instances in which groups of more than 15 individuals are in one location and unable to maintain social distancing restrictions. • EO 20-52 mandates that all businesses must require all employees to wear a face coverings in “public spaces.” This includes: <ul style="list-style-type: none"> ○ Employees working or walking through common areas, such as hallways, stairways, elevators, and parking facilities ○ Employees in any room or enclosed area where other people are present and unable to maintain a 6-foot distance, except for infrequent or incidental moments of closer proximity. 	<ul style="list-style-type: none"> • Ad Astra: A Plan to Reopen Kansas (Public Health Guidelines for Employers are on slide 27) 	<ul style="list-style-type: none"> • EO 20-16 (expired) • EO 20 24 (extension) (expired) • Kansas COVID Announcements • Revised COVID Guidance 20-16-1: Essential Activities and Essential Functions • EO 20-29: Phase One of Ad Astra • EO 20-34: Phase Two of Ad Astra • EO 20-52: Mask Requirements
<p>Although the order does not directly address construction companies, the definition of “public space” excludes “private offices or workspaces that are not open to customers or public visitors.” The requirements contain several other exemptions as well in paragraph 3.</p>			

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
KENTUCKY			
<p>Executive Order 2020-257 Healthy at Home Order <i>(Effective March 26 until rescinded or State of Emergency ends)</i></p> <p>Executive Order 2020-323 Healthy at Work Order <i>(Effective May 11 until rescinded or State of Emergency ends)</i></p>	<ul style="list-style-type: none"> In March, Governor Andy Beshear issued a Healthy at Home Order, which required that all businesses that are not “Life-Sustaining” to cease operations. Life-Sustaining Businesses include all businesses operating in the federal critical infrastructure sectors, as outlined by the CISA Guidance as well as other listed businesses, including: <ul style="list-style-type: none"> “Housing, Buildings and Construction. To ensure Kentuckians can remain Healthy at Home, businesses providing construction or maintenance of residential, commercial, or governmental structures, including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff, security staff, operating engineers, HVAC, painting, landscaping, moving and relocation services, necessary for sustaining the safety, sanitation and operation of structures. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying critical products and services in and for industries such as ... construction.” Reopening: On May 8, Governor Beshear issued Kentucky’s Healthy at Work Order. Although construction was considered “Life-Sustaining” under the Healthy at Home Order, Kentucky’s Healthy at Work Order imposes certain requirements on all businesses, including construction. Under the Healthy at Work Order (and the subsequent May 11 Order of the Cabinet for Health and Family Services), construction businesses must implement certain Minimum Requirements as well as industry-specific requirements. The “Requirements for Construction Businesses” include social distancing requirements, cleaning and disinfecting requirements, PPE requirements, and training and safety requirements. 	<ul style="list-style-type: none"> Healthy at Work Minimum Requirements Requirements for Construction Businesses (from May 11 Order) 	<ul style="list-style-type: none"> Executive Order 2020-257 (Healthy at Home) Executive Order 2020-323 (Healthy at Work) May 11 Order (Industries) Overview of “Healthy at Work” initiative Kentucky orders and actions
LOUISIANA			
<p>EO 96 JBE 2020, COVID-19 Public Health Emergency Renewal of Phase 2 of Resilient Louisiana <i>(Effective June 26 until August 7)</i></p>	<ul style="list-style-type: none"> On March 22, Governor John Bel Edwards issued a Stay at Home Order (EO 33 JBE 2020), mandating that all residents stay home unless performing an essential activity and all nonessential businesses are to be closed to the public. Under the Order, essential businesses are those deemed critical under the CISA Guidance. Louisiana’s Stay at Home Order expired on May 15. On May 14, Governor Edwards issued EO 58 JBE 2020 (Phase I of Resilient Louisiana), which requires that CISA business owners and employees must maintain strict social distancing and wear face coverings at all times if interacting with the public. On June 5, 2020, Gov. Edwards issued EO 74 JBE 2020, which maintained Phase I social distancing requirements for CISA business owners and employees. On June 25, 2020, Gov. Edwards issued EO 83 JBE 2020, which maintained Phase I social distancing requirements for CISA business owners and employees. On July 13, Gov. Edwards issued EO 89 JBE 2020, which supplemented EO 83 JBE 2020 with a face covering order, which includes all businesses. On July 23, Gov. Edwards issued EO 96 JBE 2020, which extended the public health emergency until August 7. 	<ul style="list-style-type: none"> No state-specific guidelines 	<ul style="list-style-type: none"> EO No. 33 JBE 2020 EO No. 41 JBE 2020 EO No. 52 JBE 2020 EO No. 58 JBE 2020 EO No. 74 JBE 2020 EO No. 83 JBE 2020 EO No. 96 JBE 2020 Louisiana COVID Guidance

MAINE

<p>Governor’s Executive Order 19 <i>(Effective March 25 through May 31; extended by EO 49)</i></p>	<ul style="list-style-type: none"> Under Executive Order 19, Governor Janet Mills closed public facing nonessential businesses, but did not close “Essential Businesses and Operations,” which includes all businesses identified in the CISA Guidance, plus construction and maintenance of critical infrastructure and essential home repair. The Order also designates Maine’s Department of Economic & Community Development (DECD) as the lead agency to interpret and apply the Order. 	<ul style="list-style-type: none"> Restarting Maine’s Economy (see page 10) 	<ul style="list-style-type: none"> Order 19
<p>Governor’s Executive Order 49 <i>(Extends previous Orders through May 31)</i></p>	<ul style="list-style-type: none"> On April 3, the DECD published a comprehensive list as to what constitutes essential and nonessential business pursuant to Executive Order 28. Construction is listed as essential business (although pool construction is not essential). Construction companies must follow DECD operational guidelines. 	<ul style="list-style-type: none"> Construction Checklist 	<ul style="list-style-type: none"> Order 19-A
<p>Governor’s Executive Order 55 <i>(Amends EO 49, effective May 31 until rescinded)</i></p>	<ul style="list-style-type: none"> Note that cities and towns have the right to create more restrictive orders. Executive Order 49 announces Maine’s plan for reopening businesses (“Restarting Plan”), and extends Executive Orders 19 and 28 through May 31. The Order instructs the DECD to implement and issue guidance for the Restarting Plan. As construction was already listed as essential business, the Order does not affect construction companies. However, the DECD does recommend that construction firms deploy additional Personal Protective Equipment and other safety measures on job sites. Executive Order 55 modified Maine’s Restarting Plan but makes no changes to construction. 	<ul style="list-style-type: none"> General Checklist 	<ul style="list-style-type: none"> Order 28 Order 49 Order 55 DECD Businesses List DECD Construction Operational Guidelines

MARYLAND

<p>Order No. 20-06-10-01 Amending and Restating the Order of June 3, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation <i>(Effective June 3 until further notice)</i></p>	<ul style="list-style-type: none"> On March 30, Governor Larry Hogan issued a Stay-at-Home Order (superseding his previous Order No. 20-03-23-01), which mandated the closure of all “Nonessential Businesses.” Maryland’s Office of Legal Counsel published Interpretive Guidance No. COVID19-04 “Businesses That May Remain Open,” which states that “commercial and residential construction companies” are not required to close. Later guidance added “engineering, surveying, architectural, and interior design firms” to the list of companies allowed to remain open. On May 6, Governor Hogan issued an Amended Stay-at-Home Order, which superseded previous Stay-at-Home orders and began to loosen restrictions. The May 6 order includes the same language defining nonessential businesses and the Interpretive Guidance COVID19-04, allowing construction, remains in place. Reopening: On June 10, Governor Hogan issued an order regarding the Reopening of Certain Businesses and Facilities, which amended reopening orders he previously issued on May 13, May 27, and June 3. The reopening order does not expressly mention or otherwise directly impact construction and Interpretive Guidance COVID19-04, allowing construction, remains in place. 	<ul style="list-style-type: none"> No state-specific guidance. 	<ul style="list-style-type: none"> June 10 Order Interpretive Guidance COVID19-04 - Businesses That May Remain Open June 3 Order (superseded) May 27 Order (superseded) May 13 Order (superseded) May 6 Order (superseded) March 30 Order (superseded) Maryland orders and guidance
---	---	---	---

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
MASSACHUSETTS			
COVID-19 Order 21 <i>(Effective March 23 through May 4)</i>	<ul style="list-style-type: none"> Under COVID-19 Order 21 (which extended COVID-19 Order 13), Governor Charlie Baker ordered all nonessential businesses closed. Exhibit A to the Order identifies various types of construction that are considered essential, including: work to maintain safety and operation of health care facilities and temporary construction to support COVID response; public works facilities and infrastructure; public schools, colleges and universities; residential construction; energy services; internet and telecommunication; and state facilities. 	<ul style="list-style-type: none"> Department of Labor Standards Construction Site Rules & Guidance 	<ul style="list-style-type: none"> Order No. 21
COVID-19 Order 33 <i>(Effective indefinitely)</i>		<ul style="list-style-type: none"> Mass. Supplemental Guidelines for Construction Sites 	<ul style="list-style-type: none"> Order No. 33
COVID-19 Order 37 <i>(Effective June 6 until rescinded)</i>	<ul style="list-style-type: none"> However, some cities have banned or substantially limited construction despite the Governor’s Order. Boston, for example, has a moratorium on nonessential construction, which was extended indefinitely, although Boston will review requests for exemptions on a case-by-case basis. 	<ul style="list-style-type: none"> Mass. Construction Enforcement Procedures 	<ul style="list-style-type: none"> Order No. 35
COVID-19 Order 43 <i>(Effective July 2)</i>	<ul style="list-style-type: none"> On May 18, Gov. Baker signed COVID-19 Order 33. Among other businesses, construction is permitted to proceed as of May 18, provided construction businesses comply with workplace safety rules and standards as set forth in Order 33, as well as construction sector-specific rules promulgated by the Director of the Department of Labor Standards. Additionally, before reopening a construction site, the General Contractor must ensure all municipal permits are in place, satisfy the sector-specific rules, and other than certain small residential projects, the GC must notify the City or Town that work will commence and meet any City/Town requirements. 	<ul style="list-style-type: none"> City of Boston COVID-19 Construction Site BEST PRACTICES WORKSHEET 	<ul style="list-style-type: none"> Order No. 37
	<ul style="list-style-type: none"> On June 1, Gov. Baker signed COVID-19 Order 35, which allows certain businesses to reopen in preparation for Phase II of Massachusetts’ reopening plan. On June 6, Gov. Baker signed Order 37, which sets forth rules and instructions for businesses that may reopen as part of Phase II. 	<ul style="list-style-type: none"> City of Boston COVID-19 Safety Plan – Compliance Affidavit 	<ul style="list-style-type: none"> Order No. 40
	<ul style="list-style-type: none"> On June 19, Gov. Baker signed COVID-19 Order 40, which states that Massachusetts’ reopening plan will commence Phase II on June 22, 2020. 		<ul style="list-style-type: none"> Order No. 43
	<ul style="list-style-type: none"> On July 6, Phase III businesses were permitted to reopen in accordance with the rules and guidance set forth in COVID-19 Order No. 43 (July 13 for businesses located in Boston). 		<ul style="list-style-type: none"> Massachusetts Guidance
			<ul style="list-style-type: none"> Boston Announcement Pausing Nonessential Construction

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
MICHIGAN			
Governor’s Executive Order No. 2020-59 (rescinded)	<ul style="list-style-type: none"> On April 24, 2020, Governor Gretchen Whitmer issued Executive Order 2020-59, which superseded her previous Order No. 2020-42 and extended Michigan’s stay-at-home requirements through May 15. All in person work that is not necessary to sustain or protect life is prohibited. Workers that are necessary to sustain or protect life include “critical infrastructure workers,” which consists of, among other things, some workers in the health care, energy, water and wastewater, transportation, public works, manufacturing, hazardous materials and chemical supply chains. 	<ul style="list-style-type: none"> Construction Industry & Outdoor Operations Guidelines 	<ul style="list-style-type: none"> Order 2020-42 (superseded)
Governor’s Executive Order 2020-70 (rescinded)		<ul style="list-style-type: none"> General Workplace Guidelines 	<ul style="list-style-type: none"> Order 2020-42 FAQs
Governor’s Executive Order 2020-110 (Effective indefinitely)	<ul style="list-style-type: none"> Interestingly, Michigan has adopted the definition of critical infrastructure workers described in the original CISA Guidance (March 19, 2020 memorandum) <u>but not</u> any updated CISA guidance. The FAQ to Executive Order 59 states that only limited forms of construction are permissible, including construction to maintain and improve roads, bridges, telecommunications infrastructure, and public health infrastructure (such as the creation or expansion of hospitals or other medical facilities to provide or support the provision of necessary care during the emergency). On May 1, 2020, Governor Whitmer rescinded Order 2020-59 and replaced it with Order 2020-70, allowing certain businesses to open as of May 7, including construction, real-estate activities, and work that is traditionally and primarily performed outdoors. Specifically, workers in the construction industry, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers) are permitted to resume work on May 7, subject to enhanced social distancing rules as set forth in the Order. Governor Whitmer has issued and rescinded several orders over the past two months including Order 110 which allows certain businesses to reopen. There has been no change to work in the construction industry that Governor Whitmer permitted in accordance with Order 20-59. Order 2020-145 sets forth certain workplace standards, including for the construction industry. 	<ul style="list-style-type: none"> Order 2020-145 	<ul style="list-style-type: none"> Order 2020-59 (rescinded) Order 2020-59 FAQs Order 2020-70 (rescinded) Order 2020-110

MINNESOTA

<p>Emergency Executive Order 20-74 (“Continuing to Safely Reopen Minnesota’s Economy and Ensure Safe NonWork Activities during the COVID-19 Peacetime Emergency”) (Effective June 9 at 11:59 PM until further notice)</p> <p>Emergency Executive Order 20-81 Requiring Minnesotans to Wear a Face Covering in Certain Settings to Prevent the Spread of COVID-19 (Effective July 24 at 11:59 PM until further notice)</p>	<ul style="list-style-type: none"> • Through Order 20-20, Governor Tim Walz ordered all residents to stay at home except to engage in Activities and Critical Sector work described in the order, which include all categories in the CISA Guidance as well as: <ul style="list-style-type: none"> ○ Workers engaged in roadway construction, maintenance, and utility projects. ○ [C]onstruction material suppliers and workers providing services necessary to maintain construction material sources. ○ Construction and critical trades. This category includes workers in the skilled trades such as electricians, plumbers, HVAC and elevator technicians, and other related construction of all kind. • Under Order 20-56, Governor Walz provides guidance to critical and non-critical businesses while reopening the economy. All businesses are strongly encouraged to wear masks and face coverings. • Under Order 20-74, Governor Walz noted that EO Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remains in full effect. The Order further states that all work must adhere to Minnesota OSHA Stands and MFN and CDC Guidelines, including social distancing and hygiene practices. Critical Businesses continue to operate in accordance with EO 20-48 and must have developed and implemented a COVID-19 Preparedness Plan in accordance with paragraph 7.e. of the Order by June 29, 2020. • Under Order 20-81, Gov. Walz noted that Critical Businesses must require their workers, customers, and visitors to wear face coverings. The Order further requires that Critical Businesses must post on or more signs instructing them to wear face coverings. Governor Walz further noted that EO Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remains in full effect. 	<ul style="list-style-type: none"> • COVID in Construction Homepage • Personal protective equipment and face-coverings • Planning communication and training • Sanitation and hygiene • Social separation, distancing • Wellness and exposure-incident management 	<ul style="list-style-type: none"> • Order 20-20 • Order 20-33 • Order 20-48 • Order 20-56 • Order 20-74 • Order 20-81 • Minnesota COVID Guidance
---	---	---	--

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
MISSISSIPPI			
<p>Executive Order 1492 – Safe Return Order (<i>Effective June 1 to August 3 until 8:00 am; extended by EO 1496, EO 1500, EO 1505, EO 1508, and EO 1512</i>)</p> <p>Executive Order 1509 (Effective 8:00 am on July 20 until 8:00 am on August 3)</p>	<ul style="list-style-type: none"> On March 24, Governor Tate Reeves issued Executive Order No. 1463, mandating that all residents avoid groups of 10 or more, but excepted “Essential Businesses and Operations,” which includes “Construction and construction related activities including building and construction, lumber, building materials and hardware, electricians, plumbers, exterminators, cleaning and janitorial, HVACR and water heating industry, painting, moving and relocating services, other skilled trades, and other related construction firms and professionals for maintaining essential infrastructure.” Governor Reeves issued a supplement to EO No. 1463, stating that EO No. 1463 would be clarified. On April 1, Governor Reeves issued an official Shelter in Place Order (EO No. 1466), which ordered Mississippi residents to stay home except under certain circumstances, including to participate in “Essential Businesses or Operations” as defined in Order No. 1463. On April 24, Governor Reeves signed a Safer at Home Order (EO No. 1477). In this order, Governor Reeves introduces Mississippi’s strategic plan to reopen the economy. Subsequent amendments to Order 1477 permitted the resumption of certain additional businesses and recreational activities but did not directly impact construction, which was never halted. On May 28, Gov. Reeves signed a Safe Return Order (EO No. 1492). In this order, Gov. Reeves begins the process of reopening Mississippi’s economy. Order 1492 requires businesses to make “reasonable, good-faith efforts” to comply with the Mississippi State Department of Health’s and CDC’s regulations and guidelines, including social distancing and personal hygiene protocols. This order also requires employees to report any symptoms of COVID-19 to their supervisors. EO 1492 was amended by EO 1496, EO 1500, EO 1505, EO 1508, and EO 1512 which withdrew certain provisions but did not impact construction. On July 19, Governor Reeves signed Executive Order 1509, which provided COVID-19 guidelines for all Mississippi businesses, including face governing, PPE and social distancing. 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Order 1477 (Safer at Home) Order 1463 Order 1466 (Shelter in Place) Order 1492 (Safe Return Order) Order 1496 Order 1505 Order 1508 Order 1509 Order 1512 Mississippi Executive Orders Mississippi Coronavirus website Mississippi State Dept. of Health

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
MISSOURI			
<p>Executive Order 20-12 – Phase Two of “Show Me Strong Recovery Order” (effective June 16 through December 30)</p>	<ul style="list-style-type: none"> Missouri Governor Parson initially declared a state of emergency in Missouri on March 13 (through Executive Order 20-02). On April 24, Governor Parson extended the state of emergency through June 15, 2020 (through Executive Order 20-09). On April 3, the Missouri Director of the Department of Health and Senior Services issued an order directing residents to stay at home (with certain exceptions). The Stay-Home Order also directs any entity that does not employ individuals listed in the CISA Guidance to adhere to certain limitations including no gatherings of 10 people or more and all individuals must remain six feet apart. The businesses do not have to close. The Order notes that nonessential businesses may request a waiver on social gather limitations from the Director of the Department of Economic Development. This order has since expired. On April 27, the Director issued an Economic Reopening Order, also called the “Show Me Strong Recovery Order,” which allowed the stay-at-home order to expire and provided guidance to individuals and businesses as Missouri reopened its economy. In particular, the order required “every person and business” to follow social distancing guidelines. The state has published “General Guidelines for Business” that it urged all businesses to adopt. The recovery order remains in effect through May 31 but cannot extend beyond the duration of the state of emergency. On June 11, Governor Parson announced that Missouri would fully reopen and enter Phase 2 of its “Show My strong Recovery” Plan on June 16, 2020. During Phase 2, there will be no statewide health order and all statewide restrictions will be lifted, though local officials will still have the authority to put further rules, regulations, or ordinances in place. 	<ul style="list-style-type: none"> General Guidelines for Businesses 	<ul style="list-style-type: none"> Stay-at-Home Order (expired) Stay Home Missouri FAQ for Businesses Missouri Department of Economic Development Guidance Missouri Statewide Orders Economic Reopening Order – Extension Show Me Strong Recovery Plan FAQs

MONTANA

<p>Executive Orders No. 2-2020 and 3-2020 – State of Emergency <i>(March 12)</i></p> <p>Directive on Phased Reopening of Montana and Establishing Conditions for Phase One <i>(Effective April 22; supplemented by Directive on May 19)</i></p> <p>Directive on Phased Reopening of Montana and Establishing Conditions for Phase Two <i>(Effective June 1 until further notice)</i></p>	<ul style="list-style-type: none"> On March 12, Governor Steve Bullock issued Executive Order No. 2-2020, declaring a State of Emergency. On March 26, the Governor issued a Directive Implementing the State of Emergency and providing measures to stay at home and designating certain essential functions. Under the Directive, all businesses and operations must cease unless they are considered “Essential Businesses and Operations.” In addition, all residents were ordered to stay home, with certain exceptions, including performing work for Essential Businesses and Operations. “Essential Business and Operations” includes “Essential Infrastructure,” which includes “...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, and housing construction).” “Essential Business and Operations” also includes Critical trades such as “Building and Construction Tradesmen and Tradeswomen.” The Directive also incorporates by reference the CISA Guidance. On April 22, the Governor issued another Directive, implementing Executive Orders 2-2020 and 3-2020 and providing guidance for the phased reopening of Montana and establishing conditions for Phase One. This Directive superseded the March 28 Stay-at-Home Directive. On May 19, the Governor issued another Directive, implementing Executive Orders 2-2020 and 3-2020 and establishing conditions for Phase Two of the reopening of Montana. Except where specifically modified by this Directive, the April 22 Directive and related guidance applicable to Phase One remain in effect. Montana is currently in Reopening Phase Two. 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Order No. 2-2020 Directive on Phased Reopening of Montana and Establishing Conditions for Phase One May 8 Supplement to the Directive on Phased Reopening of Montana and Establishing Conditions for Phase One Directive on Phased Reopening of Montana and Establishing Conditions for Phase Two Reopening the Big Sky – Phased Approach Montana COVID-19 website FAQ
---	---	--	--

NEBRASKA

	<ul style="list-style-type: none"> Nebraska has not issued a statewide Stay-at-Home Order. 	<ul style="list-style-type: none"> COVID-19 Nebraska Guidance Documents General Guidance 	<ul style="list-style-type: none"> Nebraska Guidance
--	---	--	---

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
NEVADA			
Declaration of Emergency <i>(March 12)</i>	<ul style="list-style-type: none"> On March 12, Governor Steve Sisolak issued a proclamation declaring a state of emergency in response to COVID-19 and on March 20, the Governor Issued Directive 003, which ordered the closure of nonessential businesses. Directive 003 incorporates by reference the CISA Guidance, and also expressly allows construction: 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Declaration of Emergency Directives and Declarations Nevada COVID-19 website
Declaration of Emergency – Directive 003 (Essential Businesses) <i>(Effective March 20 through June 30; amended and extended by Directive 026)</i>	<ul style="list-style-type: none"> <ul style="list-style-type: none"> “The construction, mining, manufacturing, and infrastructure sector labor force may continue operations, but shall maintain strict social distancing practices to facilitate a minimum of six feet of separation between workers, and to adopt policies and practices that ensure minimum contact between the workforce and the general public. This social distancing restriction shall not be construed to supersede any safety practices imposed on the industry by state or federal law. Business sectors operating under this authority must comply with any applicable COVID-19 risk mitigation policies, as further defined in regulations promulgated under this Directive, and any precautionary measures and guidance that shall be promulgated by Nevada Department of Business and Industry.” 		
Declaration of Emergency - Directive 010 (Stay-at-Home Order) <i>(Effective March 31 through June 30; amended and extended by Directive 026)</i>	<ul style="list-style-type: none"> The Guidance on Directive 003, published on March 27, confirmed that construction is considered an Essential Business, and construction includes housing construction. 		
Declaration of Emergency – Directive 016 <i>(Effective April 29 through June 30; amended and extended by Directive 026)</i>	<ul style="list-style-type: none"> Directive 010 ordered all Nevadans, with limited exceptions, to stay in their residences: “Individuals may leave their residences to provide services or perform work necessary to the operations of Essential Infrastructure operations (as defined by Section 1(b) of the March 20, 2020 Emergency Regulations).” 		
Declaration of Emergency – Directive 018 Phase One Reopening Plan <i>(Effective May 7 through June 30; amended and extended by Directive 026)</i>	<ul style="list-style-type: none"> On April 29, the Governor issued Directive 016. The directive extended the Stay at Home orders from previous directives to May 15 and continued Nevadans to stay at home except for necessary outings, including going to work as an essential employee. On May 7, the Governor issued Directive 018, outlining the Phase One Reopening Plan. Phase One addresses modifications to the stay-at-home orders (amending and extending Directives, including 003, 010 and 016), but does not expressly mention or otherwise directly impact construction. 		
Declaration of Emergency – Directive 021 Phase Two Reopening Plan <i>(Effective May 28 through July 31; extended by Directive 026)</i>	<ul style="list-style-type: none"> On May 28, the Governor issued Directive 021, outlining the Phase Two Reopening Plan and building upon the Phase One Reopening Plan. The Directive does not expressly mention or otherwise directly impact construction. All employers, however, must continue to take proactive measures to ensure compliance with the social distancing and sanitation guidelines. On June 29, the Governor issued Directive 026, which extended Directive 021, Phase Two of the <i>Nevada United: Roadmap to Recovery</i> plan, to July 31. 		

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
NEW HAMPSHIRE			
<p>Governor’s Emergency Order 52 <i>(Effective June 16 through August 1)</i></p>	<ul style="list-style-type: none"> On March 26, Governor Christopher Sununu issued Emergency Order 17, which ordered all businesses and organizations that do not provide essential services to close. In accordance with Exhibit A to the Emergency Order, construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) are considered essential. Emergency Order 40 supersedes and terminates Emergency Order 17. However, there were no material changes to the list of construction that is considered essential. Order 40 was extended through June 15. Emergency Order 52 replaced Order 40 on June 16. The Order and its exhibits set forth universal guidelines for New Hampshire employees and employers, as well as industry-specific guidelines for businesses that are permitted to reopen. Other than the universal guidelines, this Order does not affect construction, which has always been considered essential services in New Hampshire. 	<ul style="list-style-type: none"> City of Concord Construction and Job-Site Guidelines 	<ul style="list-style-type: none"> Order 17 Exhibit A List of Essential Services Order 40 Order 52 Exhibit A to Order 52 Exhibit B to Order 52
NEW JERSEY			
<p>Governor’s Executive Order 107 - Stay at Home <i>(superseded in part by EO 152)</i></p>	<ul style="list-style-type: none"> Pursuant to Executive Order 107, all New Jersey residents must stay home unless engaged in certain allowed activities including reporting to, or performing, their job. Construction workers are listed as employees who need to be physically present at their work site in order to perform their duties. 	<ul style="list-style-type: none"> Can Construction Projects Continue? 	<ul style="list-style-type: none"> Order 107 Order 122
<p>Governor’s Executive Order 122 <i>(Effective April 10 until further notice)</i></p>	<ul style="list-style-type: none"> Pursuant to Executive Order 122, physical operations of all nonessential construction projects were ordered to cease as of April 10. Essential construction projects were permitted to proceed. Of note, unlike some states, the state of New Jersey prohibits local mandates or regulations. 		<ul style="list-style-type: none"> Order 138 Order 142
<p>Governor’s Executive Order 138 <i>(Effective May 6 until further notice)</i></p>	<ul style="list-style-type: none"> On May 6, Governor Murphy signed Executive Order 138, which extends the restrictions in Executive Order 122 until at least June 5. 		<ul style="list-style-type: none"> Order 151 Order 152
<p>Governor’s Executive Order 142 <i>(Construction provisions effective May 18 until further notice)</i></p>	<ul style="list-style-type: none"> On May 13, Governor Murphy signed Executive Order 142, which <i>permits physical operations of all construction projects that were not designated as essential</i> in Executive Order No. 122, subject to several COVID-19 safety conditions and limitations as set forth in Order 142, which will apply to all construction projects. The provisions of Governor Murphy’s Order that pertain to construction are effective as of 6:00 a.m. on Monday, May 18. 		<ul style="list-style-type: none"> New Jersey Executive Orders List of Construction Deemed Essential
<p>Governor’s Executive Order 152 <i>(Effective June 9 until further notice)</i></p>	<ul style="list-style-type: none"> On June 9, Governor Murphy signed Executive Order 152, lifting New Jersey’s stay at home restrictions. Indoor gatherings are permitted at 25% capacity or 50 people total, and outdoor gathering limits are increased to 100 people, except for political and religious gatherings which can exceed those figures. There are no changes to construction, all of which were previously permitted to proceed subject to safety conditions and limitations. 		

NEW MEXICO

Executive Order 2020-004 State of Emergency Declaration
(Effective March 11 through July 30; renewed and extended by EO 2020-053)

March 23 Public Health Order
(Effective March 24 through July 30; amended and extended by June 30 Public Health Order)

Executive Order 2020-053 Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked in that Order, and all Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency
(Effective June 30 through July 30; extended by EO 2020-053)

- On March 11, Governor Michelle Lujan Grisham declared a state of public health emergency, which directed the state agencies to oversee the response to COVID-19 and directed that all political subdivisions of the state must comply with and enforce the order.
- On March 24, the New Mexico Department of Health issued a Public Health Emergency Order closing all businesses and nonprofit entities except for those deemed essential and providing additional restrictions on mass gatherings due to COVID-19.
- The Public Health Order defines “Essential business” to include “Infrastructure Operations,” which includes the following construction-related activities: public works construction; commercial and residential construction and maintenance; utilities, including their contractors and suppliers, involved in power generation, fuel supply and transmission, water and waste-water supply; and road highway repair and construction.
- New Mexicans should continue to stay in their homes for all but the most essential activities and services.
- On April 30, Gov. Lujan Grisham renewed and extended Executive Orders 2020-04 and 2020-22 through May 16 and continued to require New Mexicans to stay in their homes for all but the most essential activities and services.
- On May 15, Gov. Lujan Grisham issued Executive Order 2020-030, renewing and extending Executive Orders 2020-004, 2020-022, and 2020-026 through May 31.
- On June 1, Gov. Lujan Grisham issued Executive Order 2020-36, renewing and extending Executive Orders 2020-004, 2020-022, 2020-026 and 2020-030 through June 30.
- On June 30, Gov. Lujan Grisham issued Executive Order 2020-053, renewing and extending Executive Orders 2020-004, 2020-022, 2020-026, 2020-030, and 2020-026 through July 30.

- [All Together New Mexico: COVID Safe Practices for Individuals and Employers \(see page 35\)](#)

- [New Mexico Executive Orders](#)
- [New Mexico Public Health Orders](#)
- [Guidance on Essential Businesses](#)



Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
NEW YORK			
Governor’s Executive Order 202.13 <i>(Effective March 28 through May 15; extended by Order 202.18)</i>	<ul style="list-style-type: none"> Executive Order 202.13 modified Executive Order 202.6 (which considered construction “essential” and not subject to the in-person work restrictions) to clarify only certain construction is considered exempt from the in-person restrictions as of March 28, 2020. Executive Order 202.13 also empowered the Empire State Development Corporation (ESDC) with the authority to determine which construction projects are “essential.” 	<ul style="list-style-type: none"> NY Forward Construction Guidelines Summary NYC Construction Guidelines 	<ul style="list-style-type: none"> EO 202.13 EO 202.31
Governor’s Executive Order 202.31 <i>(Effective May 15)</i>	<ul style="list-style-type: none"> The ESDC issued updated guidance on April 19 defining essential vs. nonessential construction. Emergency construction (for the safety of occupants or if uncompleted work would be dangerous) may continue until it is safe to suspend work. Essential construction may proceed if it supports infrastructure, utilities, transit facilities, hospitals or health care facilities, homeless shelters, affordable housing (under certain circumstances), public or private schools, state and local government projects, certain projects in the energy industry, existing projects of an essential business, and projects where there is only a single worker performing the work. 		<ul style="list-style-type: none"> EO 202.34 New York Executive Orders
Empire State Development Corporation Determination of Essential Construction <i>(Updated April 19)</i>	<ul style="list-style-type: none"> Governor Cuomo outlined a plan to reopen business in New York, as of May 15. On May 14, Governor Cuomo issued Executive Order 202.31, extending New York’s stay-at-home order through May 28. However, Governor Cuomo, as expected, ordered that the restrictions on the in-person workforce at nonessential businesses or other entities no longer apply as of May 15 to Phase One industries, <i>including construction</i>, for various areas in the State. Per Order 202.31, any additional regions that meet the criteria after such date will be deemed to be incorporated into Order 202.31 without further revision and will be permitted to reopen phase one industries, subject to the same terms and conditions. UPDATE: All New York regions are in Phase IV of New York’s reopening. A map showing each region in the State is available here. 		<ul style="list-style-type: none"> ESDC Updated Guidance Essential Employer FAQ NYC Buildings Department Construction Phase I Guidance
NORTH CAROLINA			
Executive Order No. 141 – Phase II Reopening <i>(Effective May 22 through August 7; extended by EO No. 151)</i>	<ul style="list-style-type: none"> Under North Carolina’s Stay-at-Home Order, issued on March 27, Governor Roy Cooper ordered that all business and operations must cease, unless deemed a “COVID-19 Essential Business and Operations.” The Stay-at-Home Order included a robust list of services that would be considered exceptions to the closure mandate, including any services under the CISA Guidance as well as various types of construction – all of which could continue. Reopening: On May 20, Gov. Cooper issued Executive Order No. 141, which lifted the statewide Stay-at-Home Order and moved the state to a Safer at Home Recommendation. The restrictions fall into three categories: restrictions for listed businesses to spread people out, limitations on mass gathering, and prohibiting certain businesses from opening, none of which include or restrict construction. On June 24, Gov. Cooper extended the Phase II reopening through EO No. 147, which also included requirements regarding Face Coverings, as defined in the order. Order No. 147 mandates that all construction workers must wear Face Coverings when they are within six feet of another person. 	<ul style="list-style-type: none"> Dealing with COVID-19 in Construction (NC Dept. of Labor) 	<ul style="list-style-type: none"> Executive Order No. 151 (Phase II Extension) Executive Order No. 147 (Phase II Extension) Executive Order No. 141 (Phase II Reopening) Executive Order No. 138 (superseded) Executive Order No. 121 (superseded) North Carolina Executive Orders

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
NORTH DAKOTA			
	<ul style="list-style-type: none"> North Dakota has not issued a statewide Stay-at-Home Order. 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> North Dakota Guidance
OHIO			
<p>Department of Health Amended Stay-at-Home Order <i>(Effective April 6 through May 1, but superseded to the extent it conflicts with Stay Safe Ohio Order dated April 30)</i></p>	<ul style="list-style-type: none"> On April 2, the Director of the Department of Health issued an Amended Stay-at-Home Order. Among other things, the Order excepts work for “Essential Infrastructure,” which includes “construction required in response to [COVID-19], hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction.” 	<ul style="list-style-type: none"> Responsible Restart Ohio for Manufacturing, Distribution & Construction 	<ul style="list-style-type: none"> Amended Stay-at-Home Order
<p>Department of Health Stay Safe Ohio Order <i>(rescinded and partially modified)</i></p>	<ul style="list-style-type: none"> On April 30, the Director of the Department of Health issued an Order reopening certain businesses, with exceptions. Effective May 4, construction businesses that were ordered to cease activities pursuant to the April 2 Order may reopen, subject to a sector-specific safety checklist contained in the Order. As a part of “Responsible RestartOhio,” the Department of Health published mandatory and recommended best practices for Manufacturing, Distribution and Construction services, which can be found here. 		<ul style="list-style-type: none"> Stay Safe Ohio Order
<p>Department of Health May 20 Order <i>(Effective May 20 indefinitely)</i></p>	<ul style="list-style-type: none"> More information about Ohio’s Stay Safe Order can be found in the Pillsbury Alert: Ohio Begins Reopening On May 20, the Department of Health rescinded and partially modified the Stay Safe Ohio Order, but did not make any change to construction, which was permitted to reopen on May 4. 		<ul style="list-style-type: none"> Department of Health May 29 Order
<p>Department of Health May 29 Order <i>(Effective May 29 through July 1)</i></p>	<ul style="list-style-type: none"> On May 29, the Department of Health issued an updated and revised Order for business guidance, which contains guidance for the construction industry. (See page 6.) 		<ul style="list-style-type: none"> Ohio Public Health Orders
OKLAHOMA			
<p>Fourth Amended Executive Order 2020-13</p>	<ul style="list-style-type: none"> On April 1, Governor Kevin Stitt issued Executive Order 2020-907, which mandates the closure of all business not identified as critical infrastructure under the CISA Guidance or defined as essential by the Oklahoma Department of Commerce. This order was expired and superseded by the Governor’s Fourth Amended Executive Order 2020-13. 	<ul style="list-style-type: none"> No state-specific guidance. 	<ul style="list-style-type: none"> Order 2020-07
<p>Second Amended Order 2020-20 (State of Emergency) <i>(Effective 30 days from July 10)</i></p>	<ul style="list-style-type: none"> The Oklahoma Essential Industries List broadly includes: Construction and Infrastructure, including, “Construction, Contractors and Heavy and Civil Engineering Construction.” On April 24, Gov. Stitt issued the Fourth Amended Executive Order 2020-13, which provides guidance for essential businesses and includes a list of “Essential Industries,” which includes “Construction, Contractors and Heavy and Civil Engineering Construction.” Amended Executive Memorandum 2020-01 adds additional critical infrastructure sectors to “essential industries,” including “Construction Workers” in both residential and commercial sectors. On May 30, Gov. Stitt issued Order 20-20, which extended the state of emergency in Oklahoma. The Order directs businesses to adhere to the OURS Plan on the Oklahoma Department of Commerce Website, which states that businesses continue to be governed by Order 2020-13. Order 20-20 was amended on June 12 (although no amendments affect the construction business) and extended the Order by 30 days from June 12. Order 2020-20 was again amended on July 10 (although no amendments affect the construction business) and extends the Order by 30 days from July 10. 		<ul style="list-style-type: none"> Dept. of Commerce Essential Industries List Order 2020-13 Second Amended Order 2020-20 Oklahoma Essential Industries List Open Up and Recover Safely (OURS) Plan Amended Executive Memorandum 2020-01

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
OREGON			
<p>Executive Order No. 20-03 Declaration of Emergency <i>(Effective March 8 until further notice; extended by EO 20-30)</i></p> <p>Executive Order No. 20-24 Extending COVID-19 State of Emergency From 20-03 <i>(Effective May 1 until further notice)</i></p> <p>Executive Order No. 20-27 A Safe and Strong Oregon (Phase II): Maintaining Essential Health Directives in Response to COVID-19, and Implementing a Phased Approach for Reopening Oregon's Economy <i>(Effective June 5 until terminated)</i></p> <p>Executive Order No. 20-30 Second Extension of Executive Order 20-03 and COVID-19 State of Emergency <i>(Effective June 30 until further notice)</i></p>	<ul style="list-style-type: none"> • Under Executive Order 20-03, Governor Kate Brown issued a declaration of emergency due to COVID-19 outbreak in Oregon. • On March 23, Gov. Brown issued Executive Order 20-12 Ordering Oregonians to stay at home, closing specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities. Construction is not included on the list of businesses that must close during the emergency. However, the order mandates that all businesses follow social-distancing guidelines. EO 20-12 was rescinded by EO 20-25. • On April 13, California, Oregon, and Washington announced a western states pact, which is an agreement on a shared vision for reopening the states' economies and also controlling COVID-19 into the future. • On June 5, Gov. Brown issued Executive Order 20-27 A Safe and Strong Oregon (Phase II), which rescinded and replaced Executive Order 20-25. The order does not expressly mention or otherwise directly impact construction. However, employers, employees, and the public must continue to adhere to the public health, safety, and physical distancing measures. The order outlined certain baseline requirements as essential protective measures and the phased reopening process to allow Oregon's social and economic life to gradually reopen. • On June 30, Gov. Brown issued Executive Order 20-30, Second Extension of Executive Order 20-03 and COVID-19 State of Emergency. The order extends Executive Order 20-27 without modification. 	<ul style="list-style-type: none"> • Oregon OSHA: Job health, safety resources for Oregon contractors • Summary: Rules and Resources for Construction Workers 	<ul style="list-style-type: none"> • Oregon Executive Orders • Social Distancing Handout • Framework for Reopening Oregon • Western States Pact
PENNSYLVANIA			
<p>Governor's March 19 Executive Order <i>(Effective March 19 through May 8; extended by Order dated April 20)</i></p> <p>Governor's Amendment to Stay at Home Order <i>(Effective May 7 through June 4)</i></p>	<ul style="list-style-type: none"> • On March 19, Governor Tom Wolf issued an order requiring non-life-sustaining businesses to close. Incorporated into the Order is a list of industries, which states that construction (both commercial and residential) is not life-sustaining, and therefore bans construction, with the exception of emergency repairs and the construction of health care facilities. Governor Wolf's April 1 Order superseded the March 19 Order and extended the closure through April 30, and on April 20, Governor Wolf extended the April 1 Order through May 8. • On April 23, Gov. Wolf stated that all business in the construction industry in the Commonwealth will be permitted to commence in-person operations as of May 1. However, there are various restrictions and requirements, particularly on the number of workers that can be in an enclosed space at the same time and all companies should review the Governor's Guidance for Business in the Construction Industry Permitted to Operate During COVID-19. • On May 7, Gov. Wolf issued an Amendment, extending Pennsylvania's Stay at Home Order through June 4. On May 8, Governor Wolf issued a "Yellow Phase Order," which suspends closure of certain non-life-sustaining businesses for certain counties. For these counties, construction may resume in-person operations, subject to the Guidance issued by the Department of Health to the Construction Industry. • UPDATE: As of July 3, all Pennsylvania counties are in the Green Phase. 	<ul style="list-style-type: none"> • Guidance for Businesses in the Construction Industry • PA Dept. of Health Order Directing Public Health Safety Measures 	<ul style="list-style-type: none"> • March 19 Order • April 1 Order • April 20 Order • May 7 Amendment • Yellow Phase Order • Green Phase Order

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
RHODE ISLAND			
<p>Governor’s Executive Order 20-14 <i>(Effective March 28 through May 8; extended by Order 20-23)</i></p>	<ul style="list-style-type: none"> On March 28, Governor Gina Raimondo issued Executive Order 20-14, requiring non-critical retail businesses to cease in-person operations. The Order provided a list of critical retail businesses and gave the Rhode Island Department of Business Regulation (RIDBR) authority to determine what additional businesses were critical. 	<ul style="list-style-type: none"> COVID-19 Information for Businesses 	<ul style="list-style-type: none"> Order 20-14
<p>Governor’s Executive Order 20-36 <i>(Effective through May 31)</i></p>	<ul style="list-style-type: none"> In response, the RIDBR published a list of critical and non-critical retail businesses. The RIDBR clarified that the Governors’ Order applied only to retail business and not to service-based businesses. Specifically, “all construction related activities” are not considered retail operations and construction may proceed in Rhode Island. 		<ul style="list-style-type: none"> Order 20-32 Order 20-36
<p>Governor’s Executive Order 20-50 <i>(Effective June 30 through July 29)</i></p>	<ul style="list-style-type: none"> Gov. Raimondo issued Executive Order 20-32, which lifts Rhode Island’s stay-at-home restrictions and allows certain non-critical retail businesses to open with restrictions. This Order does not affect construction, which had always been permitted in Rhode Island. Executive Order 20-36 extended Order 20-32 through May 31. Executive Order 20-40 is Rhode Island’s Phase II reopening plan. Executive Order 20-50 is Rhode Island’s Phase III reopening plan. 		<ul style="list-style-type: none"> Order 20-40 Order 20-50 RIDBR List of Critical Businesses Rhode Island Executive Orders
SOUTH CAROLINA			
<p>Executive Order No. 2020-18 Closure of Businesses <i>(Effective April 6 for the duration of the state of emergency)</i></p>	<ul style="list-style-type: none"> On March 13, Governor Henry McMaster declared a State of Emergency because of COVID-19 effective for a period of 15 days. He subsequently issued orders every 15 days renewing the State of Emergency. The latest State of Emergency order (2020-48) was issued on July 26 and will expire 15 days from that date. 	<ul style="list-style-type: none"> COVID-19 Guidance for Businesses 	<ul style="list-style-type: none"> Order No. 2020-48 (Amended State of Emergency) Order No. 2020-18
<p>Executive Order No. 2020-21 Home or Work Order <i>(Effective April 6 for the duration of the state of emergency)</i></p>	<ul style="list-style-type: none"> On April 3, Gov. McMaster issued a Closure of Businesses Executive Order (No. 2020-18), which is effective for the duration of the State of Emergency. Under the Closure of Businesses Order, the Governor mandated the closure of nonessential businesses and services. Construction is not listed among any of the businesses or services deemed nonessential and ordered to cease. On April 6, Gov. McMaster issued a Home or Work order (No. 2020-21), which stated that individuals were limited from leaving their homes unless engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations. “Essential Businesses” track those in the Closure of Businesses Order and “Critical Infrastructure Operations” are defined by the CISA Guidance. Gov. McMaster has issued multiple orders amending his Closure of Business Order and Home or Work Order easing restrictions but both orders remain in place. On July 11, Governor McMaster issued an executive order (2020-45) temporarily restricting the sale or consumption of alcohol on premises between the hours of 11 pm and 10 am. 		<ul style="list-style-type: none"> Order No. 2020-21 South Carolina Executive Orders Accelerate SC (South Carolina’s COVID-19 Response website)

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
SOUTH DAKOTA			
<p>Executive Order 2020-30 Declaration of State of Emergency <i>(Effective July 7 through December 30)</i></p>	<ul style="list-style-type: none"> • Governor Kristi Noem has declared a state of emergency and issued multiple Executive Orders, including EO 2020-12, which places restrictions on “enclosed retail businesses that promote public gatherings.” • Order EO 2020-12 also orders local and municipal governments to protect the critical infrastructures from the CISA Guidance. This Order was rescinded by EO 2020-20. 	<ul style="list-style-type: none"> • No state-specific guidance 	<ul style="list-style-type: none"> • South Dakota Executive Orders
<p>Executive Order 2020-20 - Back to Normal Plan <i>(Effective April 28 until further notice)</i></p>	<ul style="list-style-type: none"> • South Dakota has not expressly addressed construction, nor has it issued a statewide stay-at-home order. • Executive Order 2020-20 implements South Dakota’s Back to Normal Plan. The Plan asks employers to encourage good hygiene and sanitation practices and, where appropriate, to screen employers for symptoms prior to entering the workplace. 		
TENNESSEE			
<p>Executive Order No. 38 - Return to Work <i>(Effective May 22 through August 29)</i></p>	<ul style="list-style-type: none"> • On March 30, Governor Bill Lee issued a Stay-at-Home Order (Order No. 22, modified by Order No. 23), mandating that Tennesseans stay at home unless engaging in an Essential Activity or Essential Services. “Essential Services” under the Tennessee order included multiple types of construction services. Tennessee’s Stay-at-Home Order was superseded. • Reopening: On April 28, Gov. Lee issued a Safer-at-Home Order (Order No. 30) allowing Tennesseans to return to work safely, which superseded and repealed Executive Orders 22 and 23. Under the new Safer-at-Home order, employers and businesses are “strongly encouraged” to take steps to protect employees including following guidance from the Governor’s Economic Recovery Group (ERG). The ERG has issued “Access Guidelines for Construction Worksites” as a part of Tennessee Pledge to ensure a safe work environment. Tennessee’s Safer-at-Home Order was superseded. • On May 22, Gov. Lee issued an Order No. 38, superseding the Safer-at-Home Order and expanding the number of Tennesseans that could return to work, while following the Health Guidelines issued by the Governor’s Economic Recovery Group (the “Tennessee Pledge”), which includes the Access Guidelines for Construction Worksites referenced above. On June 29, Governor Lee issued Executive Order No. 50, which extended EO No. 38 until August 29. 	<ul style="list-style-type: none"> • Access Guidelines for Construction Worksites 	<ul style="list-style-type: none"> • Order No. 50 (extension of Return to Work) • Order No. 38 (Return to Work) • Order No. 30 (superseded) • Order No. 22 (superseded) • Order No. 23 (superseded) • Tennessee Executive Orders

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
TEXAS			
<p>Executive Order GA-28 (“Relating to the Targeted Response to the COVID-19 Disaster as Part of the Reopening of Texas”) (<i>Effective June 26 until further notice</i>)</p> <p>Executive Order GA-29 (“Relating to use of face coverings during the COVID-19 disaster”) (<i>Effective July 3 until further notice</i>)</p>	<ul style="list-style-type: none"> On March 31, Governor Greg Abbott issued Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID -19 disaster. The Order directed that “every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.” Essential Services include everything listed in the CISA Guidance and any other essential services that the Texas Division of Emergency Management (TDEM) adds. On April 27, Gov. Abbott issued Order No. GA-18 relating to the expanded reopening of services, which requires essential services to “implement social distancing, work from home if possible, practice good hygiene, environmental cleanliness, and sanitation Individuals are required to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face coverage.” On May 5, Order No. GA-18 was superseded by Order No. GA-21. Order No. GA-21 expanded the reopened services in Texas and superseded any conflicting local orders. On May 26, Gov. Abbott issued Order No. GA-23, which details the second phase of business reopenings in Texas. On June 3, Order No. GA-23 was superseded by Order No. GA-26. Order No. GA-26 expanded the reopened services in Texas. Order No. GA-23 stated there was no occupancy limits for CISA businesses, but that all businesses must use good-faith efforts and available resources to follow the DSHS Minimum Recommended Health Protocols. On June 26, Gov. Abbott issued Order No. GA-28, which supersede Order No. GA-26 and scaled back some of Texas’s reopening measures; however, CISA businesses were not affected by the new restrictions. On July 3, Gov. Abbott issued Order No. GA-29, which requires “[e]very person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household.” Violations are subject to a fine not to exceed \$250. 	<ul style="list-style-type: none"> Minimum Recommended Health Protocols Harris County Reopening Guidance for the Construction Workforce Dallas County Rules for the Construction Industry 	<ul style="list-style-type: none"> Order GA-14Order GA-18 Order GA-21 Order GA-23 Order GA-26 Order GA-28 Order GA-29 TDEM Essential Services Information

UTAH			
-------------	--	--	--

Executive Order No. 2020-44 Adopting version 4.8 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation
(Effective July 17 through August 7)

- On April 29, Governor Gary Herbert issued an executive order moving the state COVID-19 public health risk status from red (high risk) to orange (moderate risk). This order rescinded the Stay Safe, Stay Home Directive. The order referenced the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation. On page 13, guidelines for Construction, General Contractors & Manufacturing are listed, which includes general social distancing and sanitation requirements.
- On May 6, Gov. Herbert issued Executive Order No. 2020-20 clarifying guidelines in the moderate and low-risk phases of the Utah Leads Together plan. The order addresses guidelines impacting social gathering, outdoor recreation, personal services, and gyms and fitness centers.
- On May 15, Gov. Herbert issued Executive Order No. 2020-22 moving the Utah COVID-19 public health risk status to yellow, with certain exceptions. The order does not expressly mention or otherwise directly impact construction.
- On May 27, Gov. Herbert issued Executive Order No. 2020-25, updating the Utah COVID-19 Health Risk Status Phased Guidelines to Version 4.5.
- On June 5, Gov. Herbert issued Executive Order No. 2020-30 Extending the Orange (Moderate Risk) and Yellow (Low Risk) Utah COVID-19 Health Risk Status through June 12, 2020.
- On June 12, Gov. Herbert issued Executive Order No. 2020-31, Updating the Utah COVID-19 Health Risk Status in Certain Areas and Adopting Version 4.6 of the Phased Guidelines, which rescinded and replaced Executive Order No. 2020-30. This order is effective through June 12.
- On June 26, Gov. Herbert issued Executive Order No. 2020-33, Adopting Version 4.7 of the State COVID-19 Public Health Risk Status Phased Guidelines. This order is effective through July 10.
- On July 10, Gov. Herbert issued Executive Order No. 2020-40, Extending the Utah COVID-19 Public Health Risk Status. This order is effective through July 24.
- On July 17, Gov. Herbert issued Executive Order No. 2020-44, Adopting version 4.8 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation. This order is effective through August 7.

- [Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation – Version 4.8 \(Construction is on page 20\)](#)
-

- [Utah Executive Orders](#)

VERMONT

<p>Executive Order 01-20 Declaring State of Emergency <i>(Effective March 13; extended by Addendum 14 through June 15; amended and restated through July 15)</i></p>	<ul style="list-style-type: none"> On March 13, Governor Phil Scott declared a state of emergency and on March 24 issued Addendum 6 to Executive Order 01-20, which suspended in-person operations for all businesses and not-for-profit entities, except for businesses and entities providing services or functions deemed critical to public health and safety. Services deemed critical include: construction necessary to maintain critical infrastructure, including utilities, telecommunication, airports and transportation infrastructure; and construction necessary to support the COVID-19 response. 	<ul style="list-style-type: none"> ACCD New Work Safe Additions Memo (updated July 24) Industry Guidance for Construction 	<ul style="list-style-type: none"> Order 01-20 Addendum 6 Addendum 10 Addendum 11 Addendum 12 Addendum 14 Amended and Restated Order 01-20 Vermont Executive Orders Vermont Guidance
<p>Addendum 6 to Executive Order 01-20 <i>(Effective March 24 through May 15; extended by Addendum 9)</i></p>	<ul style="list-style-type: none"> On May 1, 2020 Gov. Scott signed Addendum 12. Effective May 4, small crews of no more than 10 persons per location/job may perform outdoor work and construction in unoccupied job sites, including a single unit in a commercial or residential structure, and sites that are vacant for the duration of construction. Additionally, effective May 11, construction may restart with as few employees as necessary to permit full operations while continuing to maintain health and safety. The ACCD’s New Work Safe Additions Memo was updated on May 1 to provide further clarification of Addendum 12 and its impact on construction work. 		
<p>Addendum 12 to Executive Order 01-20 <i>(Effective May 1 through June 15)</i></p>	<ul style="list-style-type: none"> Addendum 14 to Executive Order 01-20 dated May 15 extended Vermont’s State of Emergency through June 15. 		
<p>Amended and Restated Executive Order 01-20 <i>(Effective through August 15 per Addendum I)</i></p>	<ul style="list-style-type: none"> The ACCD’s New Work Safe Additions Memo was updated on July 24, but there are no changes to construction work that is permitted. 		

VIRGINIA

<p>Amended Executive Order No. 53 Temporary restrictions on certain businesses <i>(Effective March 24 and modified through phased reopening orders)</i></p>	<ul style="list-style-type: none"> Under Executive Order No. 53, Governor Ralph Northam implemented restrictions on, among other things, nonessential Retail Businesses. The Order, stated that “Although business operations offering professional rather than retail services may remain open,” businesses should telework if possible and apply the relevant workplace guidance from state and federal authorities. 	<ul style="list-style-type: none"> Guidelines for All Business Sectors Although Virginia has not issued construction-specific guidance, the VA Department of Labor and Industry pointed to NABTU and CPWR Standards for US Construction Sites 	<ul style="list-style-type: none"> Order No. 67 (Phase III) Order No. 65 (Phase II) (expired) Order No. 61 (Phase I) (expired) Order No. 53 Order No. 55 (expired) Virginia Executive Orders Virginia Department of Labor and Industry Guidance on Executive Order No. 53 Commonwealth of Virginia COVID-19 website
<p>Executive Order No. 67 Safer at Home Phase III <i>(Effective July 1 until further notice)</i></p>	<ul style="list-style-type: none"> Under Executive Order No. 55, (Stay-at-Home Order) Virginia extended Executive Order No. 53 such that all nonessential businesses must remain closed through June 10, 2020. Executive Order No. 55 also mandated that all Virginia residents stay at home, except under limited circumstances, including travel to and from work. The Stay-at-Home Order (No. 55) expired on June 4. On May 8, Gov. Northam issued a Safer-at-Home Order Phase I (No. 61), on June 2, he issued a Phase II Order (No. 65), and on June 30, he issued a Phase III Order (No. 67). These orders all eased certain temporary restrictions due to COVID-19 and, like the Stay-at-Home Order, these orders focus on retail. The orders advise that all businesses not listed in the order should adhere to certain best practices, published here. 		

WASHINGTON

<p>Proclamation by the Governor 20-05 Declaring State of Emergency <i>(February 29)</i></p>	<ul style="list-style-type: none"> On February 29, Governor Jay Inslee proclaimed that a State of Emergency exists in all counties in the state of Washington as a result of COVID-19. 	<ul style="list-style-type: none"> Phase 1 Construction Restart COVID-19 Job Site Requirements 	<ul style="list-style-type: none"> Proclamation 20-05
<p>Proclamation by the Governor 20-25 - Stay Home – Stay Healthy <i>(Effective March 25 through August 6; amended and extended by Proclamation 20-25.7)</i></p>	<ul style="list-style-type: none"> Gov. Inslee later issued Proclamation 20-25, which ordered residents to stay at home (with certain exceptions) and prohibited all nonessential businesses in Washington State from conducting activities and operations except basic minimum operations. Residents are allowed to leave their homes “to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services.” 		<ul style="list-style-type: none"> Proclamation 20-25
<p>Proclamation by the Governor 20-25.7 – “Safe Start – Stay Healthy” County-by-County Phased Reopening Amending Proclamations 20-05 and 20-25 et seq. <i>(Effective July 24 until further notice)</i></p>	<ul style="list-style-type: none"> Employment in essential business services means an employee performing work for an essential business as identified in the “Essential Critical Infrastructure Workers” list, which is attached as an appendix to Proclamation 20-25 and which includes the following construction-related workers: <ul style="list-style-type: none"> Workers who support ... construction of critical or strategic infrastructure; Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables; Construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) for all essential facilities, services and projects included in this document, and for residential construction related to emergency repairs and projects that ensure structural integrity; and Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste). 		<ul style="list-style-type: none"> Appendix to Proclamation 20-25 – Essential Critical Infrastructure Workers List
	<ul style="list-style-type: none"> On April 13, California, Oregon and Washington announced a western states pact, which is an agreement on a shared vision for reopening the states’ economies and also controlling COVID-19 into the future. 		<ul style="list-style-type: none"> Proclamation 20-25.4 Proclamation 20-25.6 Proclamation 20-25.7
	<ul style="list-style-type: none"> On July 24, Gov. Inslee issued Proclamation 20-25.7 – “Safe Start – Stay Healthy” County-by-County Phased Reopening, amending Proclamation 20-05 and 20-25 et seq. The Proclamation references “Safe Start Washington – Phased Reopening County-By-County,” which states that additional construction not previously addressed should follow the Phase 2 guidance and existing construction that meets agreed upon criteria should follow the Phase 1 guidance. The phased approach is discussed on page 10. 		<ul style="list-style-type: none"> Phased Reopening County-By-County Washington Proclamations Guidance on Essential Business Western States Pact

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
------------------	---	--	---------

WEST VIRGINIA

<p>Executive Order No. 9-20 (Stay-at-Home Order) <i>(Effective March 24 until further notice)</i></p>	<ul style="list-style-type: none"> Between March 18 and March 24, Governor Jim Justice issued multiple orders closing or restricting businesses such as casinos, restaurants, and bars (Order No. 2-20), gyms and recreational facilities (Order No. 3-20), barbershops and salons (Order No. 6-20), state park lodges and the Hatfield McCoy Trail (Order No. 8-20). 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Order No. 32-20
<p>Executive Order No. 32-20 (Safer at Home Order) <i>(Effective May 4 until further notice)</i></p>	<ul style="list-style-type: none"> Under the Stay-at-Home Order (Executive Order No. 9-20), in addition to aforementioned businesses ordered to close, Governor Justice ordered all businesses to close other than those considered “Essential Businesses and Operations,” which included those described in the March 19 CISA Guidance and also other listed businesses, including various types of construction. On April 27, Gov. Justice unveiled “West Virginia Strong: The Comeback,” his phased plan for reopening West Virginia. Under West Virginia Strong, on a weekly basis, the Governor will announce businesses that are allowed to reopen. On April 30, Gov. Justice issued a Safer at Home Order (Executive Order No. 32-20), which amended the Stay-at-Home order and loosened various restrictions. The Governor issued multiple subsequent orders as part of the Comeback Plan to amend and supplement previous executive orders loosening further restrictions. On July 7, Gov. Justice issued an order requiring face coverings and on July 14, Gov. Justice issued another executive rolling back some prior reopening orders. None of these orders impacted construction. 		<ul style="list-style-type: none"> Order No. 9-20 West Virginia COVID-19 Actions and Orders West Virginia Strong: The Comeback West Virginia Department of Health and Human Resources COVID-19 website

WISCONSIN

<p>Emergency Order #12 Safer-at-Home Order <i>(STRUCK DOWN BY WISCONSIN SUPREME COURT ON MAY 13)</i></p>	<ul style="list-style-type: none"> On March 23, the State of Wisconsin issued Executive Order #12, which directed that all nonessential businesses to cease and all individuals to stay at home unless certain exceptions apply, including working at “Essential Businesses and Operations.” “Essential Business and Operations” is defined in Order #12 to include “Essential Infrastructure,” which includes “construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided).” “Essential Business and Operations” also includes all workers identified in the CISA Guidance as well as critical trades such as “<i>Building and Construction Tradesmen and Tradeswomen.</i>” On May 13, the Wisconsin Supreme Court struck down Order #12, effective immediately, which rendered the Safer at Home order unenforceable. 	<ul style="list-style-type: none"> Guidance on Preparing Workplaces for COVID-19: Construction 	<ul style="list-style-type: none"> Order #12 Order #28 Safer-at-Home FAQ Wisconsin COVID-19 website Wisconsin Supreme Court’s May 13 Order
---	--	---	---

Orders in Effect	The Impact of State Orders on Construction Projects	Guidelines Impacting Construction Projects	Sources
WYOMING			
<p>Executive Order 2020-2 <i>(Effective March 13 until further notice)</i></p> <p>Public Health Order #2 <i>(Effective April 3 through July 31; extended by Eighth Continuation)</i></p>	<ul style="list-style-type: none"> On March 13, 2020, Governor Mark Gordon declared a State of Emergency and a Public Health Emergency. The Wyoming Department of Health has issued three statewide orders: Public Health Order #1 (closing bars, restaurants, theaters, gymnasiums and schools), Public Health Order #2 (prohibiting gatherings of 10 or more people); and Public Health Order #3 (restricting certain personal services such as salons, massage services, and tattoo, body art, and piercing shops). Construction is not mentioned in any of the Orders. In Public Health Order #2, the Department of Health prohibited gatherings of 10 or more people, but it is unclear if construction projects would fall within the prohibition and the State has not issued any guidance. The Public Health Orders also note that “to the extent any county order is more restrictive, the more restrictive provisions of the county order shall continue to apply.” Wyoming has not issued a statewide Stay-at-Home Order. On July 16, Gov. Gordon issued Eighth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More than Fifty (50) People. The order exempts gatherings at “[r]etail or business establishments, where more than fifty (50) people may be present but are generally not within six (6) feet of one another.” This exemption should apply to construction projects. 	<ul style="list-style-type: none"> No state-specific guidance 	<ul style="list-style-type: none"> Executive Order 2020-2 Public Health Order #2 (Eighth Continuation) Wyoming Department of Health Public Health Orders Wyoming Executive Orders

GUIDANCE ISSUED BY THE FEDERAL GOVERNMENT

CISA GUIDANCE

(on Essential Critical Services)

The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) issued an [Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#). The two-page CISA memorandum attached guidance from CISA, which provides an advisory list of "Essential Critical Infrastructure Workforce" ("CISA Guidance"). The CISA Guidance was originally issued on March 19, 2020, but updated on March 28, April 17, and most recently May 19. The CISA Guidance notes that its "list is advisory in nature" and should not be considered a federal directive or standard since "State, local, tribal, and territorial governments are responsible for implementing and executing response activities."

The cover memorandum states that the attached advisory list identifies workers and services "typically essential to continued critical infrastructure viability", and recites examples of those services, which broadly includes **working construction**. The advisory list identifies essential workers across 17 industries: (1) health care/public health; (2) law enforcement, public safety, and first responders; (3) food and agricultural; (4) energy; (5) water and wastewater; (6) transportation and logistics; (7) public works and infrastructure support services; (8) communications and information technology; (9) other community -or government-based and operation and essential functions; (10) critical manufacturing; (11) hazardous materials; (12) financial services; (13) chemicals; (14) defense industrial base; (15) commercial facilities; (16) residential/shelter facilities and services; and (17) hygiene products and services.

[CISA's latest advisory list](#) includes construction tied to various industries such as:

- [Energy] "Workers supporting the energy sector, regardless of the energy source...including those who support **construction**..."
- [Transportation and Logistics] "Workers supporting or enabling transportation and logistics functions, including ...workers that **construct**, maintain, rehabilitate, and inspect infrastructure..."
- [Public Works and Infrastructure Support] "Workers who support the **construction**, maintenance, or rehabilitation of critical infrastructure."
- [Communications...] "Workers responsible for **infrastructure construction and restoration**, including but not limited to engineers, technicians, and contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes **construction of new facilities** and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- [Other Community or Government-Based Operations and Essential Functions] "Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and **construction** for essential products, services, supply chain, and COVID-19 relief efforts.
- [Residential/Shelter Facilities and Services] Workers performing **housing and commercial construction related activities**, including those supporting government functions related to the building and development process, such as inspections, permitting, and plan review services that can be modified to protect the public health, but **fundamentally should continue and enable the continuity of the construction industry** (e.g., allow qualified private third-party inspections in case of federal government shutdown).

The above is not an exhaustive list of workers performing construction-related activities that may be considered an "Essential Critical Infrastructure Worker." Moreover, as seen throughout this chart, various states have adopted modified versions of the CISA Guidance or implemented their own restrictions with no reference to the CISA Guidance.

OSHA GUIDANCE

(on workplace safety)

The Occupational Safety and Health Administration (OSHA) INITIALLY issued [COVID-19 Guidance for the Construction Workforce](#). OSHA's one-page alert includes 12 tips to help reduce the risk of exposure. This construction-specific OSHA guidance is in addition to OSHA's general [Guidance on Preparing Workplaces for COVID-19](#).

Note that employers in higher-risk industries such as construction do have certain heightened recording and reporting requirements, and may be more susceptible to OSHA COVID-19 investigations, especially if located in a geographic area where community transmission of COVID-19 has not decreased (OSHA guidance related to these topics is discussed in Pillsbury client alerts [here](#) and [here](#).)

On May 26, OSHA launched [a webpage](#) with coronavirus-related guidance for construction employers and workers. The webpage includes information regarding:

- Using physical barriers, such as walls, closed doors, or plastic sheeting, to separate workers from individuals experiencing signs or symptoms consistent with the coronavirus;
- Keeping in-person meetings (including toolbox talks and safety meetings) as short as possible, limiting the number of workers in attendance, and using social distancing practices;
- Screening calls when scheduling indoor construction work to assess potential exposures and circumstances in the work environment before worker entry;
- Requesting that shared spaces in home environments where construction activities are being performed, or other construction areas in occupied buildings, have good air flow; and
- Staggering work schedules, such as alternating workdays or extra shifts, to reduce the total number of employees on a job site at any given time and to ensure physical distancing.