



County Judge Lina Hidalgo
D I R E C T O R

ORDER OF COUNTY JUDGE LINA HIDALGO
Providing Guidance for Harris County's Construction Workforce

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to the novel coronavirus (COVID-19) and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

Whereas, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas and to thus take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, in March 2020, the US Centers for Disease Control and Prevention (CDC) issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

Whereas, on March 15, 2020, the CDC issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

Whereas, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 19, 2020, after determining that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, Texas Department of State Health Services (DSHS) Commissioner John Hellerstedt issued the first Public Health Disaster Declaration released in the State of Texas since 1901; and

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COUNTY CLERK
HARRIS COUNTY TEXAS

Whereas, on March 19, 2020, Governor Abbott issued Executive Order GA-08, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated on March 16, 2020 by President Donald J. Trump and the CDC, which called upon Americans to take actions to slow the spread of COVID-19 and prohibited Texans from gathering in groups of more than ten persons; and

Whereas, on March 19, 2020, the Harris County Judge issued an Order requiring that any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-ID; and

Whereas, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 24, 2020, the Harris County Judge issued a "Stay Home, Work Safe" Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow (CDC) guidelines on social distancing; and

Whereas, on March 31, 2020, Governor Abbott issued Executive Order GA-14, superseding Executive Order GA-08, implementing Essential Services and Activities Protocols through April 30, 2020 and expanding the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including limiting social gatherings and in-person contact with people other than those in the same household; and

Whereas, on April 3, 2020, the Harris County Judge amended and extended the Stay Home, Work Safe Order effective April 4, 2020 through April 30, 2020; and

Whereas, on April 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on April 17, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on April 17, 2020, Governor Abbott issued Executive Order GA-16 which supersedes Executive Order GA-14, and included the same social-distancing restrictions and other obligations for Texans according to federal guidelines that are aimed at slowing the spread of COVID-19; and

Whereas, on April 27, 2020, Governor Abbott issued Executive Order GA-18 which supersedes Executive Order GA-16, and providing among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same

household in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and to achieve the goals established by the President to reduce the spread of COVID-19; and

Whereas, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on April 28, 2020, the Harris County Judge issued an Amended Order regarding the Use of Face Coverings which, among other things, encourages individuals to continue to maintain social distance of at least six feet when outside their residences and in a public place; and

Whereas, on May 1, 2020, the Harris County Judge issued the County's Second Amended Stay Home, Work Safe Phased Reopening of Services Order; and

Whereas, on May 5, 2020, Governor Abbott issued Executive Order GA-21, which supersedes Executive Order GA-18 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

Whereas, on May 7, 2020, Governor Abbott issued Executive Order GA-22, which relates to confinement during the COVID-19 disaster; and

Whereas, on May 8, 2020, the Harris County Judge issued the County's Third Amended Stay Home, Work Safe Phased Reopening of Services Order which furthered the goals and policies of the State of Texas as set out in Executive Order GA-21; and

Whereas, on May 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on May 15, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on May 18, 2020, Governor Abbott issued Executive Order GA-23, which supersedes Executive Orders GA-21 and GA-22 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

Whereas, on May 19, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to June 10, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, the construction industry and a healthy construction workforce are essential to the Harris County economy; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, a County Judge acts as the emergency management director for the county and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

Summary. The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus and the need to protect the most vulnerable members of the community, this Order encourages the following minimum recommended health protocols for all construction companies, sites, and workers who are considering re-opening or who have opened their businesses. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of people in Harris County.

This Order is issued to further the goals and policies of the State of Texas as set forth in the Governor's executive orders and is to be construed consistent with and in harmony with the terms of such executive orders.

This Order takes effect upon signing and continuing until 11:59 p.m. on June 10, 2020, unless terminated or modified by an earlier order, the County Judge of the County of Harris, Texas, deems it in the public interest to order the following:

1. The construction industry and a healthy construction workforce are vital to the Harris County economy. Therefore, construction companies, construction sites, and construction workers are strongly encouraged to take the following steps to protect the health of their workers and minimize the spread of COVID-19 in Harris County.
2. Construction workers should not return to work if they are sick. If someone in the construction worker's household is ill with COVID-19 or the worker has been exposed to a person ill with COVID-19, the worker should immediately notify his or her employer.
3. It is recommended that each construction employer:
 - a. Identify a qualified workplace coordinator who will be responsible for COVID-19 assessment and control planning; all workers should know how to contact the coordinator with COVID-19 concerns;
 - b. Be flexible with hours; try staggering or assigning team shifts to reduce the number of workers arriving and leaving at the same time;
 - c. Ensure that every worker or contractor who enters a jobsite has signed in and keep a list of and contact information for every worker or contractor who enters the jobsite every day for the purpose of identifying and notifying individuals who have shared a jobsite with someone who has been confirmed to have COVID-19;
 - d. Screen workers or contractors before entering the building for symptoms such as fever, cough, sore throat, loss of taste or smell, shortness of breath, or known close contact with a person who is lab-confirmed to have COVID-19;
 - e. Immediately send home a worker or contractor who has a temperature above 100 degrees Fahrenheit or is confirmed to have COVID-19. Employers should notify their local health department, inform all workers who are believed to have been in contact with the individual that a co-worker has been confirmed to have COVID-19 in accordance with state and federal

law, and take actions consistent with appropriate protocols to prevent the further spread of the disease;

- f. Have workers wash hands or sanitize hands for at least 20 seconds when entering the building or worksite. Provide handwashing stations and hand sanitizer of at least 60% alcohol at accessible locations;
- g. Require all workers to wear face coverings, such as a mask, cloth mask, bandana, scarf or shield to protect others;
- h. Continue all standard safety precautions for construction sites, including necessary training, during the COVID-19 disaster to minimize construction hazards;
- i. Limit usage and ridesharing of company vehicles. Disinfect large machinery after use by each equipment operator;
- j. When possible, increase personal space to at least 6 feet, including the inside of work trailers;
- k. Remove or rearrange chairs and tables in break rooms and other areas workers may frequent to increase separation;
- l. Clean and disinfect portable jobsite toilets and frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails and doorknobs. Clean dirty surfaces with soap and water prior to disinfecting. To disinfect, use EPA-approved cleaning chemicals (<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>);
- m. Avoid using other workers' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use;
- n. Prohibit communal water coolers and provide bottled water;
- o. Keep in-person meetings as short as possible, limit the number of workers in attendance, and use social distancing practices;
- p. Use alcohol-based wipes that contain at least 70% alcohol to clean tools before and after use;

- q. Provide one (1) working flush toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every ten (10) workers on site;
 - r. Keep toilets clean, sanitary and operational at all times, and ensure proper disposal of waste from these facilities;
 - s. Provide rest breaks of at least fifteen (15) minutes for every four (4) hours worked so workers may follow hygiene guidelines;
 - t. Encourage all workers to report any health or safety concerns;
 - u. Provide clear information regarding the Families First Coronavirus Response Act (<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>) as applicable, including informing workers of the right to paid sick and paid family leave, pursuant to the Act;
 - v. Post CDC Guidelines for social distancing and face-covering, as well as information for workers to submit complaints regarding any violations, in a conspicuous place or places on a site where notices to workers are customarily posted in languages understood by all persons working there;
 - w. Avoid adverse action against a worker who submits complaints of any violations of the health and safety rules mandated by relevant laws;
 - x. Avoid adverse action against a worker who declines to work at a construction site if the worker believes in good faith that the site presents an imminent health risk of the worker or others due to COVID-19; and
 - y. Avoid adverse action against a worker who has been quarantined, or advised to self-quarantine, due to possible exposure to COVID-19.
28. Free COVID-19 testing is available for everyone. Construction industry workers are encouraged to get free testing at one of Harris County's testing sites. The updated online self-assessment tool is confidential and designed to serve the public in the Greater Houston area following the Centers for Disease Control and Prevention Coronavirus guidelines. To register for testing, please visit <http://covidcheck.hctx.net/>.
29. Construction workers who do not have access to the online self-assessment tool can call 832-927-7575 to be scheduled for testing. Free testing is available regardless of citizenship status and for those who are uninsured.

This Order shall be effective until 11:59 p.m. on June 10, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

Harris County will post this Order on the Internet. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED at 7:33p.m. on this 21st day of May, 2020, in the County of Harris, Texas.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Lina Hidalgo", written in a cursive style.

**LINA HIDALGO
HARRIS COUNTY JUDGE**