

Dear Business Manager:

As you know, our Association currently has a collective bargaining agreement with Local \_\_\_\_\_ that is scheduled to expire on \_\_\_\_\_.

We understand that a majority of the Executive Committee of the Building and Construction Trades Council of Greater New York ("BCTC") recently agreed to recommend to BCTC affiliates that they approve of certain proposed changes in work schedules, and overtime and premium pay provisions in their collective bargaining agreements. These changes would be in place for 60 days.

We understand that the recommended changes include:

- Start times may be staggered between 6 a.m. and 10 a.m.
- Five eight hour shifts worked Monday through Friday. Alternatively, four ten hour (day) shifts may be worked at straight time rates Monday through Thursday or Tuesday through Friday
- Second and Third shifts may be worked Monday through Friday and paid at a 5% premium on wages and benefits unless the NYC Comptroller's Prevailing Wage Schedule provides for no shift premium on benefits.
- All weekend work shall be paid in accordance with the applicable collective bargaining agreements

These adjustments are offered contingent upon compliance with the Remobilization Plan with the Building and Construction Trades Council of Greater New York and Vicinity annexed hereto, and the COVID-19 Mitigation Protocols that are Exhibit A to that Plan.

Our Association members would like to take advantage of these changes in scheduling current work and bidding future work. We understand that these adjustments are temporary and intended for Remobilizing projects only.

If Local \_\_\_\_ agrees to these changes as permitted modifications of our current CBA, please indicate its agreement by signing in the space reserved for your signature below, and by returning an executed copy of this letter to me.

Very truly yours,

[Managing Director]

Agreed to and Accepted on Behalf of  
Local \_\_\_\_\_

By: \_\_\_\_\_  
Business Manager

**PLAN  
for the  
REMOBILIZATION OF NEW YORK CITY'S  
CONSTRUCTION INDUSTRY**

The Building & Construction Trades Council of Greater New York, Inc. (“BCTC”), and its industry partners, the Building Trades Employer Association (BTEA) and its members, as well as the Real Estate Board of New York (REBNY), have developed this Remobilization Plan as a guide for remobilizing New York City’s construction industry. This Remobilization Plan applies to non-essential private construction sites that were demobilized pursuant to Executive Order 202.13.

**INTRODUCTION**

The construction industry in New York City is vital to the City’s economy. According to the New York Building Congress (“NYBC”), \$61.5 billion worth of construction was put in place in New York City in 2019. That number was expected to grow to \$65.9 billion in 2020. The industry employs over 100,000 unionized construction workers, other workers that supply, fabricate and deliver materials, as well as professional and supervisory staff and generates hundreds of millions of dollars in tax revenues.

Construction workers and those that support job sites cannot work from home. Construction work happens on the site of each project to build the schools, hotels, office buildings, and affordable housing units still needed by NYC’s growing residential population, its tri-state workforce, and its domestic and foreign tourists.

Construction is an essential and effective mechanism for priming the pump of our stalled urban economy.

## **GUIDING PRINCIPLES**

In crafting this Remobilization Plan, we were guided by the following principles:

- The health and wellness of our construction workforce is the first priority that must inform our efforts to remobilize construction in NYC.
- The health and wellness of the public, of the public servants inspecting and monitoring our sites, and of the drivers delivering materials and supplies to our sites, are equally important. Remobilization must be accomplished with deliberate action that will mitigate exposure to workers and the public.
- Each construction site is unique in its size and complexity, and this Remobilization Plan provides for sufficient flexibility to accommodate job site characteristics, while also setting a standard that all job sites must meet.

## **RESTARTING**

The CMs will prepare the jobsites for remobilization by implementing the infrastructure needed for COVID- mitigation, which includes sanitized hoists; hot water stations; marked off-staging areas; hand sanitizer availability, and sanitized offices and shanties. The CMs will designate a COVID-19 point person on all covered sites as the contact person for all union representatives and will publish that individual's contact information.

## **REMOBILIZING**

Construction managers and general contractors (collectively referred to as "CMs") should be permitted to remobilize their jobs with reduced worker density using a variety of measures, such as increasing vertical transportation; employing staggered start times and shift work as agreed to by labor representatives. The Parties have

addressed these measures in a Remobilization Letter Agreement, annexed as Exhibit B.

The CMs will monitor subcontractor compliance with mitigation plans that include compliance with Executive Order 202.16 regarding facial coverings, as well as all public health guidance.

The Parties will work cooperatively to obtain after-hour variances for early start times and multiple shift work, which will maximize productivity while also minimize the number of people commuting to work and working on the site at the same time.

### **HEALTH AND WELLNESS (COVID-19 MITIGATION)**

We have worked with Owners and Contractors to develop a set of COVID-19 mitigation protocols that address the core needs of our construction workforce (they are attached as Exhibit A). These protocols describe the “common best practices” that have been put in place at essential construction sites over the past six weeks. These protocols are continuously evolving and allow for some degree of job site flexibility. Work on remobilized sites is contingent upon compliance with the mitigation policies.

### **OVERSIGHT COMMITTEE**

To ensure that collaboration, cooperation and compliance drives mitigation efforts, we have agreed to create an ad hoc Construction Industry Health and Wellness Task Force, with representation from the Building Trades Employers’ Association (“BTEA”), the Real Estate Board of New York (“REBNY”), and the BCTC, with the goal to work with DOB and ESDC on developing strategies to monitor the Construction Industry’s compliance with our agreed-upon Health and Wellness Protocols.

## EXHIBIT A

### HEALTH AND WELLNESS PROTOCOLS (COVID-19 MITIGATION)

The purpose of this document is to identify steps that can help ensure the safe restart of construction activities as we emerge from the coronavirus crisis. Putting the health and safety of workers and the public at the forefront, the document outlines a multi-layered approach to help the construction industry rebuild our economy. While each construction site is unique, these principles will be adapted for use at covered sites. The CMs on each covered site shall designate a COVID-19 point person to interface with union representatives on COVID-19 related matters. All CMs will review safety protocols with contractors of all tiers and these protocols and relevant public health notices shall be posted on all covered sites.

#### **Protocol #1: Workers Who Are Sick Must Not Be Allowed On-Site**

- Require sick workers to stay home:
  - o Maintain a zero-tolerance policy to keep sick and symptomatic workers off all construction sites
  - o Maintain a zero tolerance policy for worker and contractor failure to comply with protocols
  - o Post signage to reinforce the zero tolerance message
  - o Enforce the policy consistently
  - o Encourage workers to self-monitor for symptoms of COVID-19
  
- Where site conditions allow, establish a staging area to screen workers and ensure only healthy workers are allowed on-site:
  - o Arrange the staging areas to allow for social distancing
  - o Where possible, arrange multiple staging areas to avoid excessive queuing
  - o Mandate that workers waiting to enter staging areas remain 6 feet apart

- Post a Notice at entrances that individuals will not be permitted entrance to the site if they answer affirmatively to the following questions:
  - o Have you had contact with a confirmed case or a person under investigation for coronavirus within the past 14 days?
  - o Do you currently have fever, chills, cough, sore throat, or shortness of breath?
  
- Take all workers temperatures with infrared thermometers or other non-contact methods before they enter the site; if any have elevated temperatures do not allow them to enter the site and advise them to immediately seek medical treatment. Temperatures of 100.4 or above will require isolation from all covered sites and the individual will be counseled to seek medical attention and self-isolation. Symptomatic individuals will not be permitted to work on any covered site, and shall not be transferred or referred to another site, until they have self-isolated for at least 14 days and are able to provide medical clearance.

## **Protocol #2: Take Preventative Measures to Keep Workers Safe**

- Enforce Social Distancing:
  - o To the extent possible, enforce 6 foot social distancing requirements; to the extent it is not possible, require the workers involved to wear enhanced PPE, including surgical (or higher rated) masks and OSHA-approved safety goggles or face shields that shall be supplied by contractors at their expense pursuant to NYS Executive Order 202.16.
  - o Eliminate large meetings
  - o Install signage to reiterate importance of distancing
  - o Discourage use of shanties and impose limits on the number of people who can access the shanty at the same time

- When shanties re used as changing rooms, the CMS will make sure they are be cleaned and sanitized daily
  - Encourage “brown bagging” or supplied (individual) lunch prohibit congregating for meals; and discourage workers from leaving the site for meals
  - Reduce density on hoists and inside elevators by at least 50%; require workers on hoists and inside elevators to wear enhanced face protection: at a minimum, OSHA-approved safety goggles (or a face shield) and a surgical mask
  - If staircases are used to move from floor to floor, make them one way if possible
  - Require social distancing wherever workers form lines, including at bathrooms, shanties, and food trucks
  - Require delivery drivers to remain in their vehicles if possible, if not, require them to use a mask prior to leaving the vehicle
- Reduce Risk of Widespread Exposure:
  - Encourage workers to use private vehicles or bicycles to come to work if possible
  - Stagger shifts by trade where possible
  - Stagger arrival and departure times
  - Limit crew sizes and prevent mixing of Trades
  - To the extent possible, have the same people work in the same “gang” (or “pods”) on a given day or in a given week
  - Stagger break times and do not allow crews to mix during breaks
  - Discourage the sharing of equipment. If equipment needs to be shared it should be sanitized prior to sharing
  - Prohibit unnecessary visitors on-site. If visitors must access site visitors should follow same entrance and exit protocols as workers
  - Increase ventilation in enclosed spaces

- The CMs will make sure that the following areas are targeted for cleaning and disinfection daily:
  - Site entrance access gate and doors
  - Turnstile entrance
  - Lift and hoist cars and controls
  - Toilets
  - Hand washing stations
  - Handrails
  - Telephones
  - Desks
  - Eating areas
  - High touch surfaces
  
- Promote Hygiene:
  - Require all workers to wear employer supplied appropriate face protection and use hand coverings (at a minimum, cut resistant gloves)
  - Encourage workers to use hand sanitizer that will be supplied on all covered sites by the CMs
  - Encourage frequent hand washing, particularly upon entering and exiting site
  - Install hand washing stations on each floor, with hot water if possible. Make hand sanitizer available at convenient locations
  - Install signage to remind workers about hygiene requirements
  - Clean and disinfect sites frequently
  - The CMs and contractors will consider the use of a third-party cleaning company where appropriate
  
- Measures for Construction Work Occurring in Occupied Buildings:
  - Apply the above-referenced general principles wherever possible, including daily health questionnaires, temperature screening, and hand washing

- Require all workers to wear face coverings upon entering building
- Post signage to encourage personal hygiene and reinforce protocols to distance from other building users
- Schedule construction workers whenever possible to come on-site prior to tenant employees
- Schedule workers to avoid areas of the building outside the construction site
- Encourage construction workers to remain on-site for breaks and lunch
- Conduct as much work as possible outside of hours where tenant employees are present
- Disinfect building common areas, elevators, and stairwells following use by construction workers

### **Protocol #3: Rapidly Respond When a Worker Becomes Sick**

- Construction Managers/General Contractors should develop a plan to remove workers when they become sick.
- If a positive COVID-19 case occurs on-site, send an email notifying all contractors, foremen, and supers, and shop stewards of the situation along with date, time, and areas of potential exposure.
- Encourage workers to report when they feel ill or notice a co-worker who is showing symptoms.
- Identify other workers who have been in close contact with ill workers then direct them to go home, get tested, and follow public health recommendations.
- Do not allow workers who contract the virus to return to work on any covered site until it is safe to do so and they are cleared in writing by a physician.
- Ensure that affected workers receive paid sick leave as required under the Families First Coronavirus Response Act (FFCRA). The U.S. Department of Labor's poster about paid sick leave under the FFCRA should be posted at the workplace.