



March 21, 2020

To: Minnesota State and Local Leaders

Re: COVID-19 Mitigation Orders

On behalf of the 70,000 union construction professionals in the State of Minnesota we want to thank you for your responsible and responsive efforts to ensure the health and safety of all Minnesotans during the COVID-19 outbreak.

As you continue to work to identify mitigation measures to reduce the spread of COVID-19, we recognize that you may consider a “shelter in place” directive. Around the country, the National Building Trades, our union affiliates and our fellow state and local building trades leaders have been working with their elected and public health officials to ensure that the critical work of the construction industry is clearly and consistently identified in these directives.

For example, we have seen specific language in California, New York, Illinois and other states that address the need to continue operations of critical infrastructure work. The Illinois Executive Order specifically identifies essential construction functions, and critical trades, and recognizes the importance of labor unions to protect the health and safety of workers. In addition, the U.S. Homeland Security Cybersecurity and Infrastructure Agency (CISA) issued guidance this week identifying 14 “critical infrastructure” industries to remain operational during the COVID-19 crisis. Among the workers identified by CISA as essential includes those “working construction” in critical infrastructure industries. The recently issued California Executive Order closely mirrors this CISA guidance, and also adds construction of housing as an essential service. Enclosed please find some of these examples for your consideration.

In Minnesota, construction workers build, maintain, operate and repair our critical infrastructure from energy, water, roads, bridges and transit to hospitals, schools, housing and centers of commerce. Minnesota’s construction workers literally “keep the lights on.”

We have also partnered with our 2,100 signatory contractors to ensure the health and safety of our members while they perform these essential functions. We will continue to support and take every step necessary to protect the health, safety and welfare of the construction workforce and the public.



Therefore, as you are making decisions around the parameters of appropriate mitigation measures to address the spread COVID-19 in Minnesota, we encourage you to follow the examples of other states and:

1. Identify construction services and construction businesses as essential services that need to continue in our state; and
2. Provide as much time as possible, but at least one business day between the announcement of a mitigation strategy and the implementation of the strategy to allow non-essential business/operations to ensure the safety and security of sites, equipment and materials.

In the immediate future, our members need to build necessary infrastructure from roads and bridges to health care facilities to housing to industrial work that is related to energy and communications needs. In the longer term, it is imperative that our members working in the skilled trades are ready to rebuild our economy once we turn the corner on this pandemic.

Thank you very much for your consideration and again, thank you for your partnership as we all work to “flatten the curve” in Minnesota.

Sincerely,

Three handwritten signatures in black ink. The first signature is for Harry Melander, the second for Craig Olson, and the third for Jessica Looman.

Harry Melander
President

Craig Olson
Secretary Treasurer

Jessica Looman
Executive Director

Enc.

SAMPLE EXECUTIVE ORDER LANGUAGE REGARDING CONSTRUCTION SERVICES

State of Illinois Language:

9. Essential Infrastructure. For purposes of this Executive Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; 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); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

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

12 (h) Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;

12 (u) Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations - provided that these checks should be done by telephone or remotely where possible.

City of San Francisco:

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

State of New York: (emphasis added)

Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. This includes essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; **construction**; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public;