

Memorandum



DATE November 25, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **Rest Break Ordinance**

On Wednesday, December 2, 2015, you will be briefed on Rest Break Ordinance. A copy of the briefing is attached for your review.

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

Attachment

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

REST BREAK ORDINANCE

Dallas City Council

December 2, 2015



Purpose

- Provide a timeline and features of prior, alternative proposals considered by City Council to ensure rest breaks for construction workers
- Review provisions for a proposed ordinance and the approach to enforcement
- Receive City Council input and direction

Timeline

June 23, 2014
Quality of Life &
Environment

Workers Defense Project (WDP)
briefing proposes ordinance
similar to City of Austin (pg. 14-15)

Sep. 3, 2014
City Council
Briefing
Meeting

City Council briefing on WDP
ordinance

Nov. 12, 2014
City Council
Agenda
Meeting

City Council directed staff to brief
Economic Development and Quality
of Life Committees

Timeline

Dec. 1, 2014
Economic
Development

Update on staff discussions with stakeholders; consensus not yet achieved, discussions continue

Jan. 26, 2015
Quality of Life
& Environment

QOL Committee recommends ordinance (pg. 16-18) for City Council consideration and approval

Feb. 2, 2015
Economic
Development

Economic Development Committee recommends ordinance (pg. 19-20) for City Council consideration and approval

Timeline

Mar. 4, 2015
City Council
Briefing
Meeting

City Council authorizes postponement of committee ordinances and Mayor designates Councilwoman Greyson to lead a Task Force effort to compromise

Mar. 24, 2015
Rest Break
Task Force

Task Force initiates meetings to craft an alternative, compromise solution

Jun. 11, 2015
Rest Break
Task Force

Alternative resolution (pg. 21-22) is not posted for City Council agenda due to lack of full support by the Task Force

Prior alternative proposals

- On June 23, 2014, the Workers Defense Project briefed the QOL Committee and recommended that Dallas adopt a rest break ordinance similar to that of the City of Austin
 - 10 minutes of rest break for every 4 hours worked on a site
 - Signage explaining the ordinance requirements in English and Spanish on all worksites
 - Austin Code Compliance enforces the ordinance on private property and city departments enforce it on City contracts
 - Fines of \$100 to \$500 for every day a violation occurs

Prior alternative proposals

- On January 26, 2015, the Quality of Life and Environment Committee recommended that City Council adopt an ordinance that:
 - Includes provisions similar to the requirements of the City of Austin rest break ordinance (see prior page)
 - Requires signage with instructions on how to confidentially report non-compliance and the statement that workers need water, rest, and shade to prevent heat related illnesses
 - Becomes effective on March 30, 2015

Prior alternative proposals

- On February 2, 2015, the Economic Development Committee recommended an ordinance for City Council approval that would:
 - Require signage and access to educational pamphlets on construction sites that are printed in both English and Spanish
 - Provide detailed information on construction workers' rights under 26 C.F.R. Part 1926 and how to make a complaint to the Occupational Safety and Health Administration (OSHA)

Prior alternative proposals

- Rest Break Task Force (See appendix, pg. 23), discussed challenges and attempted to craft an alternative resolution (see pg.19-20)
 - Key points of discussion included:
 - Lack of data specific to construction sites, heat-related injuries
 - Ability to successfully enforce the ordinance
 - How to target bad actors without burden to good ones
 - Role of OSHA
 - Alternative Resolution
 - Focused on City awarded construction contracts
 - Directed City Manager to implement new policies and training requirements to promote heat-related injury prevention planning in new construction contracts awarded by the City, as well as to enhance the collection of data specific to heat-related injuries sustained on permitted construction sites
 - Alternative resolution lacked full support by the Task Force and was not scheduled for consideration by City Council in June 2015

Proposed Ordinance & Approach

- More recently, after the new City Council term began, Mayor Rawlings requested that Council Member Mark Clayton take up the matter and propose a way forward on this issue
- Following discussions with industry and labor stakeholders, as well as staff, Council Member Clayton proposed the ordinance and approach on pages 11-13 for City Council discussion and consideration

Proposed Ordinance & Approach

- Adopt a rest break ordinance that:
 - Requires a 10 minute rest break for every 4 hours of work performed on permitted construction sites
 - Requires signs to be posted on all worksites in English and Spanish that explain the ordinance requirements and how to report violations
 - Authorizes fines of \$100 to \$500 for every day a violation occurs
 - Effective date of January 1, 2016

Proposed Ordinance & Approach

- Staff approach to enforcement
 - Compliance with sign requirements would be verified by Building Inspection during routine permit inspections
 - Reported violations (311 service requests) would be inspected by Code Compliance inspectors within 24 hours
 - Complainant must provide name and phone number (which would be kept confidential)
 - When a complaint is received via 311, Code Compliance will investigate and, if the complaint has merit, issue a notice of violation to the person responsible
 - A citation may be issued to the person responsible if they do not voluntarily resolve the violation within the prescribed deadline
 - If the citation is contested, Municipal Prosecution will represent the City
 - Individuals with personal knowledge of the violation will need to testify for successful prosecution

Proposed Ordinance & Approach

- Staff approach to enforcement
 - Initially, one code inspector would be assigned to proactively
 - Visit construction work sites
 - Engage stakeholders
 - Conduct outreach and provide information
 - Enforce the ordinance as needed
 - Future budget enhancement requests may be submitted as warranted if more resources are required to maintain timely enforcement

Next Steps

- If City Council agrees, a draft ordinance will be scheduled for consideration on the December 9, 2015 agenda meeting
- Upon adoption, begin steps to implement new ordinance for an effective date of January 1, 2016 and then active enforcement beginning in April 2016
 - Notify construction companies and workers of new requirements
 - Initiate reporting and enforcement process

APPENDIX

1. City of Austin Ordinance, Quality of Life Committee Briefing, Jun. 23, 2014
2. Quality of Life Committee Recommendation, Jan. 26, 2015
3. Economic Development Committee Recommendation, Feb. 2, 2015
4. Rest Break Ordinance Task Force, Jun. 11, 2015
5. Rest Break Task Force Roster

City of Austin Ordinance, Quality of Life Committee Briefing, Jun. 23, 2014

ORDINANCE NO. 20100729-047

AN ORDINANCE AMENDING TITLE 4 OF THE CITY CODE TO ADD A NEW CHAPTER 4-5 RELATING TO WORKING CONDITIONS AT CONSTRUCTION SITES; CREATING AN OFFENSE AND IMPOSING A MAXIMUM PENALTY OF \$500 FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Title 4 (*Business Regulation and Permit Requirements*) of the City Code amended to add a new Chapter 4-5 to read:

CHAPTER 4-5. WORKING CONDITIONS AT CONSTRUCTION SITES.

§ 4-5-1 DEFINITIONS.

- (1) **CONSTRUCTION SITE** means a site or structure for which a building permit or site plan has been issued under Title 25 (*Land Development Code*) for an existing or proposed use.
- (2) **CONSTRUCTION ACTIVITY** means all work associated with construction including but not limited to work involving the alteration, demolition, building excavation, maintenance, and renovation of structures or sites.
- (3) **DEPARTMENT** means the department designated by the city manager.
- (4) **EMPLOYEE** means any person employed by the employer.
- (5) **EMPLOYER** means an individual, partnership, association, corporation, business trust, or any person or group of persons who directly or indirectly through an agent, or any other person or employee, exercises control over the wages, hours or working conditions of any person.
- (6) **ESTABLISHMENT** means a single physical location to which employee reports each day.
- (7) **HOURS WORKED** means the time during which an employee is subject to the control of an employer and includes all the time the employee is required or permitted to work, whether or not required to do so.
- (8) **REST BREAK** means a break from work within working hours, during which an employee may not work. The term excludes any regular meal period provided by the employer.

§ 4-5-2 REST BREAK REQUIRED.

- (A) Except as provided in Subsection (B), an employee performing construction activity at a construction site is entitled to a rest break of not less than ten (10) minutes for every four (4) hours worked. No employee may be required to work more than 3.5 hours without a rest break.
- (B) An employee is not entitled to rest breaks under Subsection (A) of this section on any day that the employee works less than 3.5 hours or spends more than half of his or her work time engaged in non-strenuous labor in a climate-controlled environment.
- (C) An employer shall provide rest breaks in accordance with the requirements of this section. A rest break shall be scheduled as near as possible to the midpoint of the work period.

§ 4-5-3 SIGNAGE REQUIRED.

- (A) A sign describing the requirements of Section 4-5-2 (*Rest Break Required*) in English and Spanish shall be posted by the employer in each establishment subject to Section 4-5-2 in a conspicuous place or places where notices to employees are customarily posted.
- (B) The department shall prescribe by rule the size, content, and location of signs required under Subsection (A) of this section.

§ 4-5-4 CRIMINAL PENALTY.

- (A) A person commits a Class C misdemeanor if the person:
 - (1) fails to provide a rest break as required under Section 4-5-2 (*Rest Break Required*); or
 - (2) fails to post signage required under Section 4-5-3 (*Signage Requirements*).
- (B) Proof of a culpable mental state is not required to prove an offense under this chapter.
- (C) Each day that a violation occurs or continues is a separate offense.

§ 4-5-5 CIVIL REMEDIES.

- (A) The city council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants.

City of Austin Ordinance, Quality of Life Committee Briefing, Jun. 23, 2014

(B) A person who continues to violate this chapter after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of not less than \$100 or more than \$500 for each day the violation occurs.

(C) The City may file suit to enforce this chapter or collect a civil penalty.

(D) The City may seek to enjoin violations of this chapter.

§ 4-5-6 CUMULATIVE REMEDIES.

The remedies authorized under this article are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

PART 2. The council finds that the need to ensure employee rest breaks at construction sites constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

_____, 2010 §
 §
 § Lee Lettingwell
 Lee Lettingwell
 Mayor

APPROVED: Karen M. Kennard
 Karen M. Kennard
 Acting City Attorney

ATTEST: Shirley A. Gentry
 Shirley A. Gentry
 City Clerk

Quality of Life Committee Recommendation, Jan. 26, 2015

Memorandum

RECEIVED

2015 JAN 23 PM 4:09

CITY SECRETARY
DALLAS, TEXAS



DATE 01/23/2015

TO Quality of Life Committee Members

SUBJECT **Revised Rest Break Ordinance**

Councilmembers,

Enclosed please find the draft version of the Rest Break Ordinance prepared by the Worker's Defense Project. A motion will be made on Monday, January 26th, 2015, to move forward with this version. We recommend that this item go before full council for a vote.

Thank you for your attention to this matter.

Sandy Greyson
Sandy Greyson, Councilmember *N.K.*

Adam Medrano
Adam Medrano, Councilmember

C: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
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Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

An ordinance amending CHAPTER __, " _____," of the Dallas City Code, as amended; defining terms: establishing requirements, procedures, penalties, and remedies for working conditions on construction sites; requiring rest breaks for every four hours of work; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty of a class C misdemeanor; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the Occupational Health and Safety Commission recommends a work/rest cycle to prevent heat-related illness; and

WHEREAS, the city has heard testimony on the negative health effects of workers who do not receive rest breaks on construction sites, not allowing them needed rest and water; and

WHEREAS, the average number of days in the city with one hundred degrees or more is eighteen days; and

WHEREAS, the Occupational Health and Safety Commission, under 29 CFR 1926.51, requires that drinking water be available and toilets be accessible on or near a work site; and

WHEREAS, the Occupational Health and Safety Commission recommends a rest area be in full shade; and

WHEREAS, the Centers for Disease Control recommends scheduling and encouraging frequent rest and water breaks to prevent heat stress; and

WHEREAS, the city has an interest in the health and safety of the workers in the city; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1: That Chapter __, " _____," of the Dallas City Code, as amended, is amended to read as follows:

Quality of Life Committee Recommendation, Jan. 26, 2015

CHAPTER __ " _____ "

ARTICLE I.

GENERAL.

SEC. __. PURPOSE.

The purpose of this chapter is to protect workers on construction sites from heat-related illnesses caused by a lack of adequate rest breaks and water on the site.

SEC. __. DEFINITIONS.

In this chapter:

(1) **CONSTRUCTION SITE** means a site or structure for which a building permit or site plan has been approved or issued under Chapter 51, the Dallas Land Development Code, for an existing or proposed use.

(2) **CONSTRUCTION ACTIVITY** means all work associated with construction, including but not limited to work involving the alteration, demolition, building, excavation, maintenance, and renovation of structures or sites.

(3) **DEPARTMENT** means the Sustainable Development and Construction Department of the City of Dallas.

(4) **WORKER** means any individuals completing Construction Activities, whether on a contract basis or as employees, for any Prime Contractor or Subcontractor.

(5) **PRIME CONTRACTOR** means an individual, firm, partnership, owner operator, corporation, or combination thereof, including joint ventures, which is an independent business enterprise and has entered into a contract or agreement with respect to performance of any Construction Activity.

(6) **SUBCONTRACTOR** means an individual firm, partnership, owner operator, corporation, or combination thereof, including joint ventures, which is an independent business enterprise and has entered into a contract or agreement with a Prime Contractor or another Subcontractor with respect to the performance of any Construction Activity.

(7) **ESTABLISHMENT** means a single physical location to which workers report each day.

(8) **HOURS WORKED** means the time during which a worker is subject to the control of a Prime Contractor or Subcontractor and includes all the time the worker is required or permitted to work, whether or not required to do so.

(9) **REST BREAK** means a break from work within working hours, during which a worker may not work and during which a worker can access water and toilet facilities. The term excludes any regular meal period provided by the employer, prime contractor, or subcontractor.

ARTICLE II.

REQUIREMENT OF REST BREAKS ON CONSTRUCTION SITES.

SEC. __. REST BREAK REQUIRED.

(a) Except as provided in Subsection (b), a worker performing construction activity at a construction site is entitled to a rest break of not less than ten (10) minutes for every four (4) hours worked. This break must occur within the first 3.5 hours of each four (4) hour shift.

(b) A worker is not entitled to rest breaks under Subsection (a) of this section on any day that the worker works less than 3.5 hours.

(c) Prime Contractors and Subcontractors shall provide rest breaks in accordance with the requirements of this section. A rest break shall be scheduled as near as possible to the midpoint of the work period.

SEC. __. SIGNAGE REQUIRED.

(a) A sign describing the requirements of Section __ (*Rest Break Required*) in English and Spanish shall be posted in each establishment subject to Section __ above, in a conspicuous place or places where notices to employees are customarily posted. Prime Contractors and Subcontractors must inform workers of their right to rest breaks prior to initiating work on the project.

(b) The department shall prescribe by rule the size, content, and location of signs required under Subsection (a) of this section such that the information is readable, except that the sign must include:

(1) information on how to make a confidential complaint of failure to provide rest breaks;

(2) OSHA requirements that there be an adequate supply of potable water and access to toilets per 29 CFR 1926.51; and

Quality of Life Committee Recommendation, Jan. 26, 2015

(3) contact information for OSHA to report failure to comply with any OSHA requirements.

(c) The department shall include on its investigation documents additional investigation requirements to ensure

(1) that workers are being given rest breaks according to this Section ____ (*Rest Break Required*); and

(2) that signage is posted as required by this Section ____ (*Rest Break Required*).

ARTICLE III.

PENALTIES AND REMEDIES.

SEC. __. CRIMINAL PENALTY.

(a) A person commits a Class C misdemeanor if the person:

(1) fails to provide a rest break as required under Section ____ (*Rest Break Required*); or

(2) fails to post signage required under Section ____ (*Signage Requirements*).

(b) Proof of a culpable mental state is not required to prove an offense under this chapter.

(c) Each day that a violation occurs or continues is a separate offense.

Sec. __. CIVIL REMEDIES.

(a) The city council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants.

(b) A person who continues to violate this chapter after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of not less than \$100 or more than \$500 for each day the violation occurs.

(c) Any Prime Contractor or Subcontractor working on a construction site is jointly and severably liable for any penalties assessed for failure to comply with this chapter.

(d) The City may file suit to enforce this chapter or collect a civil penalty.

(e) The City may seek to enjoin violations of this chapter.

SEC. __. CUMULATIVE REMEDIES.

The remedies authorized under this article are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

SECTION 2. That CHAPTER __ of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on March 30, and it is accordingly so ordained.

Economic Development Committee Recommendation, Feb. 2, 2015

Economic Development Committee **DRAFT**

Meeting Record

February 2, 2015

The Economic Development Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Office of Economic Development, Staff Coordinator at 214-670-1686.

Meeting Date: February 2, 2015 Meeting Start time: 9:06 AM

Committee Members Present:

Tennell Atkins
Rick Callahan
Jerry R. Allen
Adam Medrano
Lee Kleinman
Scott Griggs

Other Council Members Present:

Dwaine Caraway
Philip Kingston

Staff Present:

Ryan Evans, First Assistant City Manager,
City Manager Office
Karl Zavitkovsky, Director, Office of Economic
Development
J. Hammond Perot, Assistant Director, Office
of Economic Development
Karl Stundins, Manager, Office of Economic
Development
Forest Turner, Chief Wellness Officer
Casey Burgess, Sr. City Attorney I, City
Attorney's Office
Larry Holmes, Building Official, Sustainable
Development & Construction

Other Presenters:

Caroline Perel, Managing Director, Civitas
Capital Group

1. Approval of January 20, 2015 Minutes of the Economic Development Committee

Presenter(s):

Action Taken/Committee Recommendation(s): Motion made to approve the minutes

Motion made by: Mr. Allen

Item passed unanimously: X

Item failed unanimously: _____

Motion seconded by: Mr. Kleinman

Item passed on a divided vote: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

2. Love Field Hotel Project-Maple/Mockingbird TIF District

Presenter(s): Karl Zavitkovsky, Director, Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to approve the minutes

Motion made by: Mr. Medrano

Item passed unanimously: X

Item failed unanimously: _____

Motion seconded by: Mr. Callahan

Item passed on a divided vote: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

February 2, 2015
ED – Committee Meeting 2 of 2

3. Upcoming Agenda Items

United Parcel Service – Texas Enterprise Zone Nomination

Presenter(s): J. Hammond Perot, Assistant Director, Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Allen

Item passed unanimously: X

Item failed unanimously: _____

Motion seconded by: Mr. Griggs

Item passed on a divided vote: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Pauls Mountain Creek Project

Presenter(s): J. Hammond Perot, Assistant Director Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Item passed unanimously: X

Item failed unanimously: _____

Motion seconded by: Mr. Allen

Item passed on a divided vote: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Rest Break Ordinance Update

Presenter(s): Forest Turner, Chief Wellness Officer

Action Taken/Committee Recommendation(s): Motion made by Mr. Callahan reads as follows: I offer a compromise that it is not necessary to duplicate the efforts and rules required by OSHA if the employer and worker understand these rules and rights. Rather than create a duplicative mechanism at the local level to address worker safety, the following recommendations should be followed:

Establish a public/private opportunity for trade organizations to help the City of Dallas educate employers and construction works about OSHA's Heat Illness Prevention Campaign. Require signage and access to educational pamphlets on the construction sites that provide detailed information of the construction workers' rights according to OSHA. This should include contact information at OSHA and instructions on how to make a claim that are written in both English and Spanish.

Such a recommendation, if implemented in the form of an ordinance, would demonstrate the City of Dallas's commitment to the safety of each and every worker while enhancing established resources to educate and enforce best practices for a safe jobsite.

Motion made by: Mr. Callahan

Item passed unanimously: _____

Item failed unanimously: _____

Motion seconded by: Mr. Allen

Item passed on a divided vote: X with Mr.

Griggs and Medrano voting No

Item failed on a divided vote: _____

Follow-up (if necessary):

Economic Development Committee Recommendation, Feb. 2, 2015

February 2, 2015

ED – Committee Meeting 3 of 3

Upcoming Agenda Item #A-2: DTG Rental Car Lease at Dallas Love Field –

February 11, 2015

Presenter(s): Mark Duebner, Director, Aviation

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. Callahan

Item passed unanimously: X

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Follow-up (if necessary):

Meeting Adjourned: 10:34 AM

Approved By: _____

Rest Break Ordinance Task Force, Jun. 11, 2015

Memorandum



CITY OF DALLAS

COUNCIL CHAMBER

[DATE]

DATE June 11, 2015

TO The Honorable Mayor and Members of the City Council

SUBJECT Rest Break Task Force Resolution

On March 4, 2015, the Mayor requested that I lead a Rest Break Ordinance Task Force in an effort to reconcile two committee-recommended draft ordinances.

The attached resolution is the compromise that was reached by most of the stakeholders at the conclusion of the Rest Break Task Force meetings. Task Force participants included Council Member Rick Callahan and representatives from construction agencies, building associations, trade and labor unions, faith-based organizations, worker's rights organizations, and City staff. The compromise attempts to balance the interests of industry, labor and the City.

The resolution applies only to all new construction contracts awarded by the City and directs the City Manager or his designee to:

- Implement new policies and requirements in order to promote heat-related injury prevention planning;
- Enhance the collection and review of data obtained during emergency responses at construction sites where injuries have been reported; and
- Initiate collaboration with Dallas County health agencies and emergency facilities to add construction worksite injuries as an additional data collection metric.

An implementation work group will be formed and all members of the Task Force will be invited to participate.

If you have questions, please contact Joey Zapata at 214-670-8132 for assistance.

Sandy Greyson

Sandy Greyson
Council Member, District 12

Attachment

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
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Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Eisa Cantu, Assistant to the City Manager – Mayor & Council

WHEREAS, the City Council seeks to protect the safety of construction workers; and

WHEREAS, construction workers deserve access to water, rest, and restrooms; and

WHEREAS, preventative safety and health measures can reduce the likelihood of costly accidents and injuries and avoiding such incidents will improve the delivery and execution of construction projects contracted with the City of Dallas; and

WHEREAS, safe conditions on construction projects contracted with the City of Dallas ensure the best value for Dallas taxpayers; and

WHEREAS, the incidence of heat-related injuries is greatly reduced by contractors implementing a heat illness prevention plan and ensuring that construction workers are allowed adequate rest breaks and given access to water and shade; and

WHEREAS, the City Council believes that workers on construction projects contracted with the City of Dallas should be given rest breaks that are adequate to prevent injuries and allowed access to water and shade as part of a heat illness prevention plan; and

WHEREAS, a rest break of no less than 10 minutes for every four hours worked, in addition to any meal break, is recommended to prevent injuries; and

WHEREAS, the Occupational Safety and Health Administration (OSHA) offers safety training courses; and

WHEREAS, the City Council desires to improve data-gathering on reported heat-related illnesses and injuries on construction projects through collaboration with other area governments and health agencies; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager or his designee must ensure that the following requirements are included in the specifications for all new construction projects contracted with the City of Dallas:

- (A) that general contractors retained by the City implement a written heat illness prevention plan consistent with OSHA's Campaign to Prevent Heat Illness in Outdoor Workers recommendations;

Rest Break Ordinance Task Force, Jun. 11, 2015

- (B) that general contractors retained by the City require in their contracts with each subcontractor that the subcontractor follow the heat illness prevention plan set forth in Section (1)(A);
- (C) that a supervisor who has received the OSHA 30-hour safety training provide a programmed, bilingual orientation session for all incoming workers, prior to beginning work, to explain the heat illness prevention plan, the need for rest breaks, and how to make complaints to the appropriate entity;
- (D) that signs regarding the heat illness prevention plan set forth in Section (1)(A) and how to make a complaint to the appropriate entity be erected on all construction sites for City projects; and
- (E) that all general contractors retained by the City and their subcontractors provide to the City of Dallas a copy of the OSHA Injury and Illness Recordkeeping report when a heat-related incident occurs on a construction site for a City project.

Section 2. That the City Manager or his designee is instructed to collect and review data on all construction site injuries within the City. The data collected will include the construction site address, the nature of the illness or injury, and whether the individual was transported to a hospital. Data may be collected through the City's 911 operations, the Dallas Fire-Rescue Department, or any other City department. All information obtained from the Dallas Fire-Rescue Department or any other City department will be information that has been properly redacted in compliance with the requirements set forth by the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

Section 3. That the City Manager or his designee is instructed to initiate collaboration with Dallas County health agencies and emergency facilities to add construction worksite injuries as an additional data collection metric.

Section 4. That the City Manager or his designee is instructed to provide a report to the City Council regarding the results of data collection under Sections 2 and 3, and any data documenting the impact of the heat and safety orientation no later than April 30, 2016.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Rest Break Task Force Roster

- Dallas Area Interfaith
- Dallas Building and Construction Trades Council
- Regional Hispanic Contractors Association
- Dallas AFL-CIO
- Workers Defense Project
- Construction & General Laborer Local Union
- Dallas Builders Association
- TEXO Association