

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

ORDINANCE

DIRECTING CITY STAFF TO ADD HEAT ILLNESS PREVENTION REQUIREMENTS TO CERTAIN CITY-FUNDED CONTRACTS INVOLVING ACTIVITIES IN OUTDOOR AND UNCONDITIONED SPACES.

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WHEREAS, the City of San Antonio is concerned with rising temperatures and workers' exposure to extreme heat while on the job; and

WHEREAS, a Council Consideration Request was proposed to address job related heat illness issues, and the Heat Illness Stakeholder Committee (Committee), consisting of members of the construction industry, health care services and City staff, was formed and met five (5) times from December of 2022 to May of 2023; and

WHEREAS, the Committee recommended an educational awareness campaign be implemented, and this campaign began in June of 2023 and is ongoing; and

WHEREAS, the Committee recommends an ordinance that adds heat safety requirements to contracts requiring work funded by the City of San Antonio. These measures ensure that workers on City funded construction, repair, and maintenance projects have safe workspaces that prevent worker illness and injury, avoiding additional expenses due to claims and delays, and meeting public expectations for City funded projects; and

WHEREAS, the City procures services for the construction, repair, rehabilitation, and maintenance of city owned facilities. The City enforces workplace safety requirements on City funded construction projects through the General Conditions for City of San Antonio Construction Contracts. The City also includes other requirements that reflect the City's interests, such as SBEDA and prevailing wage ordinance compliance in City funding agreements; and

WHEREAS, employers are currently responsible under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970 to provide their employees with a place of employment that "is free from recognized hazards that are causing or likely to cause death or serious harm to employees", including heat-related hazards that can cause death or serious bodily harm. The City wishes to provide heat safety requirements to further guide its contractors to better protect their employees working on City funded projects; and

WHEREAS, the Planning and Community Development Committee evaluated the options presented and recommended moving forward with an ordinance to provide the heat illness prevention guidelines that will be included in the General Conditions of certain City-related

construction contracts for services requiring work in potentially dangerous heat, as well as in other contract and solicitation documents, and funding agreement language; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. City staff is hereby directed to add heat illness prevention requirements to certain City-related contracts and solicitations that pay for labor services to include a fifteen (15) minute rest break for every four (4) hours of work performed, provide heat relief stations at work sites, and display heat illness ordinance signage at work sites in both English and Spanish. The heat illness prevention requirements are more particularly set out in Attachment A.

SECTION 2. This Ordinance shall become effective immediately on passage with eight (8) affirmative votes of the City Council, and if passed by upon by fewer than eight votes, then on the tenth (10th) day after passage.

PASSED AND APPROVED this day of August, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

Attachment I

When the heat index equals or exceeds 95 degrees Fahrenheit, Contractor is required to take all the following actions for all on-site workers working in outdoor or unconditioned spaces:

- Mandate at least a fifteen (15) minute rest break for every four (4) hours worked. No employee may be required to work more than 3.75 continuous hours without a rest break. These rest breaks are in addition to and shall not take the place of other required or otherwise provided rest breaks.
- Provide a heat relief station at the work site with a shaded area and water.
- Train supervisors and workers to recognize heat hazards and take appropriate actions.
- Post a sign with City requirements in English and Spanish within the work site where notices to employees are customarily posted. The City will prescribe the size, content, and location of signs within applicable design guidance manual.