May 11, 2020

Part One:
Determining Project Viability
and
Keeping Jobsites Open Through COVID-19

Part 1 of 2 in a webinar series presented by AGC of America
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This session will address:

- Compliance with Ever Changing Governmental Orders
- Compliance with Mandates and Guidelines
- Respecting Worker’s Rights
- Onsite Worker Safety
- Communication of Safety Practices
- Public Relations
- Responding to Positive Tests
Compliance with Ever Changing Governmental Orders

Concerns/Issues

- Understanding the Original Orders
- Revisions to the Orders
- Competing Authorities (State and Local)
- Ambiguous and Poor Drafting
- Rapidly Changing/Developing Situation
Compliance with Mandates and Guidelines

Governing Authority

- Who issued the mandate/guideline?
  - Federal Agencies
  - State and Local Authorities
  - Contracting Parties

- Which guideline/mandate controls?
- Many orders, mandates, and guidelines are not clear
Compliance with Mandates and Guidelines

Changing Nature of Mandates and Guidelines

- Ex: WA Temperature Orders
  3/25/20 – all non-essential work suspended
  4/14/20 – Phase 1 proposal to Governor
    *Does not include temperature testing
  4/25/20 – Press conference held at noon
    *Does not reference temperature testing
  4/25/20 – Phase 1 issued in afternoon (Friday)
    *Temperature testing required starting Monday
Worker’s Rights

Wrongful Termination

• Worker’s have the right to leave projects due to the perception that it is unsafe and to qualify for benefits
• Employer’s cannot force PTO
• Retaliation
Worker’s Rights

Enforcing Social Distancing

- Management of normal and trained behavior to enforce social distancing
  - Transfer of tools
  - Movement of materials
  - Operation of equipment
Worker’s Rights

Provision of PPE

• Employer’s must provide and pay for personal protective equipment to workers
• Monitoring of OSHA guidelines to ensure compliance
Worker’s Rights

Keep Working

• Owners and general contractors are generally insisting work continue if allowed under applicable orders/guidelines
Jobsite Worker Safety

Testing and Monitoring

- Temperature Taking
- Social Distancing
- Type of Work (essential vs. non-essential)
- Non-Work (e.g., carpools, lunch, etc.)
Jobsite Worker Safety

PPE/Tools and Jobsite

• Masks
• Tool Cleaning
• Jobsite Cleaning
Responding to Positive Tests

 Prevention

• Policies should aim to manage potential positive tests before they happen
• Encourage workers to stay home if sick or exposed
• Questionnaires/Temperature Tests at Gate
• If suspected (1) send home immediately and (2) encourage to contact a medical provider
Responding to Positive Tests

Response

- Stop all work in area as soon as possible to ensure jobsite safety
- Arrange for decontamination/deep clean
- Respect HIPAA rights
- Trace and notify potential contacts (with worker permission)
Communication of Safety Practices

Workers and Subcontractors

- Effective communication is necessary
- Stand-Downs
- Morning Meetings
Communication of Safety Practices

Notices

• Stop/Start/Suspension of Work Notices
• Post CDC materials at jobsite
• Many orders require postings:
  - Exposure control, mitigation, and recovery plans
  - COVID-19 safety requirements
  - Hygiene practices
  - Type or work allowed/not allowed onsite
Public Relations

Does the Community Feel Safe?

- Heightened sense of alarm
- Ex: Oregon OSHA normally receives approximately 2,000 complaints per year
  Received 1,152 complaint during week of 3/23/20
- Abutters have made L&I complaints with respect to proposed quarantine sites
- Importance of showing public that construction industry has experience with safety equipment and worksite safety
Questions?