



Weekly Safety Meetings

Safety Training for the Construction Industry

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Premium Membership

Special Supplement 1 March 17, 2020

Coronavirus or COVID-19

Coronavirus (or more accurately, COVID-19) is affecting all of us, either directly or indirectly. Although there is no vaccine available yet, there are steps you can take that will reduce the likelihood that you will get the virus. Your actions can also have an impact on the health of your co-workers, your family, and your community.

Just like you need to understand typical jobsite hazards like power tools or heavy equipment, you need to understand how COVID-19 creates a hazard for you. Current research indicates that COVID-19 spreads in two primary ways:

- when you're close to an infected person (within about six feet), and
- when tiny droplets from an infected person's cough or sneeze get into your mouth, nose, or eyes. Keep in mind that these droplets are tiny, often invisible, and you can't feel them.

How can you protect yourself? Here are three actions you can take to reduce the likelihood that you'll get infected:

- 1) Keep your distance.** Try to stay about six feet away from anyone who's sick. If there are cases of COVID-19 spreading in your community, try to stay at least six feet away from most people. When you can, stay home; that will keep you away from people who could be infected even if they don't have any symptoms yet.
- 2) Clean your hands often.** The best way to clean your hands is to wash them with soap and water for 20 seconds. If you can't wash, rub a hand

sanitizer that contains at least 60% alcohol over all the surfaces of your hands until they are dry.

- 3) Avoid touching your eyes, nose, and mouth with unwashed hands.** Be mindful about keeping your hands away from your face.

How can you protect others? Even if you haven't been exposed to the virus, the actions you take to slow its spread can help protect your family, co-workers, friends, and the elderly or vulnerable folks in your community. When we slow the spread, fewer people will become sick at any given time. This delay makes it possible for our healthcare system to take good care of everyone. Here's what you can do:

- 1) Cover coughs and sneezes with a tissue.** Then throw out the tissue and wash your hands. If you don't have a tissue, cough into the inside of your elbow; make sure your mouth and nose are close to your elbow.
- 2) Clean and disinfect.** Use a disinfecting wipe or spray and wipe down door handles, sink and toilet handles, shared tools, phones, etc.
- 3) Stay home if you're sick.** If you think you've been exposed to COVID-19, or if you have symptoms of the virus, call your healthcare provider. He or she will be able to give you specific and up-to-date information on what to do in your community.

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SAFETY REMINDER
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Social distancing is a good way to stay healthy.

NOTES:

SPECIAL TOPICS /EMPLOYEE SAFETY RECOMMENDATIONS/NOTES:

S.A.F.E. CARDS® PLANNED FOR THIS WEEK:

REVIEWED SDS #

SUBJECT:

MEETING DOCUMENTATION:

JOB NAME:

MEETING DATE:

SUPERVISOR:

ATTENDEES:

These instructions do not supersede local, state, or federal regulations.

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ENR

Engineering News-Record

Pandemic Forces Shifting Outlook, Priorities in Industry



A construction worker locks up the gate at the end of the day in Boston's Seaport March 16.

Photo by David L. Ryan/The Boston Globe via Getty Images

While the big impacts of the coronavirus on construction and its broader client base may not be known for

March 18, 2020

Tom Ichniowski, Jim
Parsons, Debra K. Rubin,
Mark Shaw, Scott Van
Voorhis, and Pam Radtke
Russell

weeks, even years, the industry is responding as nimbly as it can to the effects already being felt. These effects include shutdowns of construction sites in Boston, ramped up AEC virtual office links, firms coping with infected employees, interrupted in-process business deals and critical networking events delayed or cancelled.

[\[For ENR's latest coverage of the impacts of the COVID-19 pandemic, click here\]](#)

Brian Turmail, Associated General Contractors spokesman says, "We're in uncharted territory here, for the AGC and the rest of the industry. Things are happening fast and furious." Global design firm Mott MacDonald Group Managing Director James Harris has seen trouble in numerous markets in his career but never anything like the new coronavirus, which now occupies about half his time. He expects company efficiency to suffer and is preparing for a slowdown in client payments.

The known work impacts and planning uncertainties are creating an economic outlook for the industry that is changing daily and "cloudy at best," says Richard Branch, chief economist at Dodge Data & Analytics (see related story p. 32). While construction equipment and materials are finally being shipped from China, which had been under a partial lockdown, there are now fewer sites and workers using them as the pandemic spreads globally.

A survey by Zweig Group of 77 architecture, engineering and construction firms released March 17 found that 55% said they had no projects canceled; 3% said they had cancelled or delayed projects; 12% were experiencing client-related delays; and 32% were still weighing impacts.

With air travel curbed by U.S. presidential fiat and personal precautions, Delta and United Airlines have announced capacity reductions and plan to cut capital investment by \$2.5 billion and at least \$2 billion, respectively. The former may be exploring new financing options for its \$1.4-billion JFK airport terminal project, with its resources strained, according to sources.

The possibility of work arising from the crisis, such as the U.S. Army Corps of Engineers retrofitting hospitals to handle quarantined patients, or new facilities to manufacture vaccines, appears weeks away, if not longer.

Some cities, including San Francisco, which is faced with a housing shortage, continue to allow construction work even though they are on lockdown. But Boston announced March 16 it would close all but emergency jobsites. Mayor Marty Walsh (D), a former union laborer and head of the Building and Construction Trades Council, estimated the shutdown order could throw "tens of thousands" of tradespeople out of work. He appealed to city construction employers to "do the right thing" and lay off workers—presumably so they can collect unemployment – and not fire them.

The Boston Planning and Development Agency said the shutdown would affect some 21.4 million sq ft of new or renovated development. "It's massive, massive," said Walsh. "It is a difficult decision to make.

Construction is at the core of our economy here in Boston.” The city will revisit the shutdown in two weeks, he added.

Pennsylvania was the first state to suspend road and bridge construction in response to the growing COVID-19 crisis, as agencies ordered contractors to halt work on current projects for two weeks as of midnight March 17. Robert Latham, executive vice president of Associated Pennsylvania Constructors, credited the action as a safety precaution but considered the move drastic. He noted the Massachusetts Dept. of Transportation remains operational, even though Boston has halted vertical construction projects. “We know PennDOT appreciates that the shutdown order has placed a \$2.2-billion industry on hold,” Latham says, adding that “effects on workers and the unemployment compensation system should be considered as well.”

AGC CEO Stephen E. Sandherr cautioned that shutdowns “have the potential to bankrupt many construction firms with contractual obligations to stay on schedule or risk incurring significant financial penalties.” The unfolding situation has unleashed a barrage of communications from industry legal experts on protective measures for firms and has elevated “force majeure” to known-quantity status.

Federal protective measures still are unfolding and unclear, with Vice President Mike Pence at a March 17 White House press conference calling on construction companies to donate inventories of respirator masks to health care facilities. The statement comes as Congress is considering legislation that would include additional N95 liability protections for companies that manufacture and sell masks.

Meanwhile Senate Majority Leader Mitch McConnell (R-Ky) at ENR press time was laying plans to draft another bill to deal with the coronavirus pandemic and its economic impacts. He told reporters on March 17 that the envisioned new bill—a third since early March—would be substantially bigger than the two that preceded it. The first, signed into law on March 6, totaled \$8.3 billion. A new version passed the House on March 14, with “technical corrections” on March 16. AGC had objected to a provision in the March 14 bill, to require companies with fewer than 500 workers to “front” the costs of medical and family leave. AGC is concerned with provisions to offset the costs of sick leaves by providing employers with a tax credit that it says could take weeks to process. The contractor group says that instead, the federal government should pay for the medical and family leave.

Senate Minority Leader Chuck Schumer (D-N.Y.) proposed a package of at least \$750 billion aimed at hospitals and medical treatment, unemployment insurance, Medicaid and “loan forbearance and aid” to small businesses, as well as childcare and senior citizens.

Meanwhile, firms are doing what they can to maintain operations. Humphreys & Partners Architects in Dallas, like many firms, says it will conduct all meetings via the internet for 30 days, limit air travel and encourage work-from-home arrangements. “We are currently evaluating all options,” says CEO Mark Humphreys.

Recent Articles By Tom Ichniowski

AGC Slams House Coronavirus Bill's Medical/Family Leave Provisions

Labor Dept. Sides with Construction Unions on Apprenticeship Rule



Tom Ichniowski has been writing about the federal government as ENR's Washington Bureau Chief since the George H.W. Bush administration, and he has covered at least five major highway bills. A recognized expert on government policy on infrastructure and regulation, Tom is also a Baltimore native and Orioles fan who grew up rooting for Brooks and Frank Robinson. He is a graduate of Columbia College and Columbia's graduate school of journalism, where he once used "unrelentless" in a headline.



Jim Parsons is a freelance writer who covers the industry from metro Washington, DC.



As ENR Editor-at-Large for Management, Business and Workforce, Debra K. Rubin has a broad vantage for news, issues and trends in global engineering, architecture and construction—from corporate finance and executive management to regulation and risk, next-generation workforce and developing markets such as offshore wind energy.

Debra also launched and manages ENR's Top 200 Environmental Firms ranking, which defines a \$51-billion global market; and is editor of *ENR WorkforceToday* e-newsletter on industry talent management; She also is a key organizer of ENR's annual **Groundbreaking Women in Construction** conference, a major AEC industry forum for talent management and women's career advancement.

[Click here](#) for more detail on the 2019 conference in May in

San Francisco and plans in formation for the 2020 event.

Debra's reporting for ENR on the 2001 Ground Zero attack damage, response and recovery is featured in the National September 11 Memorial & Museum in New York City.



Mark Shaw is the editor-in-chief of ENR Mountain States, co-editor of ENR Southwest, and the senior editor in charge of ENR's Contractor Business Strategy. He serves as ENR's Rocky Mountain bureau chief in Denver.



Scott Van Voorhis writes regularly for ENR about risk management, insurance, and the Canadian engineering, construction and infrastructure sectors. He launched his own freelance writing business in 2008 after nearly two decades as a reporter and business columnist for the Boston Herald, Boston Business Journal and The Eagle-Tribune.



Deputy Editor Pam Radtke Russell is a New Orleans-based journalist with more than a decade covering energy, environment and climate for ENR, Platts, CQ Roll Call in Washington D.C. and the Times-Picayune in New Orleans. She was part of the Times-Picayune team that worked from Baton Rouge after Hurricane Katrina and was awarded two Pulitzer Prizes for journalism in 2006 for public service and breaking news.

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To: Signatory Contractors
From: FCA International
Subject: **Families First Coronavirus Response Act - Leave Provisions Memo**
Date: March 18, 2020

BACKGROUND:

On March 18, 2020, President Trump signed H.R. 6201, the Families First Coronavirus Response Act (FFCRA), a comprehensive legislative package offering support to individuals affected by coronavirus (COVID-19) into law. The FFCRA contains new employer mandates to offer emergency paid leave to employees if they are impacted by COVID-19 and meet specific criteria. Below outlines two important paid leave programs established under the FFCRA.

EMERGENCY FAMILY LEAVE:

The FFCRA amends the Family and Medical Leave Act (FMLA) on government entities and private sector employers with fewer than 500 employees so long as they have been employed for 30 days. If an employee requests emergency family leave due to COVID-19, the following standards must be met by an employer:

- Employers must provide 12 weeks of job-protected leave under FMLA to employees who are unable to work or telework because they must care for a child younger than 18 whose school or daycare is closed due to COVID-19.
- The first 10 days of leave will be unpaid, though an employee may choose to use accrued vacation days, personal leave, or any other available paid leave for unpaid time off.
- Following the 10 days of unpaid leave, employers must pay employees at least two-thirds of their regular pay rate.
- Leave assistance is capped at \$200 per day or \$10,000 total per employee.

EMERGENCY SICK LEAVE:

The FFCRA requires government entities and private sector employers with fewer than 500 employees to offer emergency sick leave to employees who are unable to work or telework with immediate paid sick time off if they are affected by COVID-19 under the following circumstances:

- Ordered to comply with a federal, state or local quarantine or isolation order.
- Self-quarantine per a health care provider's advice.
- Diagnosed with COVID-19 by a health care provider.
- Caring for an individual who is in quarantine or a child whose school or daycare has been closed due to COVID-19.

Full-time employees who are requesting emergency sick leave due to COVID-19 and meet one of the following circumstances above are entitled to receive 80 hours of paid sick leave:

- Medical Diagnosis of COVID-19 (paid at regular rate).
- Advised by a health care provider to self-quarantine due to COVID-19 (paid at regular rate).
- Adhering to a federal, state or local quarantine or isolation order (paid at regular rate).
- Caring for an individual who is in quarantine or a child whose school or daycare has closed due to COVID-19 (paid at two-thirds rate).

Employers are also required to adhere to the following emergency sick leave provisions:

- Part-time employees must be offered time off equivalent to their scheduled or normal work hours in a two-week period).
- Leave assistance is capped at \$5,110 for a worker's diagnosis or quarantine due to COVID-19 and at \$2,000 to provide care for an individual or child.
- An employer cannot require an employee to use any other available paid leave before using this emergency sick leave.
- An employer may be subject to civil penalties if found to be in violation of these paid sick leave requirements

EMPLOYERS WITH 50 OR FEWER EMPLOYEES:

Per the FFCRA, the Secretary of the Department of Labor has the authority to issue regulations to exempt small businesses with fewer than 50 employees from the emergency family leave and emergency sick leave provisions outlined above if it jeopardizes the viability of the business.

SMALL BUSINESS ADMINISTRATION DISASTER ASSISTANCE LOANS:

Earlier this month, Congress passed (and President Trump signed, the Coronavirus Preparedness and Response Supplemental Appropriations Act to make \$1 billion available to the Small Business Administration (SBA) to subsidize disaster relief loans to small businesses that have suffered substantial economic injury from the COVID-19 pandemic.

Upon a request received from a state's governor, SBA will issue an Economic Injury Disaster Loan declaration. Following the declaration, SBA is making loans available statewide. These loans may be used to pay fixed debts, payroll, accounts payable and other bills that cannot be paid because of the disaster's impact.

Below are key provisions of the SBA Disaster Assistance Loans:

- The interest rate is 3.75 percent for small businesses and 2.75 percent for non-profits.
- Affected businesses may apply for up to \$2 million in loans.
- SBA is offering loans with long-term repayments in order to keep payments affordable, up to a maximum of 30 years.
- Terms are determined on a case-by-case basis, based upon each borrower's ability to repay.
- Contact your local SBA District office to determine loan eligibility and assistance on what benefits may be available to you due to COVID-19.

EMPLOYER TAX CREDITS:

The FFCRA provides refundable tax credits to employers to cover wages paid to employees while they are exercising the new emergency paid leave programs and will be put towards an employers' payroll or railroad retirement tax payments. The tax credit breakdown is as follows:

Emergency Sick Leave

- Employers will receive as much a \$511 tax credit per day for each employee utilizing emergency sick leave if they are sick with COVID-19 or under quarantine.
- Employers will receive as much as a \$200 tax credit per day for each employee utilizing emergency sick leave to care for someone quarantined or a child due to a school or daycare

closure. The limit would be the excess of 10 days over the aggregate number of days taken into account for all preceding calendar quarters.

Emergency Family Leave

- Employers will receive as much as \$200 per day for each employee utilizing paid leave, or an aggregate of \$10,000

*****NOTE: Wages paid under the paid leave and family leave programs would not be subject to the employer payroll tax or railroad retirement tax. The credits would also be increased to cover employers' 1.45 percent Medicare tax.*****



CARES Act Creates Potential Employer Incentives to Maintain Payroll

by Jennifer Divine and Michael Porter

Employer obligations and opportunities under federal law continue to rapidly evolve. The stimulus bill (the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act")), is now law as President Trump signed the bill late afternoon March 27, 2020. The CARES Act creates programs that may affect how employment decisions are made during the current national health crisis. In particular, small and midsize private employers, including nonprofits and tribal businesses, with fewer than 500 employees¹ should be aware of increased availability of government-backed loans (and loan-forgiveness programs) under the CARES Act and how employment decisions over the next few months may affect repayment obligations.

What Should Employers Consider in Light of the CARES Act?

Crisis Loan Eligibility for Small Employers

Broadly speaking, under its "[Paycheck Protection Program](#)" provisions, the CARES Act eases credit restrictions and makes Small Business Administration-backed loans of up to \$10 million available to qualifying businesses if the funds have been or will be used to retain workers and continue operations during the current COVID-19 emergency. The maximum loan amount is equal to 2.5 times a business's average total monthly payroll costs and requires a good-faith certification by the borrower that the loan is necessary for COVID-19-related economic conditions and that the funds will be used to cover payroll costs, mortgage, rent, and/or utility payments.

Loan Forgiveness Based on Workforce Retention or Rehire

The CARES Act also includes a loan-forgiveness component. An employer taking out a loan under the Paycheck Protection Program may be able to have the loan partially or totally forgiven if the employer has maintained its workforce or is able to rehire laid-off employees and restore pay and work hours to pre-crisis levels of employment over the next three months. The loan is eligible to be forgiven in an amount equivalent to the borrower's payroll, rent, and certain other operating expenses incurred in the eight-week period after origination. Payroll costs for employee compensation above \$100,000 in annualized wages are not eligible for forgiveness, and the total amount forgiven may not exceed the principal amount of the loan. But the amount forgiven will be reduced if the employer does not maintain its workforce at levels comparable to the prior year's employment, and will include reductions proportional to any pay reductions greater than 25 percent compared to the prior year. Employers that have already been forced to lay off workers or cut hours will not be penalized. Loan forgiveness up to the full amount will be available if workforce levels are restored by the end of the relevant period.

The benefits and costs arising out of the potential loans will vary from employer to employer. Employers that take advantage of the program will want to carefully engage with their financial and banking advisers to assess how the impact of workforce reductions and possible rehires over the next three months will affect their loans and repayment terms.

Availability of Emergency Family Leave for Employees Rehired After Layoff

The CARES Act's primary direct impact on day-to-day leave practices is the provision of paid leave for COVID-19 reasons. As everyone in HR knows by now, emergency paid sick leave and paid family leave benefits will be available for employees to take beginning April 1, 2020. ([Here](#) is a chart reflecting the key components, and our COVID-19 page has guides to [E-PSL](#) and [E-FMLA](#) as well as a summary concerning [posting and notification requirements](#).) The CARES Act changes the definition of "eligible employee" under E-FMLA to allow an employee who was laid off after March 1, 2020, and then rehired, to have access to the paid family leave benefit despite not being employed for the full 30 days before requesting leave (as long as the employee had worked for the employer for at least 30 days before being laid off).

Taking It All In

Every day is a new day, and employers are having to make fluid, fast-paced decisions. Many employers have temporarily laid off employees in response to or anticipation of worsening economic conditions. The stimulus is designed to reduce or avoid layoffs or other workforce reductions and to encourage employers to rehire laid-off workers and restore wages as much as possible over the next three months. When making decisions and assessing the impact on the workforce, employers need to think through:

- Impact on potential relief under the CARES Act;
- Eligibility of employees for unemployment benefits, including for short-term work reductions or hours reductions;
- Availability of leaves for COVID-19-related reasons under federal law, state and local sick leave laws, and state leave acts;
- Wage-and-hour issues related to reductions and issues such as timing of wage payments during reductions, salary issues for exempt employees, calculations of rates for leave acts, and other issues related to pay; and
- Almost daily regulatory and interpretive adjustments.

¹ The CARES Act may provide benefits for employers with up to 1,000-1,500 employees in certain industries if the Secretary of the Treasury expands the eligibility list.

The employment team at Miller Nash Graham & Dunn LLP and other attorneys throughout our firm are working to assess and assist in the implementation of statutory and regulatory changes and help clients make critical decisions that will enable them to survive both the current public health crisis and the difficult economic recovery period afterward. For further information about ongoing developments related to COVID-19, visit Miller Nash Graham & Dunn's resource library:

COVID-19 RESOURCES



Jennifer Divine

Jennifer has over twenty years experience defending and advising public and private employers in a wide range of cases, including discrimination, sexual harassment, wrongful discharge, whistleblower/retaliation, and wage-and-hour claims. She counsels clients on a variety of employment law issues, such as executive contracts and compensation, severance agreements, noncompetition and nonsolicitation restrictions, disability accommodations, FMLA and other leave rights, and misconduct investigations.

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JAY INSLEE
Governor



STATE OF WASHINGTON
Office of the Governor

March 27, 2020

Dear Honorable Tribal Leaders:

During times of emergency, it is critical that Washington State maintains open and robust government-to-government communications with its tribal partners.

Earlier this week, I issued a *Stay Home, Stay Healthy* order (Emergency Proclamation 20-25), which generally prohibits Washingtonians from leaving their homes, except in pursuit of certain enumerated essential activities. I intend this letter to clarify that order as it relates to activities on tribal lands.

First, none of my Emergency Proclamation orders apply to conduct on tribal lands. Tribal governments, as sovereign nations, are making their own decisions in response to the current COVID-19 emergency.

Second, constituents have presented several questions to my office regarding individuals who commute to tribal lands or Washington businesses that work on tribal lands. While I have defined essential activities (for purposes of Emergency Proclamation 20-25) in Washington, tribal leaders maintain sovereignty to define essential activity on tribal lands. Accordingly, if tribal governments classify certain activity or business on their lands as “essential,” under Emergency Proclamation 20-25, Washingtonians may leave their homes to pursue those tribally defined essential activities on tribal lands — even if those activities are not considered essential on non-tribal lands.

Thank you for your leadership during this very trying time.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jay Inslee'.

Jay Inslee
Governor