

Coming Back from COVID-19

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RLI Design Professionals
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Course Description



As we follow governmental directives for reopening and adapting offices and project sites, it's important to keep in mind the various risks—not only to you and your staff, but to clients, contractors, other design professionals, and the general public.

Learning Objectives

Participants in this session will:

1

Review emerging claim-related information.

2

Consider guidance from sources like CDC, OSHA, and other governmental agencies.

3

Evaluate important components of readiness plans, including special considerations and accommodations that may be required.

4

Think about monitoring practices to help maintain safety and compliance and identify red flags.

News from the Insurance Industry: COVID-Related Claims

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COVID-Related Claims/Threats

Business Interruption—

- Generally not Covered Under Standard Forms
- ISO Began Excluding Viruses 15 Years Ago

Property and Auto Losses—

- Water Damage in Buildings Not Fully Occupied
- Vandalism and Malicious Mischief

Delay Claims—

- Projects on Hold or with Limited Progress

Workers Compensation—

- Diseases or Injuries Acquired in the Course and Scope of Employment

Management Liability—

- Liquidity/Bankruptcy
- Employment-Related: Terminations, Protective Gear

Cyber—

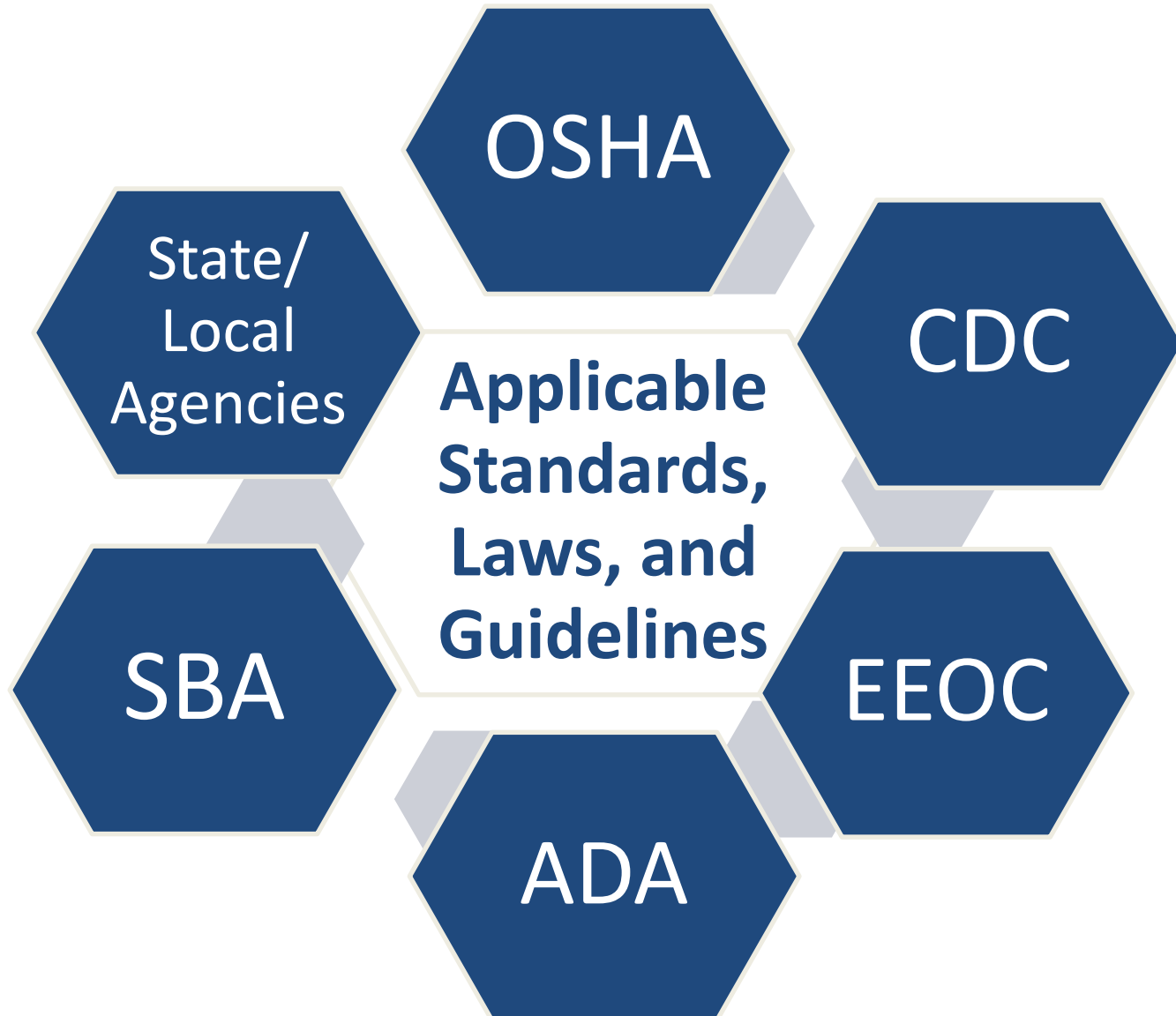
- More Attacks Due to the Perception of Vulnerability

GUIDANCE: Governmental Agencies

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Today we'll review:





OSHA: Occupational Safety and Health Act

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We think we know it...but remind us, what is it?



Occupational Safety and Health Act of 1970

“To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health.”

This guidance is not a standard or regulation, and it creates no new legal obligations. It contains recommendations as well as descriptions of mandatory safety and health standards. The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace.

OSHA: Duties of Employers and Employees

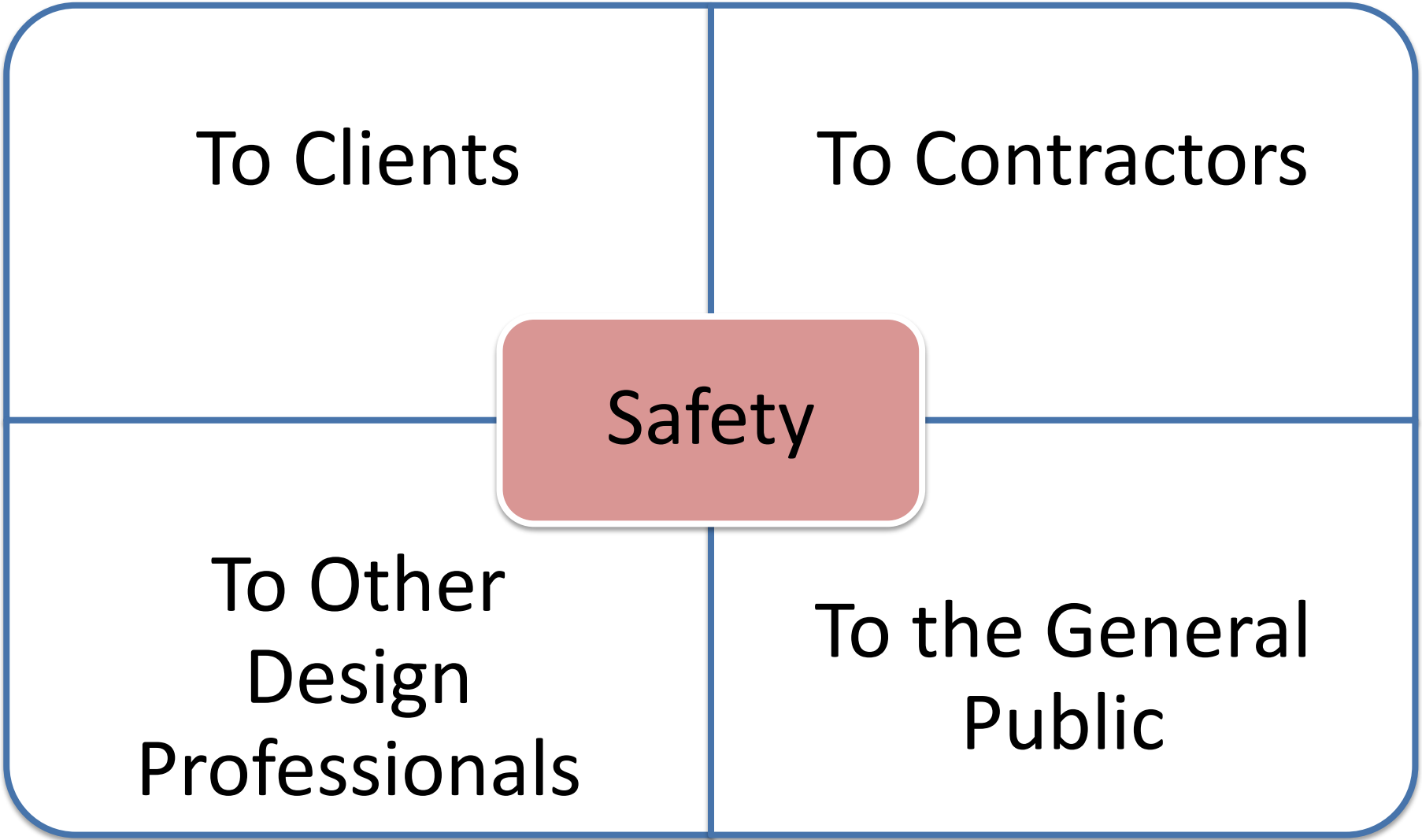
Each employer—

- shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees

Each employee—

- shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this chapter which are applicable to his own actions and conduct

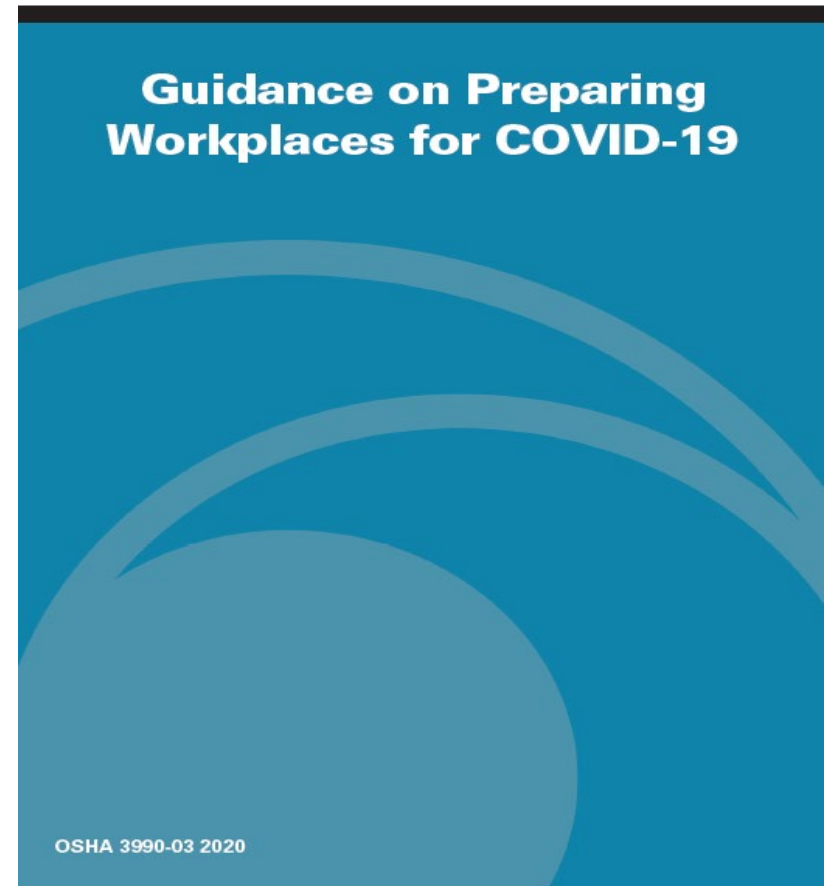
OSHA: Concerns for Design Professionals



OSHA: Guidance on Clients

Administrative Controls

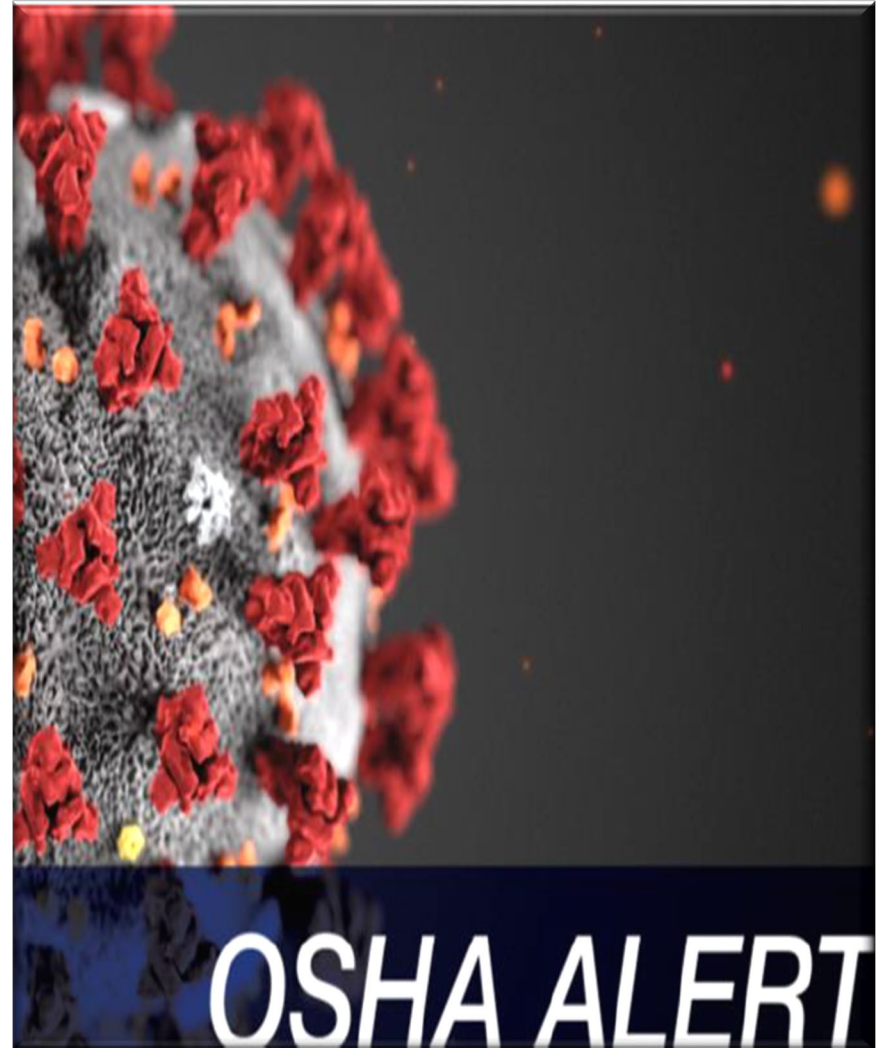
Minimize contact among workers, clients, and customers by replacing face-to-face meetings with virtual communications and implementing telework if feasible.



OSHA: Guidance on Contractors

COVID-19 Guidance for the Construction Workforce

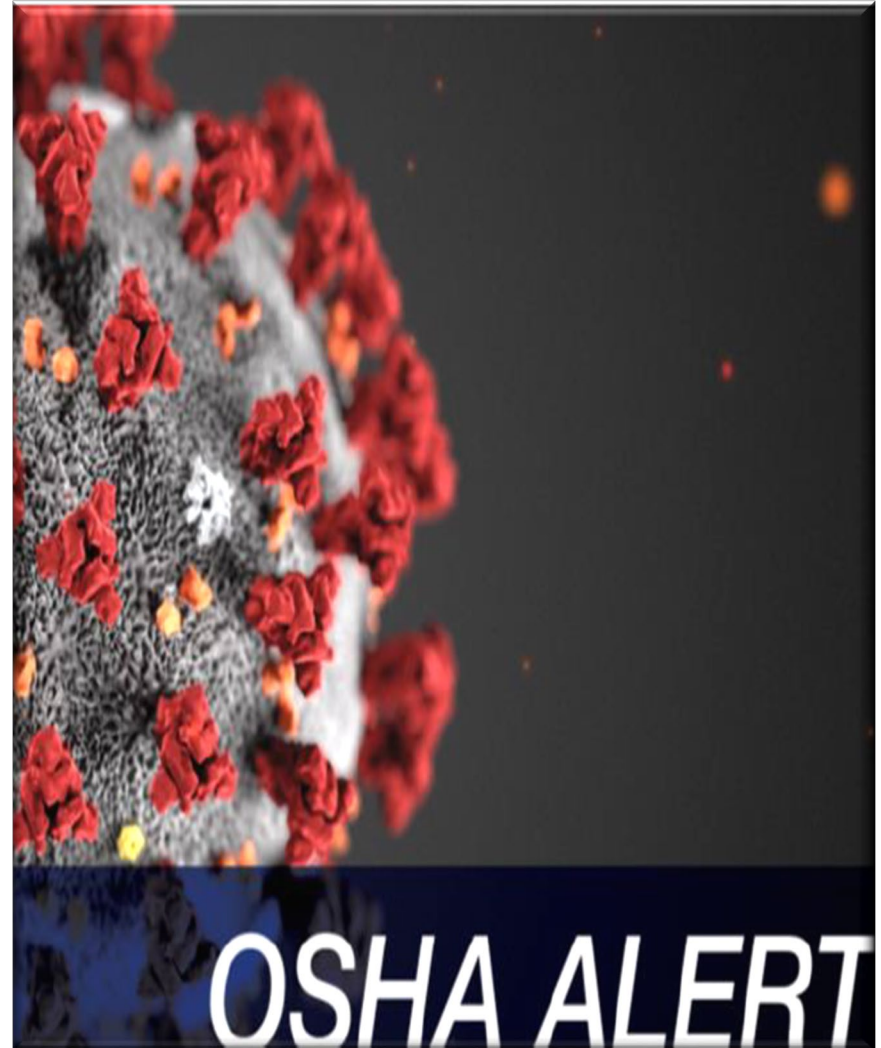
To the extent tools or equipment must be shared, provide and instruct workers to use alcohol-based wipes to clean tools before and after use. When cleaning tools and equipment, workers should consult manufacturer recommendations for proper cleaning techniques and restrictions.



OSHA: Guidance on Other Design Professionals

COVID-19 Guidance for Restaurants
Offering Takeout or Curbside Pickup

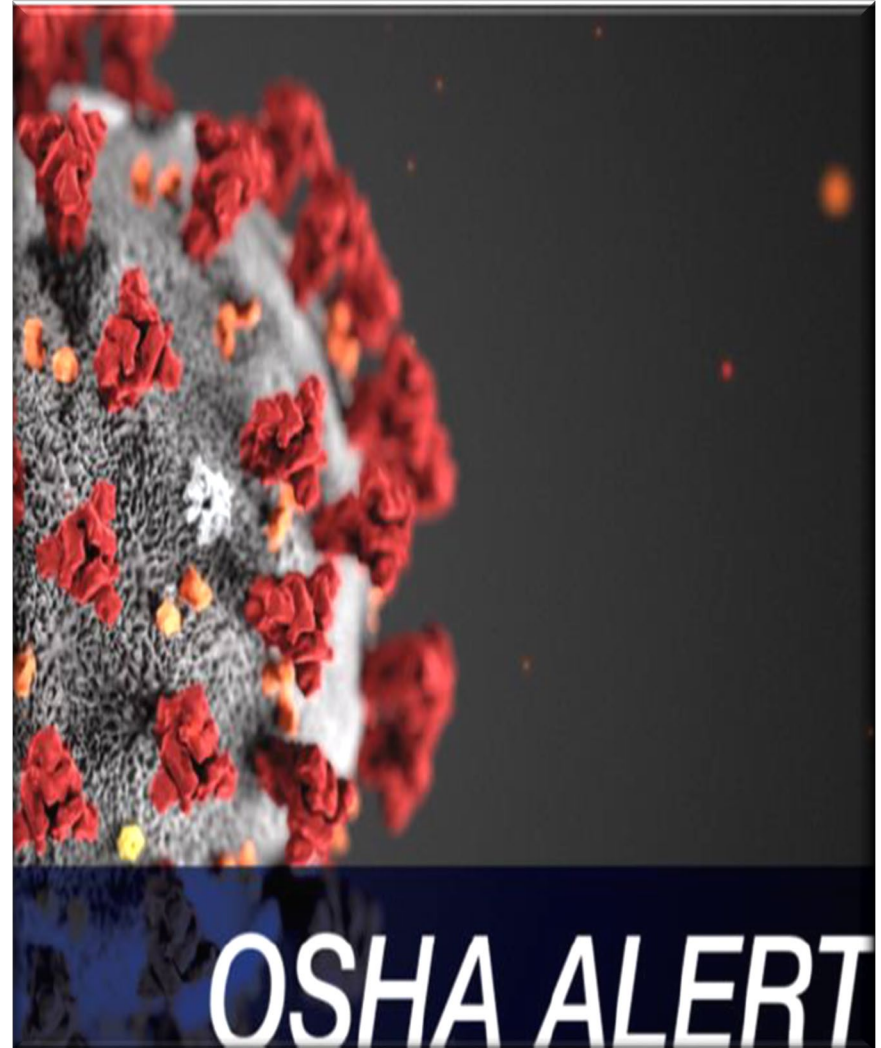
Reserve parking spaces near the front door for curbside pickup only.



OSHA: Guidance on the General Public

COVID-19 Guidance for Nursing Home
and Long-Term Care Facility Workers

Follow CDC
guidance on
updating existing
resident visitation
policies.



Keep in mind...

Plans to keep people safe must be:

- Well-reasoned
- Non-discriminatory

CDC: Centers for Disease Control

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Did you know?

Resuming Business TOOLKIT

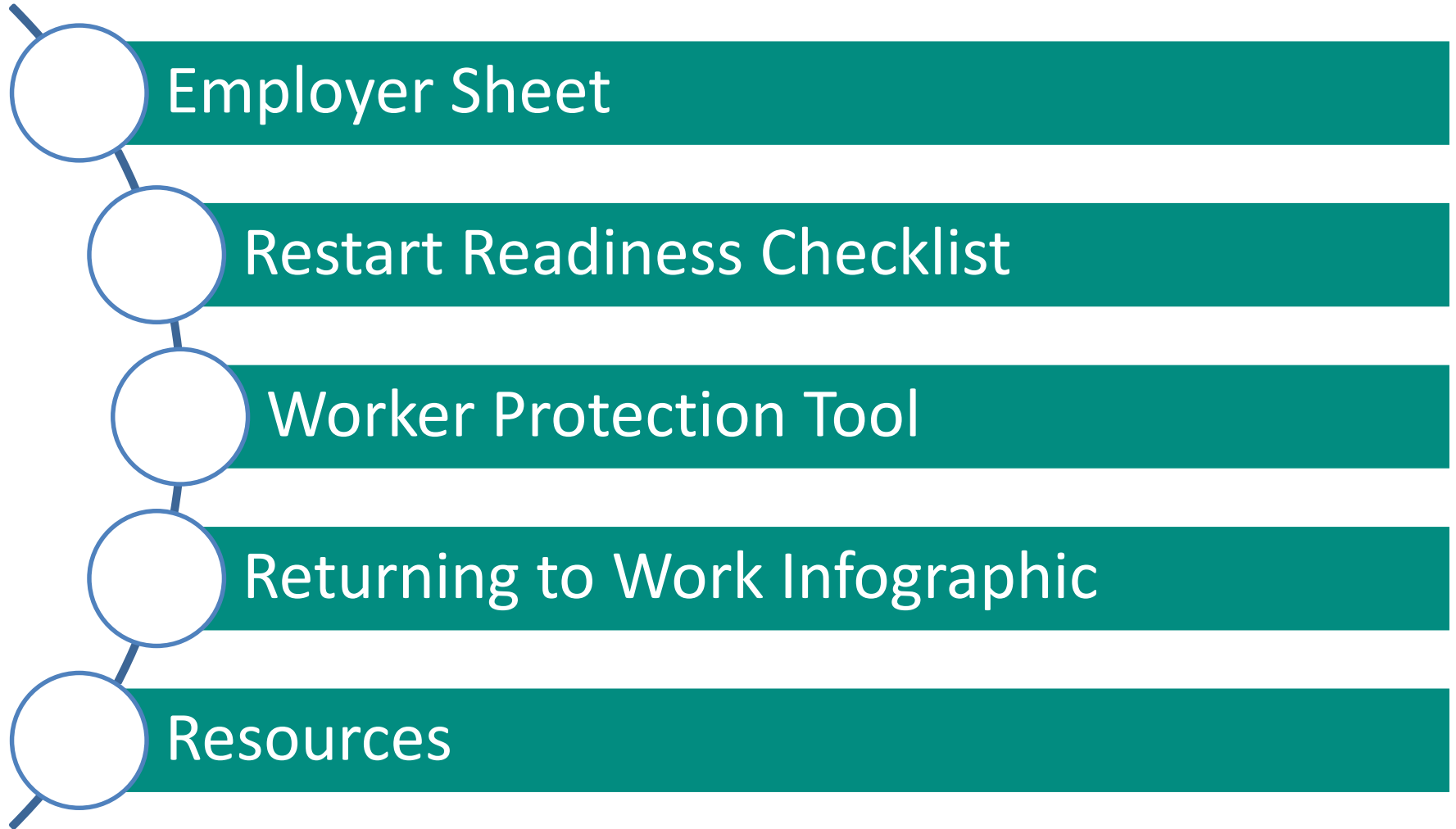
Coronavirus Disease 2019 (COVID-19)



Centers for Disease Control
and Prevention
produced the
Resuming Business TOOLKIT

May 27, 2020

CDC: Toolkit includes—



CDC: Restart Readiness Checklist

Reinforce how employees can protect themselves and others

If you have symptoms, notify your supervisor and stay home.

If you are sick follow CDC-recommended steps and do not return to work until you meet criteria to discontinue home isolation.



Restart Readiness Checklist

For Coronavirus Disease 2019 (COVID-19)

Use this checklist (for non-healthcare employers) as a guide to resuming business operations as safely and healthy as possible for you, your employees, and the public. Some items may need to be ongoing, so regularly revisit the checklist while COVID-19 cases exist. Only complete those items that apply to your business. See the Resources section for links and QR codes to web resources.

1. Prevent and reduce transmission among employees

Monitor federal, state, and local public health communications about COVID-19.

Item	Completed	Ongoing	Not Started	Not Applicable
Ensure workers have access to current information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Check local public health information [5] and the CDC COVID-19 website [1] daily, or as needed depending on local conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reinforce how employees can protect themselves and others from COVID-19 by communicating the following:

Item	Completed	Ongoing	Not Started	Not Applicable
If you have symptoms [6], notify your supervisor and stay home.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you are sick, follow CDC-recommended steps [7], and do not return to work until you meet criteria to discontinue home isolation [8].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you are well, but have someone in your household who has COVID-19, notify your supervisor and follow CDC recommended precautions [9].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wash hands [10] often with soap and water for at least 20 seconds, or use hand sanitizer with at least 60% alcohol if soap and water are not available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avoid touching eyes, nose, and mouth.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cover mouth and nose with a tissue or inside of the elbow when coughing or sneezing, immediately throw tissue in trash, then wash hands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CDC: Worker Protection Tool

Personal Protective Equipment (PPE)

Conduct a workplace hazard assessment

Determine needed PPE for worker's job duties based on hazards and existing protections

Select and provide appropriate PPE to workers at no cost



Worker Protection Tool

For Coronavirus Disease 2019 (COVID-19)

Consider the exposure that your workers will have to potential sources of COVID-19 when you resume business operations. Use this tool to identify protective measures for interactions between workers and/or the public; revisit the tool on an ongoing basis while COVID-19 cases exist. Only complete items that apply to your business. See appendix for web resources.

Worker Protections

Engineering

Facilities and Equipment	Completed	N/A
Assess job hazards for potential benefit of engineering protections.	<input type="checkbox"/>	<input type="checkbox"/>
Ensure ventilation and water systems operate properly.	<input type="checkbox"/>	<input type="checkbox"/>
Alter the workspace to maintain social distancing [23]. Examples include:	<input type="checkbox"/>	<input type="checkbox"/>
Arrange partitions as a barrier shield.	<input type="checkbox"/>	<input type="checkbox"/>
Move electronic payment reader away from cashier.	<input type="checkbox"/>	<input type="checkbox"/>
Use verbal announcements, signs, and visual cues to promote social distancing.	<input type="checkbox"/>	<input type="checkbox"/>
Remove/rearrange furniture.	<input type="checkbox"/>	<input type="checkbox"/>
Provide remote shopping alternatives (e.g., delivery, pick-up).	<input type="checkbox"/>	<input type="checkbox"/>

Administrative—three categories

Management and Communications	Completed	N/A
Monitor state and local public health communications about COVID-19.	<input type="checkbox"/>	<input type="checkbox"/>
Encourage sick workers to report symptoms, stay home, and follow CDC guidance.	<input type="checkbox"/>	<input type="checkbox"/>
Consider conducting daily in-person or virtual health checks [15] (e.g., symptom and/or temperature screening) before employees enter the facility:	<input type="checkbox"/>	<input type="checkbox"/>
Develop strategies to communicate with workers and manage concerns.	<input type="checkbox"/>	<input type="checkbox"/>
Remind workers of available support services.	<input type="checkbox"/>	<input type="checkbox"/>
Communicate to partners, suppliers, and contractors on policies and practices.	<input type="checkbox"/>	<input type="checkbox"/>
Encourage social distancing and use of cloth face coverings (if appropriate) [14] for both employees and customers.	<input type="checkbox"/>	<input type="checkbox"/>
Use technology to promote social distancing (e.g., telework, virtual meetings).	<input type="checkbox"/>	<input type="checkbox"/>
Cancel group events.	<input type="checkbox"/>	<input type="checkbox"/>

Continued

Keep in mind...

Returning to work infographic



Keep yourself and others safe from COVID-19 when returning to work

Clean your hands often



- ✓ Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, after blowing your nose, coughing, or sneezing, and after using others' or shared equipment.
- ✓ If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
- ✓ Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid close contact



- ✓ Put distance (at least 6 feet) between yourself and other people.
- ✓ Wear cloth face coverings (if appropriate) when social distancing is difficult to maintain.
- ✓ Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. Clean and disinfect between employees if sharing occurs.
- ✓ Remember that some people without symptoms may be able to spread virus.

If you are at increased risk for severe illness. . .



- ✓ Contact management to request special accommodations that will allow you to perform your job duties safely.

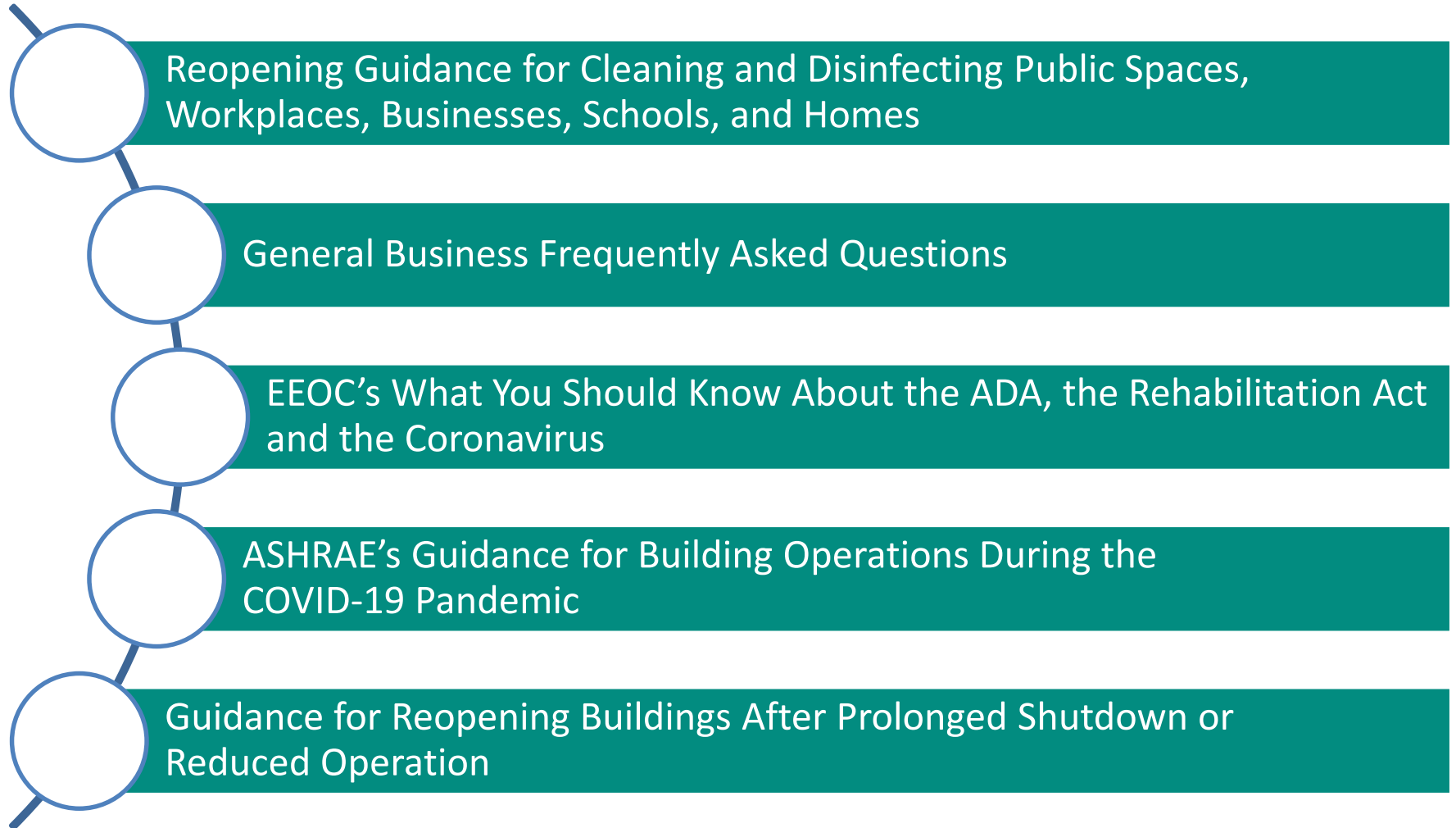


Protect yourself and others from COVID-19 by taking everyday preventive actions.



[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

CDC: Resources include—





EEOC: Equal Employment Opportunity Commission

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EEOC: Anti-Discrimination in the Workplace

Pre-Hiring Guidance

- Health Screening
- Delayed Offers and Start Dates
- Withdrawals of Offers

EEOC: Anti-Discrimination in the Workplace

Post-Hiring Guidance

- Disability-Related Inquiries and Medical Exams
- Confidentiality of Medical Information
- Reasonable Accommodation
- Harassment
- Furloughs/Layoffs
- Return to Work
- Age
- Caregiver/Family Responsibility
- Pregnancy

EEO Laws that may be Applicable

Age Discrimination
in Employment Act

Genetic
Information
Nondiscrimination
Act

Title VII of the Civil
Rights Act

Rehabilitation Act

Americans with
Disabilities Act

Did you know?



Construction workers are cited as a top group among people infected by coronavirus.

Example – Infrared Thermometers



STATE OF CONNECTICUT
GOVERNOR NED LAMONT

05/15/2020

Governor Lamont Announces Distribution of Infrared Thermometers to Eligible Small Businesses, Nonprofits, and Places of Worship

(HARTFORD, CT) – Governor Ned Lamont today announced that the State of Connecticut will be distributing 50,000 infrared thermometers it has secured for small businesses, nonprofits, and places of worship to support safe reopening activities amid the COVID-19 pandemic.

Small businesses, nonprofits, and places of worship that would like to request equipment from the state's supply of infrared thermometers should fill out a form online to indicate their request. The state has partnered with the Connecticut Business and Industry Association and its affiliate CONNSTEP to distribute the thermometers. They will be delivered to the municipalities in which the organizations are located, and then the municipalities will contact the recipient entities to inform them of a time and location they can pick up their requested equipment.

"We've secured these infrared thermometers for our businesses, nonprofits, and places of worship because having adequate screening measures is an important step in keeping people safe," **Governor Lamont said.**

Entities that would like to request a thermometer can fill out the forms located at [ct.gov/coronavirus](https://portal.ct.gov/coronavirus) in the "Access to Personal Protective Equipment" section, or through the links provided below:

Keep in mind...

Employers must proceed with caution when assessing accommodations and out of office requests

- Employer's policy
- Federal leave laws
- State leave laws

ADA: Americans with Disabilities Act

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We start here:

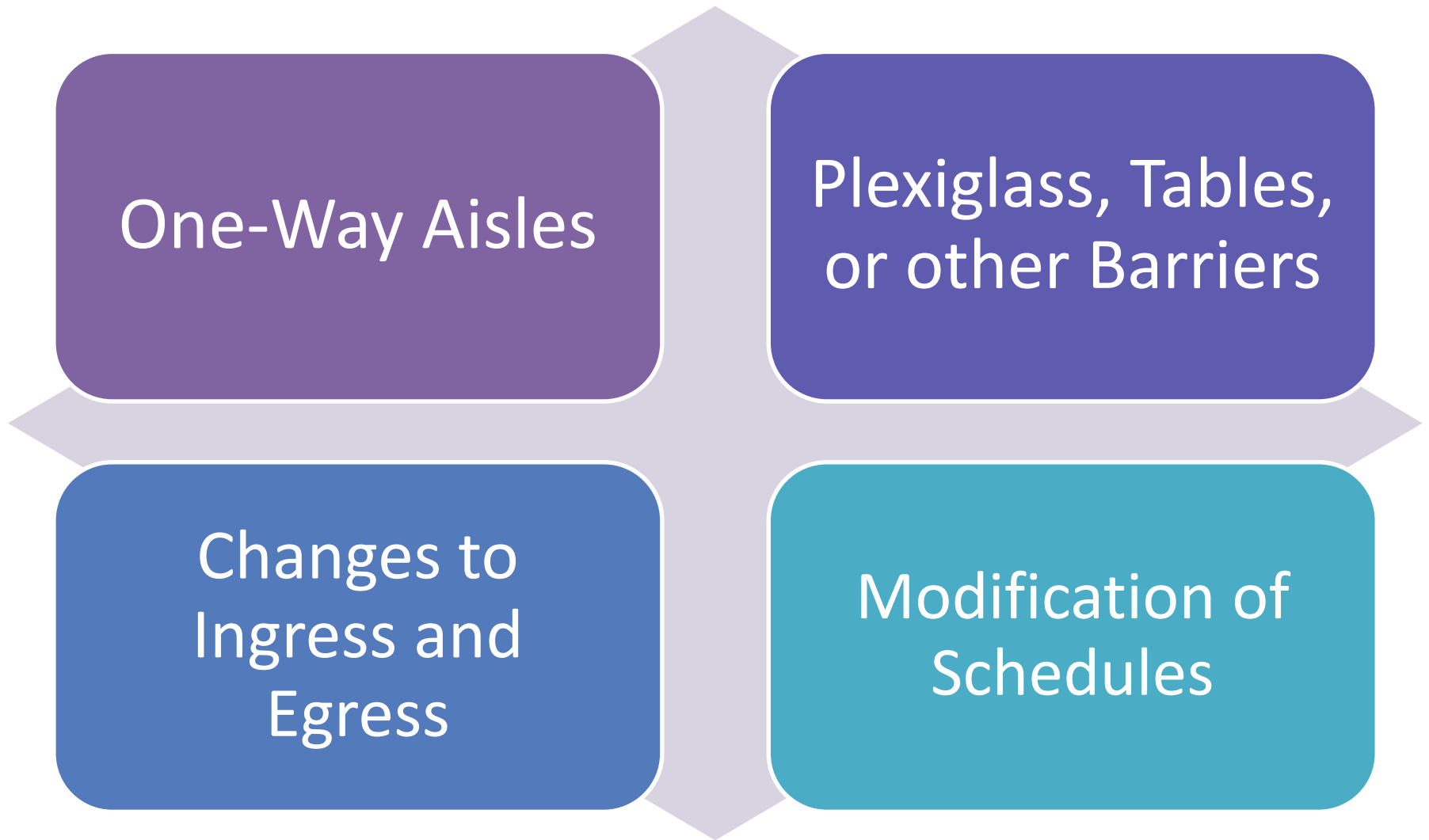


Disability
Groups

Risk
Assessment

Disability alone may not be related to higher risk for
getting COVID-19 or experiencing severe illness

Reasonable Accommodations



Keep in mind...

ADA: Here's What's Changing (or not)

- Is COVID-19 a disability under the ADA?
- Can I ask an employee if they have an underlying condition that would make them more vulnerable to COVID-19?
- What accommodations might we expect?

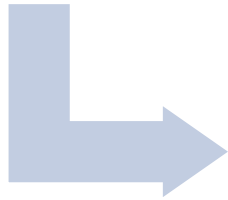
SBA: Small Business Administration

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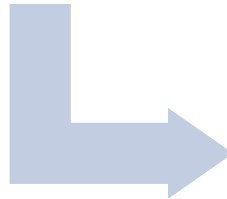


Guidance for Businesses and Employers

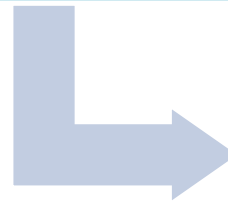
Interim Guidance for
Businesses and Employers
to Respond to COVID-19



Preventing Stigma Related
to COVID-19



Share Facts
about COVID-19



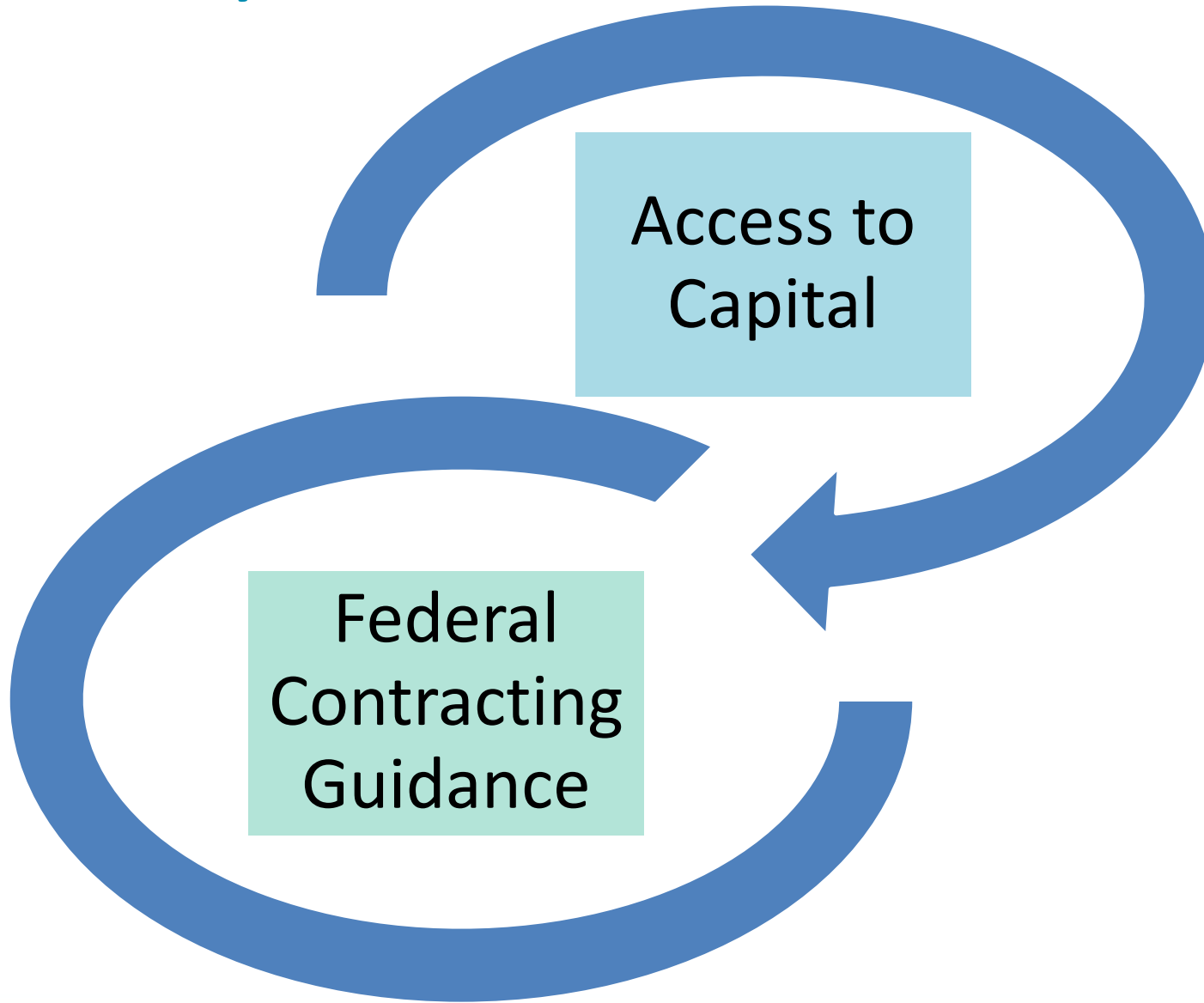
Common Issues Small
Businesses May Encounter

Keep in mind...

Common Issues Small Businesses May Encounter:

- Capital Access
- Workforce Capacity
- Inventory and Supply Chain Shortfalls
- Facility Remediation/Clean-up Costs
- Insurance Coverage Issues
- Changing Market Demand
- Marketing
- Plan

Two Key Functions of SBA



State Standards and Duties

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State Health Department Websites (Maryland Example)

COVID-19 Local Orders (View Only) ⋮



Report Abuse

Grid View ▾ Filter									
		County	County Gov't or Health Officer	Order #	Order Title	Date Effective	Date Removed	Actions	
1		Allegany	In line with Governor's Order						
2		Anne Arundel	County Executive	Order #21	Reopening of Certain Businesses	05/15/20		Establishments that sell goods may open for curbside service; manufacturing may open; religious facilities may open to fewer than 11 people; personal service facilities may open to only one person at a time; outdoor recreational facilities may open	
3		Baltimore City	Mayor	Stay at Home Order	Continuation of Governor's Stay at Home Order	05/15/20		Extending the stay at home order for Baltimore	
4		Baltimore County	County Executive	Order 2020-005	Amending Executive Order Prohibiting Large Gatherings and Events, Closing of Places of Assembly and Social Distancing Rules	05/15/20		Retail stores able to open for curbside pickup; Personal Services remain closed; Manufacturing may open; Religious facilities remain closed	
5		Calvert	In line with Governor's Order						
6		Caroline	County Executive	Order 20-05-13-01	Road to Recovery: Stage One	05/14/20		In line with Governor's Order EXCEPT to note that outdoor spaces owned by the county remain closed	
7		Carroll	In line with Governor's Order						
8	▾	Cecil	In line with Governor's Order						
9		Charles	County Commission	News Release # 2020-073	Phase One Roadmap to Recovery	05/29/20		Will proceed with Governor's Order beginning May 29	
10		Dorchester	In line with Governor's Order						

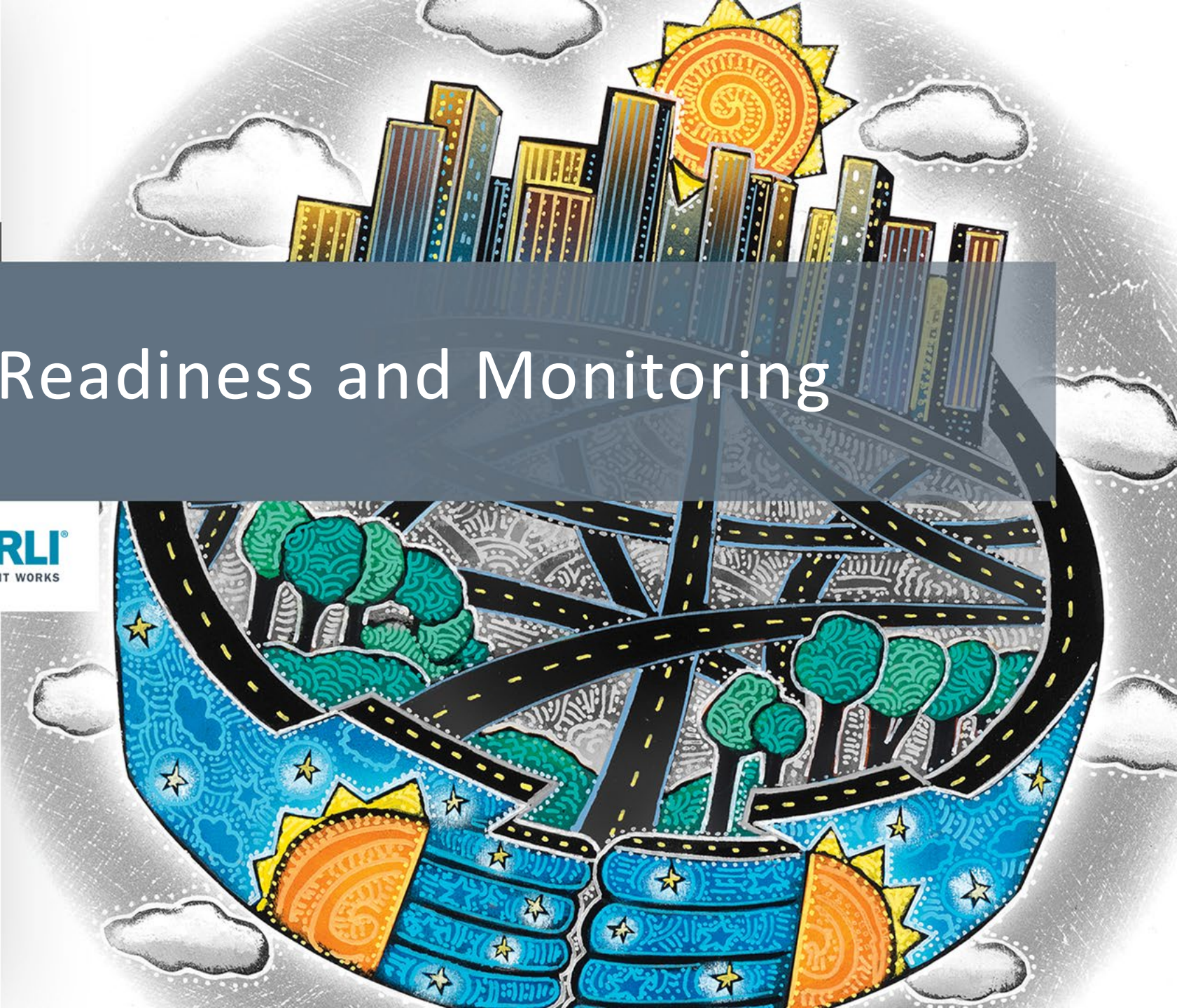
Keep in mind...

Resources to help with state and local guidance:

- Executive Orders of Government Officials
- Medical Professionals
- Law Firms
- Professional Societies

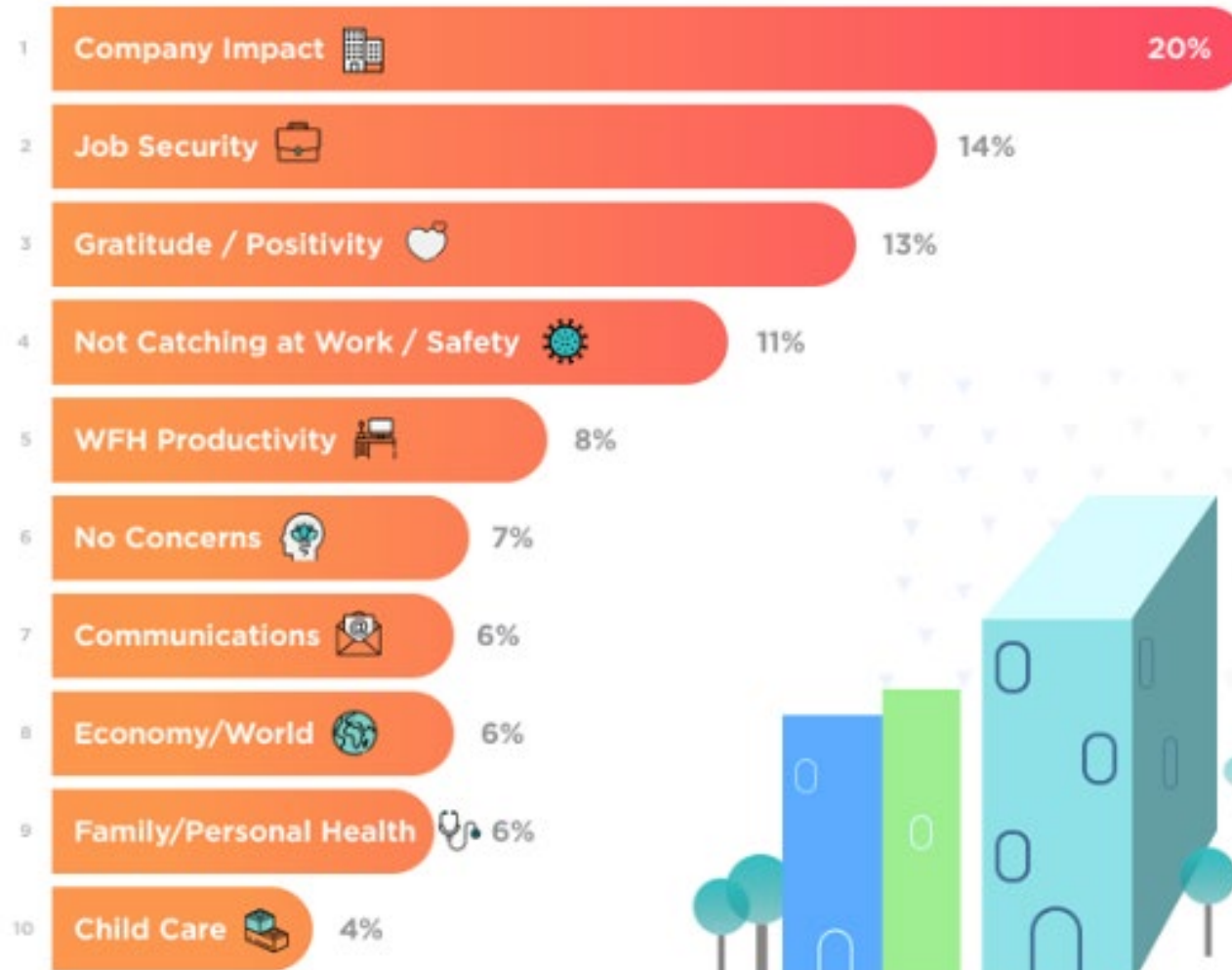
Readiness and Monitoring

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Top 10 COVID-19 Concerns

Top Employee Concerns



Some Best Practices for Readiness and Monitoring

Define Scope

- Focus only on services that your firm is legally qualified to perform, or find qualified consultants
- “Including but not limited to” in your scope is generally not helpful

Account for Additional Services

- Define Basic, Additional, and Supplemental Services Up Front
- Agree on Compensation for All Services

Incorporate Schedule Allowances

- Include Time for Review by Design Team, Client, and Authorities
- Add Epidemics in Force Majeure Clauses
- Avoid Time is of the Essence Provisions

Follow...

1

Where the COVID-19 pandemic has spread and where it's progressing or receding

2

Changes in laws: accessibility, employment, safety

3

Professional societies, government agencies, medical and legal advisors for guidance

4

Insurance claim trends help to understand where new risks are emerging and where there is no coverage

5

Your own successes and failures so you don't make the same mistake twice

Thank you for your time!

QUESTIONS?

This concludes The American Institute of Architects
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