Coronavirus (COVID-19)

NEW! AGC's Comprehensive Analysis of the Coronavirus Aid, Relief, and Economic Security (CARES) Act

AGC of America's government relations team has combed through the details of the coronavirus relief bill set for passage in the House. They provided this initial analysis of what is in the bill and how it will impact the construction industry. We will, of course, share even more details as we continue to comb through the measure.

In addition, the U.S. Department of Labor’s Wage and Hour Division (WHD) today added to its published guidance to provide information to employers about meeting their requirements to offer emergency paid sick leave and paid family medical leave offered by the Families First Coronavirus Response Act (FFCRA) when it takes effect on April 1, 2020.

Specifically, WHD added to its original Questions and Answers document. The new Q&A’s (see questions 15-37) address critical issues, such as recordkeeping, documentation requirements, when an employee is unable to telework, intermittent leave, worksite closures, furloughs, UI interaction, health coverage requirements, and multiemployer collective bargaining agreement implications.

NEW! AGC of America CEO, Stephen Sandherr, Encourages Construction Employers to Continue Operating Safely during Coronavirus Pandemic

AGC CEO Stephen Sandherr sent a message to every member firm on March 26 urging them to make sure their entire teams are following the guidance set by public health and safety officials to protect their workers from the spread of the coronavirus. Noting that the public was counting on the industry to do its part to block the spread of the coronavirus, he noted that there was no margin for error. Read the complete letter here.

NEW! Stay on Top of Delayed Projects

AGC's friends at Construct Connect have created a helpful interactive map that lists some of the project disruptions that have taken place across the country because of the coronavirus pandemic. You can view the map here.


On March 26, the U.S. Department of Labor's Wage and Hour Division (WHD) announced more guidance to provide information to workers and employers about how each will be able to take
advantage of the emergency paid leave offered by the Families First Coronavirus Response Act (FFCRA) when it takes effect on April 1, 2020.

The new guidance includes two new posters, one for federal workers and one for all other employees, that will fulfill notice requirements for employers obligated to inform employees about their rights under this new law. It also includes questions and answers about posting requirements, and a Field Assistance Bulletin describing WHD’s 30-day non-enforcement policy. The new guidance addresses critical issues such as whether employers may post required notice electronically, whether employers must provide notice of this law to recently laid-off individuals, when FFCRA applies to federal workers and when enforcement of the new rules will begin.

NEW! U.S. Senate Passes $2 Trillion Economic Aid Bill

Late last night, March 25, the Senate passed the largest economic aid package in our nation’s history. On a 96-0 vote, the $2 trillion bill—the Coronavirus Aid, Relief, and Economic Security (CARES) Act—passed the Senate and is soon expected to be approved by the House and signed into law. This legislation will provide the industry with a much-needed lifeline that will help firms and workers over the coming days and weeks. But the industry will not be able to truly recover until federal officials pass measures designed to stimulate new demand for construction, make contractors whole for losses incurred because of the coronavirus and protect employee retirement and health plans. Which is why AGC is pushing Congress for additional recovery measures beyond what is included in the bill. We continue to comb through the Senate bill to determine its full impact on the industry. Click here to listen (and actually watch too) a brief podcast describing the details of the bill. You can also read AGC’s letter to Congress about the bill here and AGC media statement (see statement here) in response.

NEW! AGC calls on Homeland Security Agency to Revise Essential Critical Infrastructure Guidance

On March 25, AGC called on the Cybersecurity and Infrastructure Security Agency (CISA), a division of the Department of Homeland Security, to issue a revision to recent COVID-19 related guidance that will explicitly include all construction workers as “Essential Critical Infrastructure Workers.” The absence of the word “construction” from many of the critical infrastructure workforces described in the guidance has become problematic as many state and local governments appear to be overlooking the memorandum and evaluating only the descriptions included under the various listed critical infrastructure workforces. In the few instances where construction is noted or, perhaps, implicitly referenced in the list, significant confusion has arisen. It is imperative that CISA issue a technical correction to this guidance to avoid states and localities from creating a confusing patchwork of regulations that would inhibit the full industry’s essential role in helping address the COVID-19 outbreak and protecting national security.

NEW! US DOL Publishes New Federal Paid Leave Guidance Families First Coronavirus Response Act

On March 24, the U.S. Department of Labor’s Wage and Hour Division (WHD) announced its first round of published guidance to provide information to employers about meeting their requirements to offer emergency paid sick leave and paid family medical leave offered by the Families First Coronavirus Response Act (FFCRA) when it takes effect on April 1, 2020.
The guidance – provided in a Fact Sheet for Employees, a Fact Sheet for Employers and a Questions and Answers document – addresses critical questions, such as how an employer must count the number of their employees to determine coverage; how small businesses can obtain an exemption; how to count hours for part-time employees; and how to calculate the wages employees are entitled to under this law.

US DOL releases this FFCRA poster, which outlines details of the new, temporary, paid sick and family medical leave programs established as part of the federal response to the coronavirus.

**NEW! Defense and Civilian Agencies Respond to AGC’s Request for Guidance for Direct Federal Contractors**

USACE, GSA, and others provide guidance and planning for potential contract impacts due COVID-19. To read more, please click here.

**NEW! AGC, Others, Push OSHA to Stop Treating Coronavirus Positives as Reportable Incidents & Calls for Flexibility for Firms Running Short of N95 Masks**

AGC, along with our industry partners on the Construction Industry Safety Coalition (CISC), is pushing the Occupational Safety and Health Administration (OSHA) to re-evaluate its decision to treat cases of employees contracting COVID-19 as recordable incidents. Instead, healthcare providers should be required to report these cases on their logs because they are in direct contact with people with confirmed cases and are at greatest risk.

At the same time, we are pushing OSHA to provide flexibility in enforcement with respect to respirator use due to the growing shortage of N95 respirators. For example, OSHA should consider allowing job rotation to reduce exposures to employees who may not have access to the appropriate masks. For more information, and to view a copy of the AGC/CISC letter, click here.

**Construction as an Essential Industry**

The federal government recently released a list detailing "critical infrastructure industries" whose workers are "essential" and should continue normal work schedules. **Although the document lists industries for which construction is absolutely critical, our industry was not explicitly included.** Even though the list "is not, nor should it be considered to be, a federal directive or standard in and of itself," some states have/are considering it for determining which industries can go to work amid state and local COVID-19 responses to shelter in place, among other policies.

AGC of America has continually sought to make clear that our industry is essential to responding to and recovering from this virus in the following ways:

- Received broad media coverage of its release detailing how counter intuitive it is to shut down construction projects and the industry itself during a pandemic.
- Partnered with the buildings trades unions in a joint release—showing that management and labor agree—that construction must be included as an essential service able to operate during COVID-19-related shutdowns.

https://www.agc.org/coronavirus-covid-19
• Partnered with construction business organizations in a letter to the White House in underscoring the essential need for the construction industry to work during this crisis.
• Communicated to the Republican and Democratic Governors’ Associations these same messages.

Please join us in telling President Trump and Congress to treat the construction industry and the work it performs as vital and essential to the critical industries that must remain in operation to respond to this pandemic and crises to come. To ensure this is the case, the federal government must issue guidance classifying construction as a critical infrastructure industry whose workers are essential. Click here and simply submit the pre-written message as is to President Trump and your members of Congress or customize it with personal information on how this issue impacts you and your employer. You can view the real-time activity on this action alert here.

Take Action: Tell Congress to Protect Construction Jobs and Markets!

The Senate could vote on a new $2 TRILLON+ COVID-19 relief package shortly. Negotiations are extremely fluid. On March 20, AGC of America shared its priorities and policy proposals in a letter to all members of the U.S. Senate and House of Representatives and received confirmation from key legislators and officials that many of our priorities are part of the fast-paced negotiations. Our priorities include but are not limited to:

• Protecting our members’ cash flows and access to capital;
• Infusions of funding into direct federal and federal-aid construction accounts;
• Enacting multi-year reauthorizations of federal and federal-aid construction programs; and
• Maintaining the viability of multiemployer pension and health plans on which millions of participants, retirees and contributing employers depend.

Please join us in telling Congress to take immediate action. Click here and simply submit the pre-written message as is to your members of Congress or customize it with personal information on how this issue impacts you and your employer. You can view the real-time activity on this action alert here.

Update on Federal Paid Leave Mandates under the Families First Coronavirus Response Act, H.R. 6201

On March 20, Treasury, IRS and DOL announced their intent to implement these new mandates. Items to note:

• SMALL BUSINESS EXEMPTIONS: It appears that guidance/regulations will be issued from the Secretary of Labor to exempt small businesses with fewer than 50 employees from the leave requirements relating to school closings or child care unavailability where the requirements would jeopardize the ability of the business to continue. The exemption will be available on the basis of simple and clear criteria that make it available in circumstances involving jeopardy to the viability of an employer’s business as a going concern.

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PROMPT PAYMENT FROM IRS TO EMPLOYERS MANDATED TO PROVIDE LEAVE: Under guidance that will be released next week, eligible employers who pay qualifying sick or child care leave will be able to retain an amount of the payroll taxes equal to the amount of qualifying sick and child care leave that they paid, rather than deposit them with the IRS. The payroll taxes that are available for retention include withheld federal income taxes, the employee share of Social Security and Medicare taxes, and the employer share of Social Security and Medicare taxes with respect to all employees. If there are not sufficient payroll taxes to cover the cost of qualified sick and child care leave paid, employers will be able file a request for an accelerated payment from the IRS. The IRS expects to process these requests in two weeks or less. The details of this new, expedited procedure will be announced next week.

Summary of Paid Leave Mandates under the Families First Coronavirus Response Act, H.R. 6201

On March 18, 2020, Congress approved and the president signed into law legislation that includes mandates for employer-fronted federal paid leave—emergency sick leave and emergency paid family and medical leave described below. These requirements take effect on April 2, 2020, and sunset on December 31, 2020. However, the legislative environment remains fluid. The Senate could consider altering these paid leave mandates in a COVID-19 economic investment bill, a third COVID-19 relief bill. Such a measure could pass within days and would then need to be considered by the House before it became law. As such, please note that the information in this document is potentially subject to change before it takes effect. Read more.

AGC Joins Chorus of Groups Calling for Tax Measures to Safeguard Businesses during Outbreak

On March 18, AGC joined a host of other business groups in calling on Congress to enact a number of tax-related measures to safeguard companies, regardless of size, during the COVID-19 outbreak. This includes policies such as immediately providing accessible, unsecured credit to businesses, suspend the filing of business returns and the payment of all business taxes, and amending the Tax Code to, among other items, restore the ability of businesses to carryback any net operating losses against previous year tax payments. AGC believes these measures will help to minimize the number of businesses closed and workers unemployed during this time and ensure that all businesses have the resources necessary to ride out the pandemic.

AGC Calls for Federal Contractors to be Compensated for COVID-19 Related Losses: Equitable Adjustments due to Facility Restriction

On March 18, AGC, along with other coalition partners, urged Congress to support compensation for federal contractors during the COVID-19 outbreak. Legislative language was included in the letter to authorize contract equitable adjustments in cases where federal facility access limitations or denials bar contractors from performing their duties as required.

COVID-19 Best Practices for Construction Jobsites

https://www.agc.org/coronavirus-covid-19

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For detailed practices, click on any of the following:

- AGC Houston Chapter COVID-19 Recommended Practices for Construction Jobsites
- AGC Oregon-Columbia Chapter COVID-19 Jobsite Practices
- The Builders' Association COVID-19 Recommended Best Practices for Construction Jobsites

OSHA Provides Guidance on Recording Workplace Exposures to COVID-19

OSHA recordkeeping requirements at 29 CFR Part 1904 mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 log.

COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

1. The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
2. The case is work-related, as defined by 29 CFR 1904.5; and
3. The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work).

For more information, click here.

AGC Opposes House-Passed Paid Leave Proposal

In a March 16, 2020 letter to the Senate, AGC stressed the need to address the 14 weeks of employer-fronted paid leave mandated under the House-passed H.R. 6201, the Families First Coronavirus Response Act, and to offer workable solutions.

AGC cannot support a Senate product that includes this House-passed proposal in H.R. 6201 and reserves the right to record the vote on legislation including such a proposal as an AGC “Key Vote” for the education of its membership.

To read the complete letter, click here.

AGC has assembled general guidance and links to information from our federal agency partners and health organizations. AGC will continue to monitor the situation and update the information on this page accordingly.

What is COVID-19?

Coronaviruses are a large family of viruses that are common in people and many different species of animals, including camels, cattle, cats, and bats. Rarely, animal coronaviruses can infect people and then spread between people such as with MERS-CoV, SARS-CoV, and now with this new virus (named SARS-CoV-2). The virus that causes COVID-19 is spreading from person-to-person in China
and some limited person-to-person transmission has been reported in countries outside China, including the United States. However, respiratory illnesses like seasonal flu, are currently widespread in many US communities.

Symptoms of COVID-19

Reported illnesses have ranged from mild symptoms to severe illness and death for confirmed coronavirus disease 2019 (COVID-19) cases.

Symptoms may appear 2-14 days after exposure*:

- Fever
- Cough
- Shortness of breath

*This is based on what has been seen previously as the incubation period of MERS-CoV viruses.

Call your healthcare professional if you develop symptoms, and have been in close contact with a person known to have COVID-19 or if you have recently traveled from an area with widespread or ongoing community spread of COVID-19.

What Should Employers Do?

The Center for Disease Control and Prevention (CDC) is encouraging businesses to begin preparations for the spread of the Coronavirus in the United States. In order to assist you in these preparations, you are encouraged to take the following steps:

- Educate your employees
  - What You Need to Know About the Coronavirus
  - What To Do When You Are Sick
  - Hygiene and health is key - Practicing standard sanitation and hygiene regimens is a top priority.
    - Encourage frequent and thorough hand washing with soap and water Hand Washing Guidance.
    - Hand sanitizer, with at least 60% alcohol content, is a secondary option.
    - Remind everyone to keep noses and mouths covered when coughing or sneezing Coughing and Sneezing Etiquette.
    - Avoid touching in and around the eyes, with unwashed hands.
    - Everyone who has not yet had a flu shot should get one as soon as possible.

- Follow the CDC recommendations for employers:
  - Employer Guidance: PREPARE NOW.
• Emphasize staying home when sick, respiratory etiquette, and hand hygiene by all employees.
• Perform routine environmental cleaning.
• Update your absenteeism policy and communicate the requirements.
• Update your work from home policy and communicate the requirements.

• **Planning Considerations**
  • Prepare for increased absenteeism
    • Cross train employees to handle other functions
    • Encourage employees to develop contingency plans for child care in the event there are long term closures of schools and day care centers
  • Prepare for business interruption
    • Identify alternative suppliers
    • Prioritize certain customers
    • Prepare to shut down certain functions

**Additional Resources**

• AGC Proactive Measures for Addressing COVID-19

  Project Slowdown/Shutdown Guidance
  • Master Builders' Association *Project Shutdown Guide*
    • AGC Oregon-Columbia Chapter *Preparing for a Slowdown/Shutdown*
    • AGC Wisconsin and AGC Greater Milwaukee *Recommended Practices for Securing Project Sites and Buildings*

  Multistate: Stay-at-Home Orders: What is Considered an “Essential Business”?*
  • Husch Blackwell: Labor Relations Issues and COVID-19: Avoiding NLRA Violations through Proactive Measures
  • *Willis Towers Watson: COVID-19 Risk Control Protocol Sharing Survey*
  • AGC of Washington: Toolbox Talk on COVID-19
  • CDC Website English | Spanish
  • CDC: Interim Guidance for Businesses and Employers
  • CDC: Crisis + Emergency Response Communication in an Infectious Disease Outbreak
  • CDC: Information for Communities, Schools, and Businesses
  • CDC: Print Resources (Available in Multiple Languages)

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• DOL: COVID-19 Resources
  • DOL: Guidance on Preparing Workplaces for Coronavirus (English) | Spanish
  • DOL: OSHA Resources for Workers and Employers on COVID-19
  • OSHA: Protecting Workers During a Pandemic
  • WHO: Coronavirus Disease (COVID-19) Outbreak
  • WHO: Get Your Workplace Ready for COVID-19
  • CISA: Risk Management for COVID-19
  • EPA: Disinfectants for Use Against COVID-19
  • Milwaukee: Cleaning of Tools to Help Prevent Spread of COVID-19
  • CDC: Environmental Cleaning and Disinfection Recommendations–Community Facilities
  • Fisher Phillips: Comprehensive And Updated FAQs For Employers On The COVID-19 Coronavirus
  • SBA: Small Business Guidance & Loan Resources
  • Construction Contract: Sample Notice of Delay Letter, Guidance on Construction Terms
  • EEOC: What You Should Know About the ADA, the Rehabilitation Act, and COVID-19
  • EEOC: Pandemic Preparedness in the Workplace and Americans with Disabilities Act

The information on this page was updated on March 27, 2020.

Industry Priorities: Safety & Health