

INDUSTRY RESPONSE TO COVID-19

UPDATES AND RESOURCES

CAPA and the National Asphalt Pavement Association continue to provide information and resources to you amid this pandemic. NAPA has created a [COVID-19 web page](#) to compile news and resources that are especially pertinent to the asphalt pavement industry. It is updated daily with breaking information on relevant legislation, business continuity, training, event cancellations, and more.

Our Industry Moves Forward, Reaches Out Despite Pandemic

While continuing to make progress on road construction projects, Industry is looking for ways to support fellow Americans who have lost their jobs as a result of the coronavirus outbreak. State asphalt pavement associations and contractors around the U.S. are working closely with their respective DOTs and agencies as roadway work has been considered "essential" in most states. Given the opportunity to continue work in a safe manner, some contractors are extending opportunities to those recently unemployed. Contractors across the country are posting job opportunities with expedited on-boarding and quickly putting people to work.

Download Your COVID-19 Response Plan

NAPA, as part of the Construction Industry Safety Coalition (CISC), has published a [downloadable](#) Exposure Prevention, Preparedness, & Response Plan for the Construction Industry. Provided as a Microsoft Word template, the response plan can be tailored to individual companies. Also included are a training checklist, a toolbox talk, an employee notification form, and a document that identifies that the industry is an "essential" infrastructure industry amid shelter-in-place orders. When using the response plan, companies should review additional suggested industry practices available on [NAPA's COVID-19 health and safety webpage](#).

Business & Workplace Implications from COVID-19

NAPA provided a webinar for business owners, HR managers, and health and safety professionals. The recorded 90-minute webinar, presented by labor and employment attorneys with Ogletree Deakins, focuses on a company's operational labor and employment requirements during the pandemic. To listen to a copy of the webinar recording, [click here](#).

Ogletree Deakins Law Firm provided COVID-19 guidance in relation to Federal Labor Law. The [FAQ is here](#), topics include:

- ADA
- Attendance
- Compensation and Tax Issues
- Confidentiality
- Employees with Symptoms or Exposure
- FMLA
- Health Coverage
- NLRA
- Reduction in Force/WARN
- Retirement Plan Issues
- Short-term disability coverage
- Vacation, Paid Time Off, and Paid Sick Leave
- Wage and Hour
- Workers' Compensation
- Workplace Safety

Local Agency Responses for their 2020 Paving Programs

CAPA has reached out to our Local Agency partners to provide a snapshot of information on how their Public Works Departments are planning to address potential impacts to their 2020 Paving Programs.

- “Everything is going good so far. We have all our 2020 programs in place and ready to go with the exception of the Mill and Overlay contract which is currently being reviewed for award. The scope and budget for our 2020 paving program has not changed.”
- “Our 2020 paving program contract is currently in the Purchasing Dept. and we plan to advertise it this week. We recognize the negative trickledown economic impacts if we don’t continue with the full scope and budget for the 2020 program, so there are no changes. We are ready to begin our springtime Public Works operations (e.g., crack fill and patching). We expect there may be a reduction in budget to the Capital Program for new construction/economic development projects, but our annual paving program is not impacted.”
- “In looking at Rocky Mountain Bidnet, we see that cities are still putting out RFPs. We have already talked internally that we would focus dollars first on preservation then construction would go by the wayside if we have to cut.”
- “As for 2020 Public Works projects, so far we are moving forward with most of our projects as scheduled, they may just start later in the spring/summer. Doing routine maintenance right now is challenging trying to keep workers spaced away from each other, so we are getting off to a slow start with street sweeping, cleaning, concrete work and other routine maintenance items.”

- “Our roadway projects are continuing as planned, for the most part. We have postponed some due to projected financial concerns. We have adjusted our street rehab to do arterials and major collectors first, and stay out of neighborhoods for less impact during the stay at home orders. Our crack seal, slurry, rejuvenator programs are on pause, and more than likely canceled for the year. Our Recycling Program has been awarded, and the mill/overlay is out for prices. “

NAPA working with FHWA on Industry Priorities

NAPA has been contacted by the FHWA Administrator’s Office and is working with the Special Assistant for Policy, Government and Public Affairs on the following Industry COVID-19 priorities:

- **Health and Safety of our Workforce & Preventing Spread of COVID-19:**
 - NAPA is encouraging contractors to take Coronavirus seriously by implementing and encouraging [health and safety practices](#). The majority of State DOTs and localities are allowing and encouraging road construction to continue, so it’s important we remain safe and diligent.
- **Highway and Road Construction is an Essential Industry/Function:**
 - NAPA would like further clarification or guidance that construction, and especially road construction, is critical to infrastructure viability and an essential industry.
 - NAPA, along with other associations, have written a [letter to the President](#) for further guidance and there is a [grassroots movement to send letter to Governors](#).
 - NAPA understands that USDOT Secretary Chao’s position is that the DHS CISA Guidance is a DHS issue, is simply guidance, and essential industries are determined at the State and local level. However, NAPA encouraged the Special Assistant to relay to the Secretary and FHWA Administrator that this is an ongoing issue and industry would appreciate them weighing in. They said this has been a common topic with AASHTO and the more USDOT/FHWA hears about it, the more likely they are to weigh in. If your collective state associations have sent a letter to your Governor or officials regarding construction as an essential industry/function (see examples that industry provided, [Kentucky to Secretary Chao](#), [Kentucky Mitch McConnell](#), [Kansas](#), and [Tennessee](#). NAPA may also consider sending a joint letter to Secretary Chao and DHS.
 - NAPA asked if FHWA had any influence or connection to DHS to modify their guidance and their response was no – they are separate agency.
- **Increased Infrastructure Investment will Provide Immediate and Long-term Benefits for the U.S. Economy:**

NAPA supports our [collective associations efforts](#) to secure highway funding as part of stimulus packages for the greater economy and benefit of citizens.
- **FHWA Inquired if Industry was hearing of any concerns about states obligating funds:**

The FHWA indicated that they are hearing some concerns, but no one is able to provide specific examples. If industry learns of any concerns with states obligating funds, please contact CAPA or NAPA. NAPA responded that it’s important to industry that Federal funds keep flowing to states – that will help in keeping our industry going and essential.

- NAPA reiterated their [request to FHWA](#) for guidance to states on offering flexibility for certifications and inspections.
- NAPA reinforced the importance of working with States to issue guidance and address Quality Assurance challenges with a remote work force and considering health protocols. FHWA mentioned they have specifically discussed this issue with their bridge teams and it is on their radar. They now knows it's a concern for pavements, too.
- NAPA suggested the consideration of a national effort between the construction industries, labor unions, and government agencies to provide guidance for health, safety, and business continuity to enable road work to continue. NAPA specifically mentioned Massachusetts' safety stand down efforts to discuss COVID-19 rules with all people on projects and drew attention to [South Carolina's Joint Workforce Safety Plan](#) developed among the State DOT and industry associations.