



OVCEC Newsletter

News

Governor Justice to Reopen West Virginia— Guidance for the Construction Industry

Although the construction industry was generally exempted from Governor Jim Justice's March 23, 2020 Order directing all non-essential businesses to temporarily close due to COVID-19, the pandemic will nevertheless have a significant effect on the industry, particularly as other West Virginia businesses begin to reopen.

Construction companies throughout West Virginia can expect to experience these changes sooner rather than later, because on Monday, April 27, 2020, Governor Justice announced his plan to reopen the state, a plan dubbed "West Virginia Strong: The Comeback," available [here](#). The Comeback outlines a multi-week plan that will reopen businesses in three progressive phases, with outpatient health facilities such as physical therapy and dentistry opening in phase one, smaller businesses that generally comprise a limited gathering of people in phase two, and more heavily populated businesses such as hotels, dine-in restaurants, and recreational gyms in phase three.

Notably, Governor Justice's plan calls for various safety and social distancing measures that are designed to mitigate the spread of COVID-19, and these safety measures will impact all businesses, including construction. As construction companies begin to adjust to this "new normal," they will need to implement policies to comply with guidance procedures as well as newly enacted rules and regulations that eventually become legal requirements. Construction companies will also likely encounter increased enforcement from state and federal agencies, and increased civil claims due to project delays, increased material and labor costs, and labor shortages. Finally, construction companies can expect increased scrutiny and negotiations over certain contractual provisions, particularly those relating to force majeure, unforeseen circumstances, and completion deadlines.

Step toe & Johnson's Construction Team is well-equipped to assist all construction related entities—including owners, general contractors, and subcontractors—that are facing issues arising from the COVID-19

pandemic. Our attorneys handle claims relating to project delays, increased material costs, increased labor costs, and labor shortages. We also routinely draft and interpret contract language dealing with undue delay, force majeure, and other business interruption issues. Finally, we collaborate with our safety attorneys to assure OSHA and regulatory compliance, our employment attorneys to assist with workforce management, and our corporate attorneys to assist with company organizational issues. Our team based approach will become increasingly beneficial for businesses dealing not only with the immediate fallout of the pandemic, but also with the ever-evolving reopening process in the wake of COVID-19. For more information on our Construction Team, click [here](#).



Ben McFarland concentrates his practice in litigation. He represents energy, construction, and general industry companies before federal, state, and appellate courts. Ben also routinely handles accident investigations, counseling clients from the onset of a workplace accident and throughout the entirety of the subsequent government agency investigation. Prior to his legal career, Ben gained first-hand experience in the construction industry through his employment as a journeyman ironworker, during which time he was involved in the construction of the Washington Convention Center in Washington, D.C., as well as additions and renovations to a coal-burning power plant in Ohio. Through his unique experience in the construction industry, Ben fully appreciates the impact that safety has both on human capital and the economic success of his client's business. Ben is a Member of Steptoe & Johnson PLLC's Wheeling, West Virginia office. He resides in Belmont County, Ohio, with his wife, Brook, and their five children.

Pittsburgh Airport's \$1.1 Billion Modernization Hits Turbulence



Daily COVID-19 Safety Question for Construction Companies



BY STAN SINGH, DIRECTOR OF PRODUCTRAKEN, AN AGC OF CALIFORNIA AND SAN DIEGO CHAPTER MEMBER Safety is (and always will be) a top priority in construction. Now more than ever, it's important to keep your crews safe and provide them with the latest...

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Safety

OSHA Guidelines for Covid-19



This webpage provides information for workers and employers about the evolving coronavirus outbreak first identified in Wuhan City, Hubei Province, China. The information includes links to interim guidance and other resources for preventing...

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The Importance of Construction Safety During a Pandemic



Even though times have changed, one item remains top priority for all companies affected by the global pandemic: safety. COVID-19 has sparked new safety precautions for frontline workers, businesses, the general public and so many more, and has...

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Seven Steps to Correctly Wear a Respirator at Work

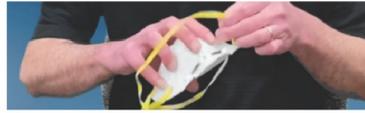
Following these simple steps will help you properly put on and take off your respirator, and keep you and everyone else safe.

1 Wash Your Hands



Wash your hands with soap and water or alcohol-based hand rubs containing at least 60% alcohol.

2 Inspect the Respirator



Inspect the respirator for damage. If it appears damaged or damp, do not use it.

3 Put on the Respirator



Cup the respirator in your hand with the nosepiece at your fingertips and the straps hanging below your hand.



Cover your mouth and nose with the respirator and make sure there are no gaps (e.g., facial hair, hair, and glasses) between your face and the respirator.



Place the strap over your head and rest at the top back of your head. If you have a second strap, place the bottom strap around your neck and below your ears. Do not crisscross straps.



If your respirator has a metal nose clip, use your fingertips from both hands to mold the nose area to the shape of your nose.

4 Adjust the Respirator



Place both hands over the respirator. Inhale quickly and then exhale. If you feel leakage from the nose, readjust the nosepiece; if leakage from the respirator edges, readjust the straps.



Repeat until you get a proper seal. If you can't get a proper seal, try another respirator.

5 Wear the Respirator



Avoid touching the respirator while using it. **If you do, wash your hands.**

Note: If you reuse your respirator, wear gloves when inspecting and putting on the respirator. Avoid touching your face (including your eyes, nose, and mouth) during the process.

6 Remove the Respirator



Wash your hands.



Remove the respirator from behind. Do not touch the front.

7 Dispose of the Respirator



If the respirator does not need to be reused because of supply shortages, discard it in a closed-bin waste receptacle. Wash your hands.

For more information, see the quick video, "Putting On and Taking Off a Respirator". ▶



OSHA® Occupational Safety and Health Administration
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OSHA 3369-10-2021

If you would like to print this image click [here](#).

Plan Room



We are Still Here For You When You Need Us

Because Governor Justice has begun re-opening the state, we are back in the office during regular business hours, so you can come in to the visit the Plan Room or order prints.

Call the office (304) 242-0520 to make arrangements to come into the Plan Room, or set a time to pick up your prints. If you have any question please contact Michael at mbrownlee@ovcec.com



Ohio Valley Construction Employers Council

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