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BULLETIN

To: Membership of Allied Building Metal Industries, Inc.

From: Steven N. Davi

Date: April 27, 2020

Re: COVID-19: Update: Reopening New York Construction
and Returning Employees Back to Work

During his [transcripted Sunday briefing](#) yesterday, New York Governor Andrew Cuomo [announced](#) plans to reopen economic activity in coordinated phases based on regional analysis and determinations, starting with the [construction and manufacturing](#) industries, beginning in or around mid-May. The governor spoke in general terms during his prepared remarks and then in a more pointed manner during the question and answer session following his prepared remarks.

Phased Re-Opening

Phase one will include opening construction and manufacturing functions with “low risk,” presumably from the standpoint of overall public health impact and related indicators:

“Phase one of reopening will involve construction and manufacturing activities. And within construction and manufacturing, those businesses that have a low risk There's a range of construction activities. There's a range of manufacturing activities. But those businesses that pose a low risk within them.”

Phase two will open certain industries based on priority and risk level. Businesses considered “more essential” with relatively lower risks of infection spread will be prioritized, followed by businesses considered “less essential” or that present relatively higher risk of infection spread. As the infection rate declines, the pace of reopening businesses will be increased.

“Phase two would then be more a business by business analysis using the matrix that we've discussed. How essential a service does that business provide and how risky is that business? If you open that business, how much risk are you possibly incurring and how important is it that that business reopen? That matrix will be guiding us through phase two.

“In phase two, when we get there, we need businesses to do that analysis. They have to think about how they're going to reopen with this quote, unquote new normal. What precautions are they going to take in the workplace? What safeguards are they going to put in place? It's very much going to be up to businesses.”

Monitoring Effects Between Phases

There will be fourteen (14) days in-between each phase to monitor the effects of the re-opening and ensure hospitalization and infection rates are not increasing.

“The federal guidance from the CDC is that before you start reopening ... the regional hospitalization [rate] must be in decline for 14 days So we're monitoring the ... regional hospitalization rates.

“We said in this state, it's a very diverse state. Upstate regions are like states in the Midwest, even out west. And we have different hospitalization rates. We look at the rates across the state as well as across the regions. We're going to reopen in phases, a regional analysis [L]ook at a regional analysis ...[,] [m]ake a determination and then monitor whatever you do.”

“Then we're going to leave two weeks between phases so we can monitor the effect of what we just did. Take an action, monitor. Two weeks that's, according to the experts [at the CDC], the incubation period of the virus so you can actually see if you had an effect where you increased the rate of infection which you would then see in hospitalizations, testing, et cetera.”

According to the latest available figures, New York City (3,145), and Nassau (724), Suffolk (691) and Westchester (433) counties have far and away the largest number of “new positive” COVID-19 infection rates in the New York State.

Multi-State Coordination

The governor’s plan will be implemented with multi-state coordination, especially in downstate New York. The plan will also coordinate the opening of transportation systems, parks, schools, beaches and businesses with special attention on summer activities for downstate, public housing and low-income communities, food banks and child care.

“All of this is done in a multi-state context with our neighboring states, most relevant, especially downstate. Downstate is obviously the most complicated situation. That's New York City, that's Westchester, Nassau, Suffolk, the surrounding suburbs. Multi-state coordination is vital there because the New Jersey, Connecticut, New York City area is basically very intermixed. People are coming and going, they live in one place, they work in the other place. That coordination is important....”

“Downstate, we've said we have to coordinate the main activities. There are gears that intermesh. You can't turn one gear without turning the other gears.... You turn one, they all have to turn. That's true for New York City, Nassau, Suffolk, Westchester, they all have to be coordinated. We're working with local businesses and leaders to do that.”

Individual Business, Individual Industry Plans

Importantly, the phased re-opening will also be based on individual business and industry plans that include new measures to protect employees and consumers, make the physical work space

safer and implement processes that lower risk of infection in the business. The state is consulting with local leaders in each region and industry to formulate these plans.

“Again, on the phased reopening, does my business reopen? Well, what is your business and how would you do your business in this new normal? You normally have people in a conference room, are you going to do that? You normally have people in work stations that are right next to each other, do you plan on reopening that way? This is not a one-sided equation here. Businesses, you develop [a] plan on how you would reopen given everything we now know.... The way a business opens will determine the risk. They can't really determine how essential their service is, but they can determine how risky opening their business would be.”

“In terms of businesses thinking about the new normal, think about it in terms of people. How are you going to protect your people? What are you going to be doing differently with your employees? Your actual physical space, what does the physical space look like when you reopen in this new normal? What are you doing about PPE equipment? How are you cleaning? What's the hygiene? What's the access? What's the screening? How do you move people? What's the travel and transportation? Then what processes can you put in place to make your business less risky, right? How can you train people? How you can communicate about this disease? Can you do testing in your workplace? These are all factors for businesses to consider that want to reopen quickly. Again, it's between the two -- it's governmental decisions in partnership with business decisions. Because I think every business leader gets, you can't go back to where you were. We have to go back in light of the circumstances that have developed.”

Press Q&A

In the Q&A segment, beginning at the 30:20 mark of his [transcripted Sunday briefing](#), the governor cleaned up – to a degree – some of the muddier passages of his prepared remarks. In pertinent part, the governor stressed during his Q&A session that upstate construction and manufacturing would be more likely to open in phase one than downstate construction and manufacturing given the elevated infection rates and related public health indicators and general complexities unique to the downstate region.

Q: Governor, what you presented today seems to be an outline, kind of a philosophical approach to reopening, but when can people expect dates and hard facts and times of opening? When are we going to get details?

A: (30.32) You have them there You have May 15th, the pause is statewide until May 15th, right? Then you have the CDC guidance that says total hospitalization is declining for 14 days [W]hat regions of the state have seen a decline for 14 days, that's where you will start the conversation to get to Phase One in that region. The regions that would be more likely able to open sooner would be the Upstate regions. You take like central New York, you take the North country, you take the Mohawk Valley. Those regions have seen lower numbers from day one, so you would talk about Phase One opening there, which is construction and manufacturing with the caveat don't do anything that's going to bring people in from all across the board, and then you have people from New York City and Massachusetts and Connecticut coming in.

(31.55) Also the construction by manufacturing is a business-by-business analysis. Not all construction is the same. Not all manufacturing is the same. What are those businesses doing to incorporate the safe procedures? But you would see that more likely in the Upstate areas if those numbers continue to decline the way the CDC recommends. Downstate New York is going to be more complicated. You can't do anything in New York City that you don't do in Suffolk, you don't do in Nassau, you don't do in Westchester. You can't do anything in downstate that we don't do in coordination with primarily Connecticut and New Jersey.

Q: Conceivably, you could see manufacturing and construction start to come online in certain upstate regions after May 15th?

A: (33.27) With certain precautions after May 15th, yeah.

Q: What can the state do to ensure that businesses are complying with PPE regulations or mask wearing?

A: (40:22) They have to give us a plan before we say they can reopen. We're talking to businesses now, literally individual businesses. We have groups that have been set up that are meeting with businesses, talking to businesses. Steve Cohen, who was a former secretary, Bill Mulrow, who is a former secretary to me, have been doing this for weeks.... But they have been talking to businesses, coming up with individual business plans. Because even construction and manufacturing, which are in Phase One, what construction, how will you operate? Manufacturing can be anything. Right? How will your business operate in this "new normal"? And that is business by business.

BCTC/REBNY Re-Mobilization Plan, COVID-19 Mitigation Health and Wellness Protocol

The governor's above remarks place the proposed BCTC/REBNY Re-Mobilization Plan and COVID-19 Health and Wellness Protocol ("Construction Return Guidance") into a more understandable context. As we advised on multiple occasions last week, most recently on Thursday, April 24, BCTC/REBNY, with significant input from the general contractor/construction manager and subcontractor communities, including Allied, is finalizing terms of the Construction Return Guidance, which it intends to submit to the governor's office on or about May 1 to facilitate the phased reopening of construction in the New York City metropolitan area. The latest draft of the proposed Construction Return Guidance is attached. As you know, Allied made extensive comments to the Construction Return Guidance and is assessing whether a separate set of protocols specific to the interests of Allied members would be feasible and/or necessary in this context.

Our expectation is that in time, additional executive orders and ESD guidance will be forthcoming, which will clarify and formalize the governor's above remarks regarding phased re-opening. We will continue to monitor and report on all material and relevant developments concerning these matters as they arise.