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DIFFERENT WORKS



RLI DESIGN PROFESSIONALS  
Design Professionals Learning Event

# Emergency Preparedness

For Design Firms

DPLE 244

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**DIFFERENT WORKS**

# Course Description

## Save lives, reduce losses, and restore services

# 16

The number of minutes it took to evacuate over 2,700 employees and visitors.

The percentage of businesses that never reopen after being disrupted by a disaster.

# 40-60%

Wherever you live and work, your firm is exposed to emergency situations. They include natural disasters like windstorms, floods, earthquakes, or winter storms. Emergency situations also involve man-made disasters like fires, chemical emergencies, or episodes of terrorism on varying scales. Your firm's first line of preparedness is to protect people, property, and operations. But for many design firms, preparedness goes beyond protecting your own and into protecting others. This course will outline a spectrum of emergency preparedness tips for design firms

# Learning Objectives

## Participants will learn about protecting:

- 1 People
- 2 Property
- 3 Operations
- 4 Others

# Reasons For Not Being Prepared

Top reasons organizations don't prepare:

**42%**

"I don't think my business is in threat of a disaster"

**24%**

"I don't want to think about it"

**10%**

"It costs too much"

**12%**

"I just don't have the time"/  
"I don't know what I'm supposed to do"

# Mitigation Saves

Mitigation is about saving lives, property, and profits.

# 1

The number of times it takes for a disaster to cause devastating damage

The percentage of businesses that never reopen after being disrupted by a disaster.

# 40-60%

# \$6

saved for every \$1 spent on mitigation

# Mitigation Saves

Mitigation is about saving lives, property, and profits.

# \$3000

The average daily loss of a small business, closed due to a major storm

# “Emergency” Defined

Any situation that threatens workers, customers, or the public;

Disrupts or shuts down operations; or

Causes physical or environmental damage

# What Constitutes a Disaster?

Power/Internet outage

Lost access to building

Critical equipment failure

Fire

Tornado

Hurricane/Seasonal storms

# Types of Disasters

## 2 Categories:

### 1 Natural Hazards

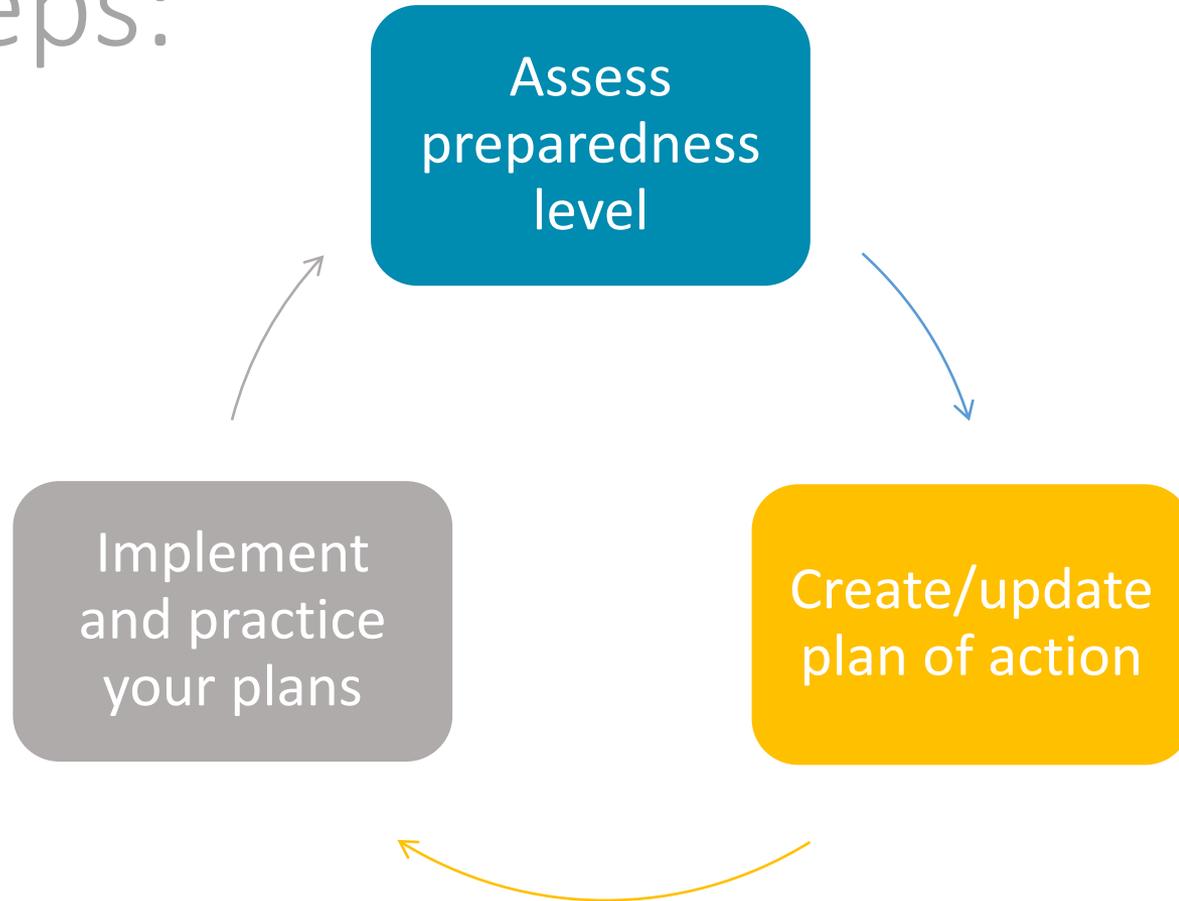
Hurricanes, earthquakes, fires, floods, etc. – can result in a loss of power, facilities, or personnel.

### 2 Man-made Hazards

Explosions, mechanical failures, power outages, workplace violence, chemical spills – can have the same consequences as a natural disaster, or worse.

# Prepare, Plan, Practice to Protect

3 Steps:



# Emergency Action Plan (EAP)

## 1 Threats

### **What are the greatest threats to you and your firm?**

This depends on a variety of factors such as geographic location, unique risk factors of firm and industry, type of equipment and facilities critical to your operations.

## 2 Plan of action

**What is your plan of action?** Your EAP should outline your prevention, response, and recovery efforts - what to do before, during, and after an emergency.

## 3 Practice

**What training and practice drills are required?** Make sure your employees receive the proper training to execute their assigned tasks.

# Elements of EAP

## 1 Instruct on what to do in an emergency

**Responsibilities** – who will do what, when, and how?

**Communication** – how will information be communicated to employees and customers?

**Evacuation** – escape routes, including for those with disabilities

**Alternate workspaces, etc.** – short term and long term alternatives

**Rendering assistance** – know what your liability is and what protections exist

## 2 Meet regulatory requirements

**OSHA** – safety

**Wage and labor laws** – pay, leave, and other benefits

## 29 CFR § 1910 Emergency Action Plans (EAP)

§ 1910.38(c) An emergency action plan must include at a minimum:

- (1) Procedures for reporting a fire or other emergency;
- (2) Procedures emergency evacuation, including type of evacuation and exit route assignments;
- (3) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- (4) Procedures to account for all employees after evacuation;
- (5) Procedures to be followed by employees performing rescue or medical duties; and
- (6) The name and title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

# OSHA Requirements

The screenshot shows the OSHA website header with the United States Department of Labor logo, social media icons, a search bar, and a navigation menu. The main content area features a banner for the 'Evacuation Plans and Procedures eTool' with a background image of workers in safety gear. Below the banner are navigation buttons for 'Emergency Action Plan', 'Emergency Standards', 'Expert Systems', and 'Additional Assistance'. The 'Expert Systems' button is highlighted, leading to a page titled 'OSHA's Expert Systems » Am I required to have an emergency action plan (EAP)?'. The page contains a questionnaire with the question 'Are fire extinguishers provided in the workplace?' and buttons for 'Yes', 'No', and 'Start Over'. A sidebar on the right offers an 'Ask the OSHA expert!' service.

Find out if

an EAP is required

for your firm

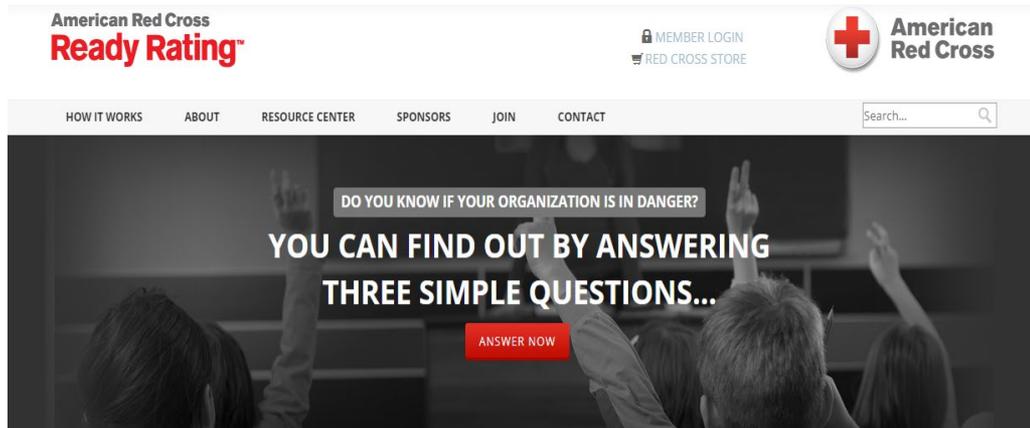
Source: [https://www.osha.gov/SLTC/etools/evacuation/require\\_eap.html](https://www.osha.gov/SLTC/etools/evacuation/require_eap.html)

## Pay, Leave, and Benefits

Does your policy comply with state and/or federal laws regarding pay, leave, and benefits?

- ✓ Fair Labor Standards Act (FLSA)
- ✓ Americans with Disabilities Act (ADA)
- ✓ Family and Medical Leave Act (FMLA)

# Resources for Planning



Make sure your organization is safe and ready

Become a Ready Rating Member to see how you compare and where you can improve.  
**New to Ready Rating?** Check out the videos below for more enhanced program information.

Ready Rating Program Help Videos



Red Cross

DHS  
Department of Homeland Security

FEMA  
Federal Emergency Mgt. Agency

Law Enforcement

Source: <https://www.readyrating.org/The-Red-Cross-Ready-Rating-Program>

## 1 Review and assess your insurance policy

Are you properly insured?

## 2 Create an inventory

Document your firm's assets, billings, expenses and cash flow in the event you need to file a claim.

## 3 Gather important paperwork

Keep important contact information and papers where you can access it easily in the event of an emergency.

**Source:** <http://www.pciaa.net/docs/default-source/industry-issues/hurricanestats.pdf>

# Step 1: Identify The Threat

## Active Shooter Situation

80%

Over 80% of active-shooter events occurred at the workplace.

The deadliest year for mass shootings in modern US history.

2017

# Step 2: EAP - Prevention

## Prevention

What are some risk detection and prevention processes your firm can implement to mitigate active shooter risk?

Vetting potential hires for violent tendencies

Training employees to recognize concerning behavior

Implementing reporting mechanisms

Training on proper intervention techniques

Cultivating a safe and respectful workplace

# Step 2: EAP - Response

## Response

If detection techniques fail, how should you respond in an active shooter scenario?

Run, hide, fight

Communication – mass notification technology

Evacuation and safe spaces

Contacting authorities

Training – to identify gunshot sounds or how to provide first aid

# Step 2: EAP - Recovery

## Recovery

Once the threat has been neutralized, what is required for your employees and firm to recover?

Contacting family members for victims

Media inquiries

Grief counseling, wages, and benefits

Access to critical facilities and equipment

Law suits

# Step 3: Training and Practice

## Free resources for active shooter training:

Run, Hide, Fight **1**

- Department of Homeland Security
- Skillsoft

First Aid **2**

- Stop the Bleeding Coalition
- Red Cross

# Resilient Design

## Preparing EAP's informs disaster resilient design



Incorporate lessons learned

Incorporate changes in laws, codes, and regulations

## Helping out in the wake of disaster

What liability do design professionals face by volunteering?

# Volunteer Liability

“

What everyone wants to avoid is what happened after the terrorist attacks of 9/11, when **dozens of firms and individual designers pitched in at Ground Zero to help with the recovery effort**. Among other things, they provided guidance on how to dig out debris without destabilizing it and possibly causing injury. **Later, though, numerous lawsuits were filed, many of them multimillion-dollar class-action suits, which held design professionals partly responsible** for everything from failure to save those who were buried to worsening the release of toxic dust.

”

**Source:** [https://www.crainsnewyork.com/article/20130222/REAL\\_ESTATE/130229950/fears-of-lawsuits-hold-back-sandy-help](https://www.crainsnewyork.com/article/20130222/REAL_ESTATE/130229950/fears-of-lawsuits-hold-back-sandy-help)

# Manage Liability

## **Understand the parameters of the laws that limit your liability.**

Volunteer Protection Act, Good Samaritan Laws, etc...

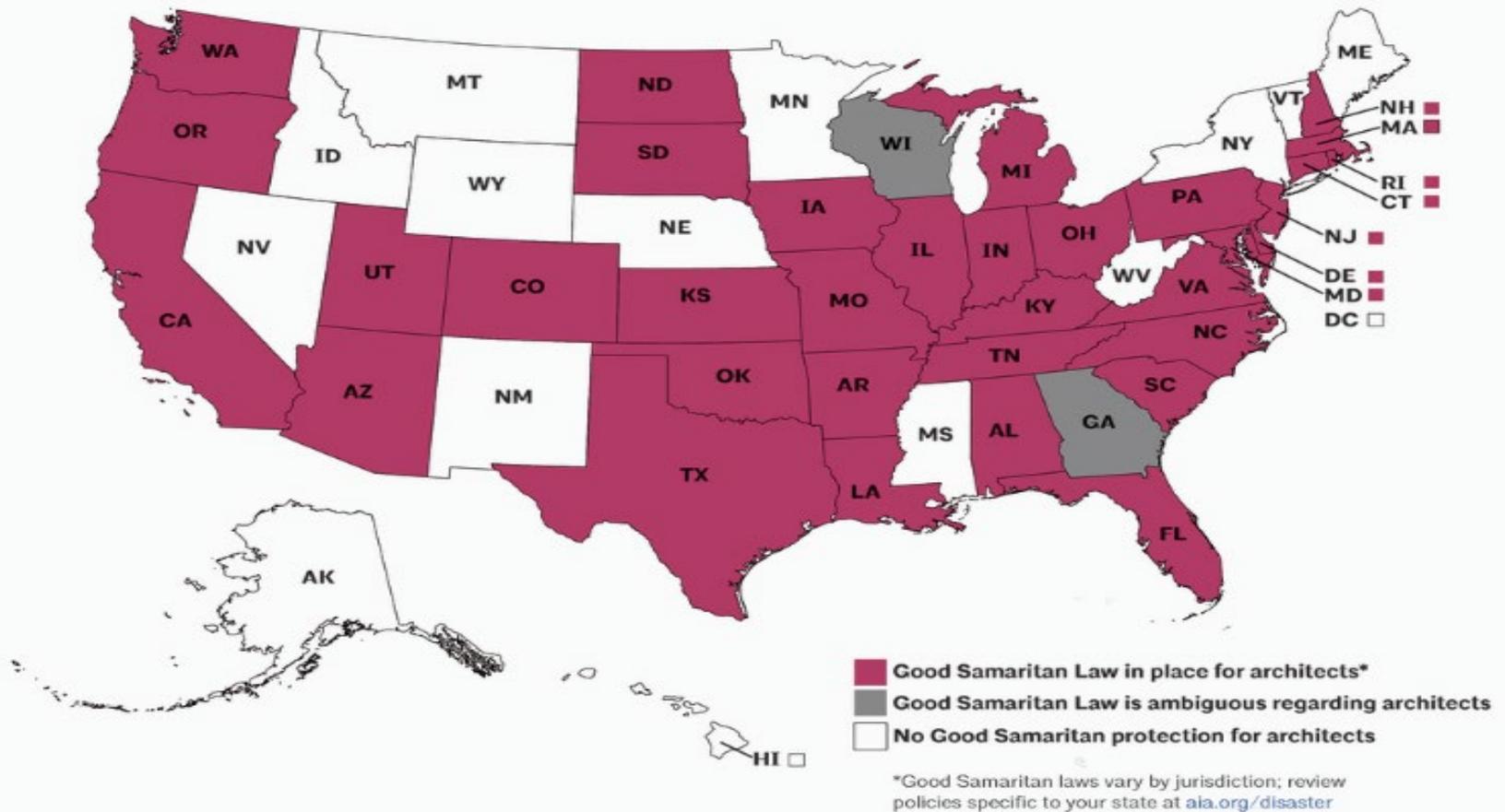
## **Determine what is covered by your insurance policy.**

Is there coverage for volunteer services? If not, consider procuring the necessary insurance.

## **Have a written contract.**

At a minimum, clarify your scope of services, and limit your liability.

# Good Samaritan Laws By State



Source: <https://www.aia.org/resources/71641-good-samaritan-state-statute-compedium>

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# Analysis

## 1 Covered Parties

Does it apply only to licensed professionals or “any individual working under the supervision of a licensed individual? Does it apply specifically to Architects? Engineers? Surveyors?

## 2 Covered Acts

Does it apply to “all acts” or are there limitations for “acts or omissions constituting gross negligence or wanton/willful misconduct?

## 3 Covered Timeframes

Does it only cover activity within a specified number of days following the end of a disaster? If so, what is that timeframe?

# California's Good Samaritan Law

## CA BPC § 5536.27

- (a) An architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services **at the scene of a declared national, state, or local emergency** caused by a major earthquake, flood, riot, or fire **at the request of a public official**, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the architect's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only **for an inspection that occurs within 30 days of the declared emergency**.

Nothing in this section shall provide immunity for **gross negligence or willful misconduct**.

## 1 Coverage

**Do you have coverage for company sponsored volunteer activity?** Coverage exists under RLI's Professional Liability Insurance so long as employees are providing "services they are legally qualified to perform, on behalf of your firm."

## 2 Policy

**Create policy that addresses employee moonlighting and volunteer services that are not company sponsored.** Will they be prohibited? Will they be allowed? Or allowed only with approval from management?

# Written Contract

## **AIA** Document B106™ – 2010

### ***Standard Form of Agreement Between Owner and Architect for Pro Bono Services***

AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_  
in the year \_\_\_\_\_  
*(In words, indicate day, month and year.)*

**BETWEEN** the Architect's client identified as the Owner:  
*(Name, legal status, address and other information)*

and the Architect:  
*(Name, legal status, address and other information)*

Helpful provisions  
to address include:

- Scope of services
- Right to rely
- Copyright and licenses
- Limitation of liability

Available for free at <https://documentsondemand.aia.org/>

Thank you for your time!

# QUESTIONS?

**This concludes The American Institute of Architects  
Continuing Education Systems Program**



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