



September 14, 2020

Arthur U. San Agustin
DPHSS Acting Director

Håfa Adai, Arthur U. San Agustin:

During these unprecedented times we applaud the administration for leading the Pacific Region and our island to recovery in means and ways unconventional yet effective. Certainly, cases would be extremely out of control if not for your preventative measures to protect every person from others and, frankly, from themselves—a constant daily challenge. We collectively have great respect and admiration for your love and commitment to the safety and health of our island and her people.

LMS, Inc. is committed, as well, to the protection of our people and their families. Safety is our core value and culture. We employ over **50** *local* employees who, in-turn, provide for their families and contribute to the economy in these dire times. We understand that the latest spike of COVID-19 cases were traced to foreign laborers in the construction industry. However, we do not utilize any foreign laborers in the company and our people would have no exposure to the foreign laborers that tested positive within the past week.

We implore the administration to lift restrictions on our local construction work—even mildly to get our employees back to work and put food on the table. Most of our construction employees live paycheck to paycheck and cannot depend on assistance which, at times, may come few and far between. These employees have committed themselves to the company to regain a foothold on their lives and livelihood to survive. We take care of our employees like a family; a sentiment we know the administration knows all too well.

Without the labor force that we provide in various projects throughout the island, the setbacks from this restriction will have a deleterious indirect impact to an already severely strained community and economy. Lack of income for our people and the delays in completing construction will prolong the recovery of our island's economic health which is already projected to take several years. Providing what we can now is instrumental to the state and health of the island's future.

Our commitment to you is laid out in our Exposure, Prevention, Preparedness, and Response Plan (attached) to document our promise and assurance of the safety and health of our employees and their families. There is no other motivation to this request of leniency to the local construction industry other than reducing the economic impact and dire effects of every local employee we call family.

Dångkolo na si Yu'os ma'åse',

A handwritten signature in black ink, appearing to read "R. Salas", is positioned above the printed name.

Robert P. Salas
President of LMS, Inc.



COVID-19 Exposure Prevention, Preparedness, and Response Plan

LMS, Inc. (hereinafter “Company”) takes the health and safety of our employees very seriously. With the spread of the coronavirus or “COVID-19,” a respiratory disease caused by the SARS-CoV-2 virus, the Company must remain vigilant in mitigating the outbreak. The Company is a proud part of the construction industry, which many have deemed “essential” during this Declared National Emergency. In order to be safe and maintain operations, we have developed this COVID-19 Exposure Prevention, Preparedness, and Response Plan to be implemented, to the extent feasible and appropriate, throughout the Company and at all of our jobsites. The Company has also identified a team of employees to monitor the related guidance that U.S. Center for Disease Control and Prevention (“CDC”) and Occupational Safety and Health Administration (“OSHA”) continue to make available.

This Plan is based on information available from the CDC and OSHA at the time of its development and is subject to change based on further information provided by the CDC, OSHA, and other public officials. The Company may also amend this Plan based on operational needs.

I. Responsibilities of Managers and Supervisors

All managers and supervisors must be familiar with this Plan and be ready to answer questions from employees. Managers and supervisors must always set a good example by following this Plan. This involves practicing good personal hygiene and jobsite safety practices to prevent the spread of the virus. Managers and supervisors must encourage this same behavior from all employees.

II. Responsibilities of Employees

The Company is asking every one of our employees to help with our prevention efforts while at work. To minimize the spread of COVID-19 at our jobsites, everyone must play their part. As set forth below, the Company has instituted various housekeeping, social distancing, and other best practices at our jobsites. All employees must follow these. In addition, employees are expected to report to their managers or supervisors if they are experiencing signs or symptoms of COVID-19, as described below. If you have a specific question about this Plan or COVID-19, please ask your manager or supervisor. If they cannot answer the question, please contact the Company’s Pandemic Coordinator.

OSHA and the CDC have provided the following control and preventative guidance for all workers, regardless of exposure risk:

- Frequently wash your hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Follow appropriate respiratory etiquette, which includes covering for coughs and sneezes.
- Avoid close contact with people who are sick.



In addition, employees must familiarize themselves with the symptoms of COVID-19, which include the following:

- Coughing
- Fever
- Shortness of breath, difficulty breathing
- Early symptoms such as chills, body aches, sore throat, headache, diarrhea, nausea/vomiting, and runny nose.

If you develop a fever and symptoms of respiratory illness, such as cough or shortness of breath, **DO NOT GO TO WORK** and call your supervisor and healthcare provider right away. Likewise, if you come into close contact with someone showing these symptoms, call your supervisor and healthcare provider right away.

III. Job Site Protective Measures

The Company has instituted the following protective measures at all jobsites.

A. General Safety Policies and Rules

Any employee/contractor/visitor showing symptoms of COVID-19 will be asked to leave the jobsite and return home.

- Safety meetings will be by telephone, if possible. If safety meetings are conducted in-person, attendance will be collected verbally and the foreman/superintendent will sign-in each attendee. Attendance will not be tracked through passed-around sign-in sheets or mobile devices. During any in-person safety meetings, avoid gathering in groups of more than 10 people and participants must remain at least six (6) feet apart.
- Employees must avoid physical contact with others and shall direct others (co-workers/contractors/visitors) to increase personal space to at least six (6) feet, where possible. Where work trailers are used, only necessary employees should enter the trailers and all employees should maintain social distancing while inside the trailers.
- All in-person meetings will be limited. To the extent possible, meetings will be conducted by telephone.
- Employees will be encouraged to stagger breaks and lunches, if practicable, to reduce the size of any group at any one time to fewer than ten (10) people.
- The Company understands that due to the nature of our work, access to running water for hand washing may be impracticable. In these situations, the Company will provide, if available, alcohol-based hand sanitizers and/or wipes.
- Employees should limit the use of co-workers' tools and equipment. To the extent tools must be shared, the Company will provide alcohol-based wipes to clean tools before and after use. When cleaning tools and equipment, consult manufacturing recommendations for proper cleaning techniques and restrictions.
- Employees are encouraged to limit the need for N95 respirator use, by using engineering and work practice controls to minimize dust. Such controls include the use of water delivery and dust collection systems, as well as limiting exposure time.
- The Company will divide crews/staff into two (2) groups where possible so that projects can continue working effectively in the event that one of the divided teams is required to quarantine.



- As part of the division of crews/staff, the Company will divide employees into dedicated shifts, at which point employees will remain with their dedicated shifts for the remainder of the project. If there is a legitimate reason for an employee to change shifts, the Company will have sole discretion in making that alteration.
- Employees are encouraged to minimize ridesharing. While in vehicles, employees must ensure adequate ventilation.
- If practicable, each employee should use/drive the same truck or piece of equipment every shift.
- In lieu of using a common source of drinking water, such as a cooler, employees should use individual water bottles.

B. Workers entering Occupied Building and Homes

- Construction and maintenance activities within occupied homes, office buildings, and other establishments, present unique hazards with regards to COVID-19 exposures. Everyone working within such establishments should evaluate the specific hazards when determining best practices related to COVID-19.
- During this work, employees must sanitize the work areas upon arrival, throughout the workday, and immediately before departure. The Company will provide alcohol-based wipes for this purpose.
- Employees should ask other occupants to keep a personal distance of six (6) feet at a minimum. Workers should wash or sanitize hands immediately before starting and after completing the work.

C. Job Site Visitors

The number of visitors to the job site, including the trailer or office, will be limited to only those necessary for the work.

All visitors will be screened in advance of arriving on the job site. If the visitor answers “yes” to any of the following questions, he/she should not be permitted to access the jobsite:

1. Have you been confirmed positive for COVID-19?
2. Are you currently experiencing, or recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
3. Have you been in close contact with any persons who has been confirmed positive for COVID-19?
4. Have you been in close contact with any persons who have traveled and are also exhibiting acute respiratory illness symptoms?

Site deliveries will be permitted but should be properly coordinated in line with the employer’s minimal contact and cleaning protocols. Delivery personnel should remain in their vehicles if at all possible.



D. Personal Protective Equipment and Work Practice Controls

In addition to regular PPE for workers engaged in various tasks (fall protection, hard hats, hearing protection), the Company will also provide:

- **Gloves:** Gloves should be worn at all times while on-site. The type of glove worn should be appropriate to the task. If gloves are not typically required for the task, then any type of glove is acceptable, including latex gloves. Employees should avoid sharing gloves.
- **Eye protection:** Eye protection should be worn at all times while on-site.

NOTE: The CDC is currently not recommending that healthy people wear N95 respirators to prevent the spread of COVID-19. Nevertheless, employees must wear N95 respirators if required by the work and if available.

Due to the current shortage of N95 respirators, the following Work Practice Controls should be followed:

- Keep dust down by using engineering and work practice controls, specifically through the use of water delivery and dust collection systems.
- Limit exposure time to the extent practicable.
- Isolate workers in dusty operations by using a containment structure or distance to limit dust exposure to those employees who are conducting the tasks, thereby protecting nonessential workers and bystanders.

IV. Job Site Cleaning and Disinfecting

The Company has instituted regular housekeeping practices, which include cleaning and disinfecting frequently used tools and equipment, and other elements of the work environment, where possible. Employees should regularly do the same in their assigned work areas.

- Jobsite trailers and break/lunchroom areas will be cleaned at least once per day. Employees performing cleaning will be issued proper personal protective equipment ("PPE"), such as nitrile, latex, or vinyl gloves and gowns, as recommended by the CDC.
- Any trash collected from the jobsite must be changed frequently by someone wearing nitrile, latex, or vinyl gloves.
- Any portable jobsite toilets should be cleaned by the leasing company at least twice per week and disinfected on the inside. The Company will ensure that hand sanitizer dispensers are always filled. Frequently touched items (i.e. door pulls and toilet seats) will be disinfected frequently.
- Vehicles and equipment/tools should be cleaned at least once per day and before change in operator or rider.
- OSHA has indicated that a reliable report that an employee has tested positive for COVID-19 does not typically require an employer to perform special cleaning or decontamination of work environments, unless those environments are visibly contaminated with blood or other bodily fluids.² Notwithstanding this, the Company will clean those areas of the jobsite that a confirmed-positive individual may have contacted and it will do so before employees can access that work space again.



The Company will ensure that any disinfection shall be conducted using one of the following:

- Common EPA-registered household disinfectant; or
- Alcohol solution with at least 60% alcohol; or
- Diluted household bleach solutions (if appropriate for the surface).

(The Company will maintain Safety Data Sheets of all disinfectants used on site.)

V. Jobsite Exposure Situations

Employee Exhibits COVID-19 Symptoms

If an employee exhibits COVID-19 symptoms, the employee must remain at home until he or she is symptom free for 72 hours (3 full days) without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). The Company will similarly require an employee who reports to work with symptoms to return home until he or she is symptom free for 72 hours (3 full days). To the extent practical, employees are required to obtain a doctor's note clearing them to return to work.

Employee Tests Positive for COVID-19

An employee who tests positive for COVID-19 will be directed to self-quarantine away from work. Employees that test positive and are symptom free may return to work when at least seven (7) days have passed since the date of his or her first positive test and have not had a subsequent illness. Employees who test positive and are directed to care for themselves at home may return to work when: (1) at least 72 hours (3 full days) have passed since recovery;³ and (2) at least seven (7) days have passed since symptoms first appeared. Employees who test positive and have been hospitalized may return to work when directed to do so by their medical care providers. The Company will require an employee to provide documentation clearing his or her return to work. Recovery is defined as: (1) resolution of fever without the use of fever-reducing medications and (2) improvement in respiratory symptoms (e.g., cough, shortness of breath).

Employee Has Close Contact with an Individual Who Has Tested Positive for COVID-19

Employees who have come into close contact with an individual who has tested positive for COVID-19 (co-worker or otherwise) will be directed to self-quarantine for 14 days from the last date of close contact with that individual. Close contact is defined as six (6) feet for at least ten-minutes.

If the Company learns that an employee has tested positive, the Company will conduct an investigation to determine co-workers who may have had close contact with the confirmed-positive employee in the prior 14 days and direct those individuals who have had close contact with the confirmed-positive employee to self-quarantine for 14 days from the last date of close contact with that employee. If applicable, the Company will also notify any sub-contractors, vendors/suppliers or visitors who may have had close contact with the confirmed-positive employee. If an employee learns that he or she has come into close contact with a confirmed-positive individual outside of the workplace, he/she must alert a manager or supervisor of the close contact and self-quarantine for 14 days from the last date of close contact with that individual.



VI. OSHA Recordkeeping

If a confirmed case of COVID-19 is reported, the Company will determine if it meets the criteria for recordability and reportability under OSHA's recordkeeping rule. OSHA requires construction employers to record work-related injuries and illnesses that meet certain severity criteria on the

OSHA 300 Log, as well as complete the OSHA Form 301 (or equivalent) upon the occurrence of these injuries. For purposes of COVID-19, OSHA also requires employers to report to OSHA any work-related illness that (1) results in a fatality, or (2) results in the in-patient hospitalization of one or more employee. "In-patient" hospitalization is defined as a formal admission to the in-patient service of a hospital or clinic for care or treatment.

OSHA has decided that COVID-19 should *not* be excluded from coverage of the rule – like the common cold or the seasonal flu – and, thus, OSHA is considering it an "illness." However, OSHA has stated that only confirmed cases of COVID-19 should be considered an illness under the rule. Thus, if an employee simply comes to work with symptoms consistent with COVID-19 but is not a confirmed diagnosis, the recordability analysis is not necessarily triggered at that time.

If an employee has a confirmed case of COVID-19, the Company will assess any workplace exposures to determine if the case is work-related. Work-relatedness is presumed for illnesses that result from events or exposures in the work environment unless it meets certain exceptions. One of those exceptions is that the illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs *outside* of the work environment. Thus, if an employee develops COVID-19 *solely* from an exposure outside of the work environment, it would *not* be work-related, and thus not recordable.

The Company's assessment will consider the work environment itself, the type of work performed, the risk of person-to-person transmission given the work environment, and other factors such as community spread. Further, if an employee has a confirmed case of COVID-19 that is considered work-related, the Company will report the case to OSHA if it results in a fatality within 30 days or an in-patient hospitalization within 24-hours of the exposure incident.

VII. Confidentiality/Privacy

Except for circumstances in which the Company is legally required to report workplace occurrences of communicable disease, the confidentiality of all medical conditions will be maintained in accordance with applicable law and to the extent practical under the circumstances. When it is required, the number of persons who will be informed that an unnamed employee has tested positive will be kept to the minimum needed to comply with reporting requirements and to limit the potential for transmission to others. The Company reserves the right to inform other employees that an unnamed co-worker has been diagnosed with COVID-19 if the other employees might have been exposed to the disease so the employees may take measures to protect their own health. The Company also reserves the right to inform sub-contractors, vendors/suppliers or visitors that an unnamed employee has been diagnosed with COVID-19 if they might have been exposed to the disease so those individuals may take measures to protect their own health.



VIII. General Questions

Given the fast-developing nature of the COVID-19 outbreak, the Company may modify this Plan on a case by case basis. If you have any questions concerning this Plan, please contact the Company's Pandemic Coordinator.



COVID-19 Checklist for Employers and Employees

Know the Symptoms of COVID-19

- Coughing, fever, shortness of breath, and difficulty breathing.
- Early symptoms may include chills, body aches, sore throat, headache, diarrhea, nausea/vomiting, and runny nose. If you develop a fever and symptoms of respiratory illness, **DO NOT GO TO WORK** and call your supervisor and health-care provider immediately. Do the same thing if you come into close contact with someone showing these symptoms.

Employer Responsibilities

- Develop a COVID-19 Exposure Action Plan.
- Conduct safety meetings (toolbox talks) by phone if possible. If not, instruct employees to maintain 6-feet between each other. The foreman/supervisor will track attendance verbally rather than having employees sign an attendance sheet.
- Access to the job site and work trailer will be limited to only those necessary for the work.
- All visitors will be pre-screened to ensure they are not exhibiting symptoms.
- Employees, contractors, and visitors will be asked to leave the jobsite and return home if they are showing symptoms.
- Provide hand sanitizer and maintain Safety Data Sheets of all disinfectants used on site.
- Provide protective equipment (PPE) to any employees assigned cleaning/disinfecting tasks.

Employee Responsibilities

- Become familiar with the Exposure Action Plan and follow all elements of the Plan.
- Practice good hygiene: wash hands with soap and water for at least 20 seconds. If these are not available, use alcohol-based hand rub with at least 60% alcohol. Avoid touching your face, eyes, food, etc. with unwashed hands.

Cleaning/Disinfecting Job Sites and Other Protective Measures

- Clean and disinfect frequently used tools and equipment on a regular basis. This includes other elements of the jobsite where possible. Employees should regularly do the same in their assigned work areas.
- Clean shared spaces such as trailers and break/lunchrooms at least once per day.
- Disinfect shared surfaces (door handles, machinery controls, etc.) on a regular basis.
- Avoid sharing tools with co-workers. If not, disinfect before and after each use.
- Arrange for any portable job site toilets be cleaned by the leasing company at least twice per week and disinfected on the inside.
- Trash collected from the jobsite must be changed frequently by someone wearing gloves.

Personal Protective Equipment and Alternate Work Practice Controls

- Provide and wear the proper PPE.
- Keep the dust down by using engineering and work practice controls, specifically through the use of water delivery and dust collection systems.



COVID-19 Toolbox Talk

What is COVID-19?

The novel coronavirus, COVID-19 is one of seven types of known human coronaviruses. COVID-19, like the MERS and SARS coronaviruses, likely evolved from a virus previously found in animals. The remaining known coronaviruses cause a significant percentage of colds in adults and children, and these are not a serious threat for otherwise healthy adults.

Patients with confirmed COVID-19 infection have reportedly had mild to severe respiratory illness with symptoms such as fever, cough, and shortness of breath.

According to the U.S. Department of Health and Human Services/Centers for Disease Control and Prevention (“CDC”), Chinese authorities identified an outbreak caused by a novel—or new—coronavirus. The virus can cause mild to severe respiratory illness. The outbreak began in Wuhan, Hubei Province, China, and has spread to a growing number of other countries—including the United States.

How is COVID-19 Spread?

COVID-19, like other viruses, can spread between people. Infected people can spread COVID-19 through their respiratory secretions, especially when they cough or sneeze. According to the CDC, spread from person-to-person is most likely among close contacts (about 6 feet). Person-to-person spread is thought to occur mainly *via* respiratory droplets produced when an infected person coughs or sneezes, like influenza and other respiratory pathogens. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It is currently unclear if a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

In assessing potential hazards, employers should consider whether their workers may encounter someone infected with COVID-19 in the course of their duties. Employers should also determine if workers could be exposed to environments (e.g., worksites) or materials (e.g., laboratory samples, waste) contaminated with the virus.

Depending on the work setting, employers may also rely on identification of sick individuals who have signs, symptoms, and/or a history of travel to COVID-19-affected areas that indicate potential infection with the virus, in order to help identify exposure risks for workers and implement appropriate control measures.

There is much more to learn about the transmissibility, severity, and other features associated with COVID-19, and investigations are ongoing.



PANDEMIC TEAM

In the event of a pandemic directives from the government, LMS Guam. will play a key role in protecting employees' health and safety as well as limiting the negative impact to the services provided by the Company. Planning is very crucial in our organization. LMS Guam pandemic team has been identified as follows:

Role	Contact
Pandemic Coordinator Coordinates direction from executive leadership in support of pandemic preparedness and response	Williejo Dado Human Resources Specialist Cell: 671-747-2966 Email: humanresrouces@lsmfm.com
Contingency Manager Coordinates mission critical requirements to ensure continuity in support of operations. Represents company in Emergency Operations activities	Vincent Salas Safety Manager Cell: 671-689-8854 Email: Vincent.Salas@lmsfm.com
Human Resources: Liaison and Employee Accountability Support Services; Provides Updates on Personnel Out on Leave Due to COVID-19 Related Illnesses or Otherwise	Maiko Nakamura Project Coordinator Cell: 671-689-5491 Email: maiko.nakamura@lmsfm
Business Manager: Initiates Need for Pandemic Response Team to Meet and Chairs Meeting; Executes Financial Decisions to Authorize Changes and/or Ensure Continuity of Assets and Project Timelines	Frederick Keller Director of Commercial Sales Cell: 671-787-0337 Email: fred.keller@lmsfm.com
Procurement Manager: Procures and Manages Inventory of PPE and Other Supplies Related to the Pandemic Mitigation for the Company	Brandy Cruz Procurement Manager Cell: 671-688-6710 Email: brandy.cruz@lmsfm.com
Project Manager Representative: Provides Real-Time Feedback on the Condition of Ongoing and Pending Projects Affected by the Pandemic; Communicates to Superintendents Necessary Information	Edilberto Guiao Project Superintendent Cell: 671-688-8046 Email: eddie.guiao@lmsfm.com
Quality Control Manager: Provides Quality Control Monitoring on the Efforts of Minimizing the Spread of the Virus Throughout Workforce; Communicates Needed Adjustments in the Plan	Daniel Hualde QC Manager Cell: 671-688-8291