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FOR IMMEDIATE RELEASE:

**CONSTRUCTION THOUGHT LEADER:
HOW COVID VACCINATION ISSUES
AFFECT THE CONSTRUCTION INDUSTRY**

Conflicting Laws, Rules And Mandates Increase Litigation Risk
For Both Current And Future Projects

(Marlton, New Jersey) A spring, 2021 study by Carnegie Mellon and the University of Pittsburgh found the construction industry to be among the least likely to seek vaccination against Covid-19. It reports that around 46% of workers are not vaccinated, with many not interested in ever being vaccinated. According to Jeff Kozek, Principal at Resolution Management Consultants, LLC, "conflicting Federal, state and local vaccination rules combined with workers hesitancy in getting vaccinated has created a perfect storm in the construction industry raising the likelihood of litigation for companies of all sizes." Kozek notes that litigation potential arises from two main areas: 1) contradictory vaccination mandates that impact construction contracts, and 2) confusion regarding whether or not employee Covid-19 illness is a work-related issue or not.

Many contracts that were written and signed prior to the pandemic could not have foreseen how vaccine issues would affect projects. Suddenly, in the middle of construction, Covid-related laws and rules are adopted that significantly impact the ability to fulfill the contract as signed. For example, a hospital implementing a 100% vaccinated policy that includes construction

projects and personnel, has the potential to suddenly delay or shut down all of its building construction.

Conflicting Federal, state and local rules also have an impact on projects. For example, if the Federal government has a 100% vaccine mandate on construction projects and the local government has no vaccine mandate, would a Federal inspector be allowed to come on the local site to inspect or would the project need to shut down.

Another issue is how OSHA policy affects construction. Initially, OSHA was considering requiring a 100% vaccine mandate which ultimately turned into their strong recommendation. Says Kozek, "there is a great deal of confusion over OSHA's involvement in the vaccine issue because of how it opens the door to broader disease-related issues on construction job sites. For example, if a construction worker has an adverse reaction to being vaccinated, is that a work-related incident? Does the employer need to report it? Even worse, if a vaccinated worker gets sick with Covid-19 and dies, is it a work-related death and part of the contractor's safety record?"

The confusion is causing many construction companies to not even bid on vaccine mandated projects. In fact, some recent government construction bid requests in New Jersey failed to attract a single bidder.

Says Kozek, "the blurred line between construction site safety and Covid vaccine policy has created a lot of confusion in the industry which unfortunately will ultimately be sorted out in the courts."

About Resolution Management Consultants, Inc.

Resolution Management Consultants, Inc. (RMC) is a nationally recognized consulting firm headquartered in Marlton, NJ. There are two sides to the business: the construction planning and management aspect – helping clients build more successful projects – and the litigation aspect – should matters go to court, providing analysis and testimony as expert witnesses. Founded in 1993 by veterans in the construction, contracting and engineering professions, RMC has assisted numerous private owners, public agencies and contractors in either achieving project goals or resolving cost and time disputes between the contracting parties.

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