



# TEXANS BACK TO WORK TASK FORCE

MAY 6, 2020



LT. GOVERNOR DAN PATRICK





I want to thank G. Brint Ryan and the members of the Texans Back to Work Task Force for this outstanding report. Less than a month ago, I contacted Brint and Roy Bailey – both members of my Business Advisory Board – and gave them the almost impossible 30-day assignment of pulling together a team of other members from the Business Advisory Board to produce a “bottoms up” guide for businesses as we reopen the Texas economy.

They took on this monumental challenge without blinking and have succeeded far beyond my expectations. They quickly identified a team with expertise and experience in a broad range of businesses and industries and have worked tirelessly – day and night. They have provided Texas with this detailed guide of best practices for individual businesses to reopen their companies while keeping employees and customers safe. They did this while running their own businesses during this difficult time.

The Texans Back to Work Task Force report will work hand in hand with Governor Greg Abbott’s Strike Force to Open Texas to ensure our state’s economy is once again the job creator for the nation and a powerful force in the global marketplace.

For the past few months, Texans have come together to reduce the spread of this awful virus and protect life. Now we are coming together to make sure our economic comeback is strong so that every Texan can prosper and fulfill their dreams. Texans working together are a powerful force and I am confident we will succeed.

Lieutenant Governor Dan Patrick



May 6, 2020

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
Texas State Capitol  
Austin, Texas 78701



Dear Lieutenant Governor Patrick:

On behalf of the Texans Back to Work Task Force, thank you very much for the opportunity to serve the State of Texas during this critically important time. The pandemic caused by the novel coronavirus, known as "coronavirus disease 2019" ("COVID-19") has created one of the most serious threats to public health and economic stability and security that we have seen in our generation.

We recognize the immense challenge of successfully managing this crisis. In particular, we understand the difficulty of balancing the sometimes competing objectives of protecting our citizens from the health risks of COVID-19 and the health risks brought on by economic instability or collapse, including depression, suicide, hunger, malnutrition, and health conditions such as cancer, heart disease, and other illnesses that are exacerbated by the lack of timely access to medical care.

There can be no doubt that solutions to these challenges will be difficult. None of the solutions will be without risk.

We applaud you for having the vision to appoint this Task Force, not only to look at health issues that have arisen from the pandemic and its impact on businesses across our state but also to focus on a safe and balanced way to protect all the citizens of Texas. We believe your leadership will help avoid unnecessary damage to our economy, harness the boundless creativity and determination of Texans, and get us through this crisis safely and successfully.

As you know, the Task Force was comprised of twenty-three Committee Members from your Citizens Advisory Boards and over fifty Special Advisors recruited by the Task Force from around the State of Texas. Our members have deep domain expertise in almost every facet of the Texas economy. They include small business owners, entrepreneurs, healthcare leaders, policy leaders, and consultants and advisors from across the state. Many of our members have been operating under "essential businesses" designations and have learned first-hand both the challenges of dealing with the SARS-CoV-2 virus and the pandemic that has resulted. We have made every effort to capture those learnings, along with the very best thinking from virtually every industry cluster in this report to facilitate the safe and successful reopening of Texas.

Respectfully submitted,

A handwritten signature in blue ink that reads "G. Brint Ryan".

G. Brint Ryan, Chairman



## Texans Back to Work Task Force

**G. Brint Ryan, *Ryan, LLC, Chairman***

Steve Alvis, *NewQuest Properties*

Arch "Beaver" Aplin III, *Buc-ees*

Roy William Bailey, *Bailey Deason Capitol Interests*

Ben "Bud" M. Brigham, *Brigham Minerals, Atlas Sand & Brigham Exploration*

Clay Cooley, *Clay Cooley Motors*

John Connally III, *Petroleum*

Tim Dunn, *CrownQuest Operating, LLC*

Joseph Fitzsimons, *Uhl, Fitzsimons, Jewett & Burton, PLLC*

Roger Guenther, *Port of Houston*

Kent Hance, *Hance Scarborough*

Mike Hernandez, *D&M Auto Leasing*

Gaylord E Hughey, Jr., *Attorney at Law*

Woody L. Hunt, *Hunt Companies*

Jodie L. Jiles, *Transwestern*

Victor Leal, *V. Leal's Management/Mexican Restaurants*

Bob McNutt, *Four M Investments*

Brenda Pejovich, *Brenda Pejovich Foundation*

Michael Plank, *The Plank Companies*

Paul Sarvadi, *Insperity*

Sheldon "Shelly" Stein, *Southern Glazer's Wine & Spirit*

Massey Villarreal, *Precision Task Group*

Kelcy Warren, *Energy Transfer*





**Texans Back to Work Task Force reached out to dozens of experienced business leaders and experts across the state who provided consultation and deliberation in preparing this report.**

**Special Advisors to the Texans Back to Work Task Force**

Steve Ahlenius, *McAllen Chamber of Commerce*

Austin Alvis, *NewQuest Properties*

Jon Barela, *The Borderplex Alliance*

Russell Boening, *Texas Farm Bureau*

Ike Brown, *NFI*

Dr. Kirk Calhoun, *The University of Texas Health Science Center*

Richard H. Collins, *Istation*

Alex Fairly, *Fairly Group*

Dr. Carine M. Feyten, *Texas Woman's University*

Joyce-Marie Garay, *Ryan, LLC*

Dr. John C. Goodman, *Goodman Institute*

Dr. Brenda Hellyer, *San Jacinto College*

Daniel D. Herink, *Inspirity*

Rafael Herrera, *Innovative Management Group Investments*

Kenneth A. Hersh, *George W. Bush Presidential Center*

Mike Howard, *Howard Energy Partners*

Kristi Sherrill Hoyle, *Baylor Scott & White Health*

Dr. Ronald T. Luke, *Research & Planning Consultants, L.P.*

John Osborne, *Lubbock Economic Development Alliance*

Judy MacLeod, *Conference USA*

Ryan McCrory, *Hunt Companies*

Tracye McDaniel, *TIP Strategies*

Robert E. "Bobby" McKnight Jr., *Texas and Southwestern Cattle Raisers Association*

Dr. Tedd L. Mitchell, *Texas Tech University System*

Steve Merritt, *Transworld*

Jeff Moseley, *Texas Association of Business*

Ginger Nelson, *City of Amarillo*

Patrick Payton, *City of Midland*

Dr. Ray Perryman, *The Perryman Group*

Dan Pope, *City of Lubbock*

Lane Riggs, *Valero*

Reid Ryan, *Houston Astros*

Kevin Roberts, *Transwestern's Southwest Operations*

Jamey Rootes, *Houston Texans*

Gerald Schwebel, *International Bank of Commerce (IBC Bank)*

Dr. Suzanne Shipley, *Midwestern State University*

Andrew Silverman, *American Airlines Center*

Dr. Michael R. Williams, *UNT Health Science Center*



## TABLE OF CONTENTS

Introduction	7
Guiding Principles	9
Public Health and Safety	10
Industry Clusters	
Agriculture	17
Business Services and Technology	22
Construction and Real Estate	31
Education	41
Energy, Oil & Gas	43
Government	47
Healthcare and Medical Services	51
Higher Education	58
Manufacturing	61
Restaurants	63
Retail, Fitness, and Personal Services	68
Sports and Entertainment	72
Transportation, Warehousing, and Distribution	75
Economic Development and Infrastructure	78
Global Trade and Supply Chains	81
Legal Liability and Regulatory Orders	85
Conclusion	91
Committee Roster and Biographies	92
Special Advisor Roster and Biographies	100
Task Force Staff	113



## INTRODUCTION

Coronavirus disease 2019 ("COVID-19") caused by the novel coronavirus SARS-CoV-2 has infected over 3.5 million people worldwide resulting in 249,520 fatalities since the first case was discovered in Wuhan, China in December 2019. It has affected 187 countries and territories including the United States where over 1,122,486 have been infected with 65,735 fatalities as of May 4, 2020. As of that date, the State of Texas has experienced 32,332 infections resulting in 884 deaths. The SARS-CoV-2 virus is highly contagious and is thought to spread person-to-person through droplets, airborne transmission, surface transmission and by oral-fecal transmission. Currently, no effective treatment or vaccine exists for COVID-19. The pandemic resulting from this disease has had profound public health and economic consequences around the world.

Governments worldwide were ill equipped to deal with this highly infectious novel (new) virus and found themselves with few options other than to lockdown broad sections of their countries. Lack of testing capability and acute shortages of personal protective equipment (PPE) and necessary medical equipment coupled with the inability to trace and track those infected led to shut-downs of major parts of the world economy. The resulting economic damage has been severe and continues to grow more concerning by the day. The falloff in demand for energy has led to a near collapse of the oil and gas industry while farmers destroy crops that are no longer in demand<sup>1</sup>. The United States has already suffered trillions of dollars in lost economic output and it may take years for the economy to fully recover.

As the pandemic has progressed, several key developments have occurred. The infectious nature of the SARS-CoV-2 virus is now better understood and studies show that the number of people infected with the virus is likely much higher than cases confirmed through testing. Supply chain disruptions impacting the availability of PPE and testing reagents are beginning to mitigate. Tests for COVID-19 infection and for antibodies to the virus have accelerated and are becoming widely available. The Food and Drug Administration (FDA) has now approved a home test for the virus that will be available over the coming weeks. Tracking and tracing applications are in development by some of the world's largest technology companies. These developments appear to show the mortality rates assumed in early modeling were too high and that the infections pose no major health threat for a majority of people.

**We strongly believe that the Texas economy can be safely and effectively reopened and restored to 100% in the not too distant future.**

Using the knowledge gained since the pandemic began, we believe business owners can use their creativity and ingenuity to formulate safe and effective protocols for their businesses to open and stay open. It is the market that is the ultimate arbiter of how businesses can be successfully opened. Businesses and other organizations that don't develop safe and effective protocols will lack customers whether or not their doors are open as customers and employees will only return if they feel safe.

1. WSJ, Coronavirus Forces Farmers to Destroy Their Crops, April 26, 2020



An objective of this report is to identify the knowledge gained during this pandemic. COVID-19 has impacted almost every facet of life in Texas. However, Texans are resilient, and they have met this challenge as they would any other challenge. We have learned many things. We have developed many new ways of doing business that will continue after the current crisis. The crisis has exposed weaknesses in current business strategies, such as supply chain optimization, and it has revealed shortcomings in many businesses and government agencies. Our Task Force endeavored to identify these and to make recommendations to incorporate them into future business and government processes that will make Texas even stronger than it was before the pandemic. Returning business to Texas, stronger than ever, was one of our top objectives.

We believe that the implementation of safe and smart strategies and protocols will protect Texans while allowing the Texas economy to reopen and begin recovering. We believe that learning from this experience, as devastating as it has been, is the proper response. What we learned will make us stronger, in the near-term and the long-term. We have an obligation to ourselves and to future generations to use this experience to build a better, stronger Texas.





## GUIDING PRINCIPLES

### **Throughout our work, the Task Force was guided by these principles:**

Balance the need to protect our citizens from both the health risks from COVID-19 and the health risks from economic instability, including depression, suicide, hunger, malnutrition, and health conditions such as cancer, heart disease, and other illnesses exacerbated by lack of timely access to medical care.

Safely and effectively reopen and restore our Texas economy to 100% in the not too distant future.

Make necessary changes to government rules, policies and procedures to prepare Texas to better respond to major challenges and to have a healthy and prosperous future.



### BACKGROUND

Based on extensive review and analysis of recommendations and experiences from around the world, including recommendations from the U.S. Centers for Disease Control and Prevention (CDC), a successful reopening of the Texas economy will require a rigorous focus on public health and safety. This is true both to protect the personal health of employees and business patrons but also to promote confidence that patrons can safely return to reopened establishments. Surveys indicate consumer confidence is low and whether or not establishments are reopened, many customers may not return until they believe it is safe to do so. Some surveys indicated that many consumers may not feel safe in returning until effective treatments or even a vaccine is available.

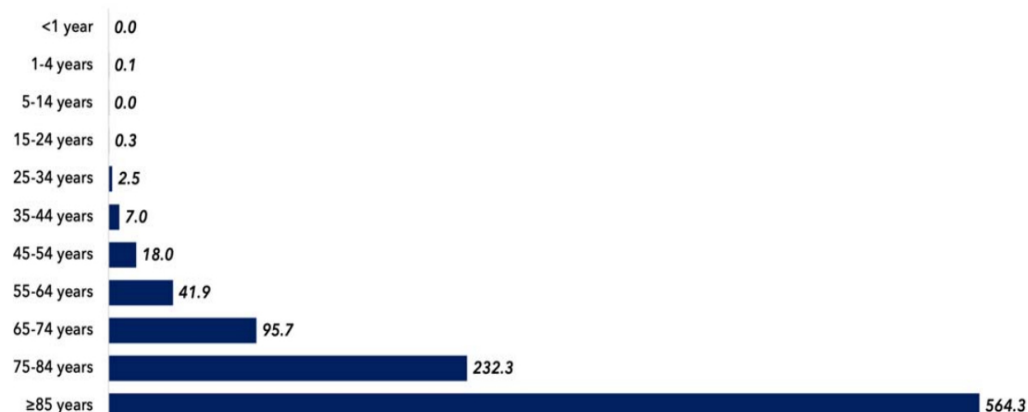
Evidence is emerging from recent studies in California and New York using antibody tests that the infection rate for COVID-19 may be much higher than earlier estimates based on limited infection testing. Higher infection rates suggest the mortality rate from COVID-19 is much lower than the earlier estimates. The newer estimates of infection rates support policies to more rapidly open the economy.

However, they do not reduce the need for responsible behavior in public places to protect those vulnerable population segments with high mortality rates.

Although the CDC initially listed just three symptoms (fever, cough and shortness of breath and difficulty breathing) it has now expanded the list to include chills, repeated shaking with chills, muscle pain, headache, sore throat and new loss of taste or smell.

The mortality rate increases with a person's age. The risk of death from COVID-19 is also higher for people with diabetes, asthma, hypertension, heart disease, COPD, and obesity. Obesity is a risk factor particularly for younger people who are infected. These conditions are present in a large percentage of the non-elderly population. It is probably not realistic to expect this large a segment of the population to self-isolate for months, and possibly years, until a treatment or vaccine is available. While persons at higher risk must take steps to protect themselves from infection, all Texans should take reasonable steps to avoid infecting others.

U.S. Deaths Associated With COVID-19 Per Million People (By Age, as of April 17, 2020)



Source: CDC



Reopening the Texas economy safely and quickly requires responsible behavior and cooperation from employers, employees, and consumers/customers. State officials and opinion leaders need to communicate that every Texan has a social responsibility and moral obligation to take consistent, reasonable actions to minimize the chance he or she will infect others with COVID-19 while working, shopping, or using services. Everyone may have the right to act in ways that may infect them, but they do not have the right to act in ways that may infect others.

Government must first make decisions that limit deaths from COVID-19. At the same time government must protect liberty and freedom while ensuring that the state maintains an economy strong enough to support the livelihoods of millions of Texans. As more reliable data become available; government should refine its response to COVID-19 by industry sector and population segment to avoid unnecessary restrictions on employment and economic activity - while still focusing on protecting the most vulnerable.

State officials should continue to provide consistent, effective messaging to motivate a community effort to reopen the economy. It needs to be Texas-specific. The closest analogy is the "Don't Mess with Texas" campaign that significantly reduced highway littering by making it uncool and an un-Texan thing to do. We should consider creating these public service announcements.

State officials should explain the responsibility of every Texan to do his or her part as employees and customers. They also need to explain what is expected of business owners, particularly those in retail and service businesses with daily contact with many people.

State officials should continue to communicate with Texas businesses on statewide efforts to increase and establish statewide testing and contact tracing.

## **MITIGATION METHODS**

Essentially there are four mitigation methods for the coronavirus: avoid it, trace it and contain it, kill it and prevent it. Avoiding it means isolating, wearing masks, avoiding people-to-people contact and other measures described below. Tracing it and containing it means tracking the interactions a new patient has had with other people and alerting them to the danger while isolating the infected individual. At this time we don't have the means to kill it, but we are hopeful and the research is promising in a number of areas. Prevention will come with the development of a vaccine but that may take some time.

## **DEVELOPING DIFFERENT STRATEGIES FOR DIFFERENT POPULATIONS**

**AGE MATTERS.** There is almost no risk to children under 14 years of age. There is little risk of mortality for individuals of college age or younger. However, people over the age of 65 are 22 times more likely to die of COVID-19 than people under 55. In thinking about reopening, businesses should develop strategies to accommodate customers and employees of varying ages. Businesses that employ young people and cater to younger customers should follow different rules than businesses that employ older workers and cater to older customers.

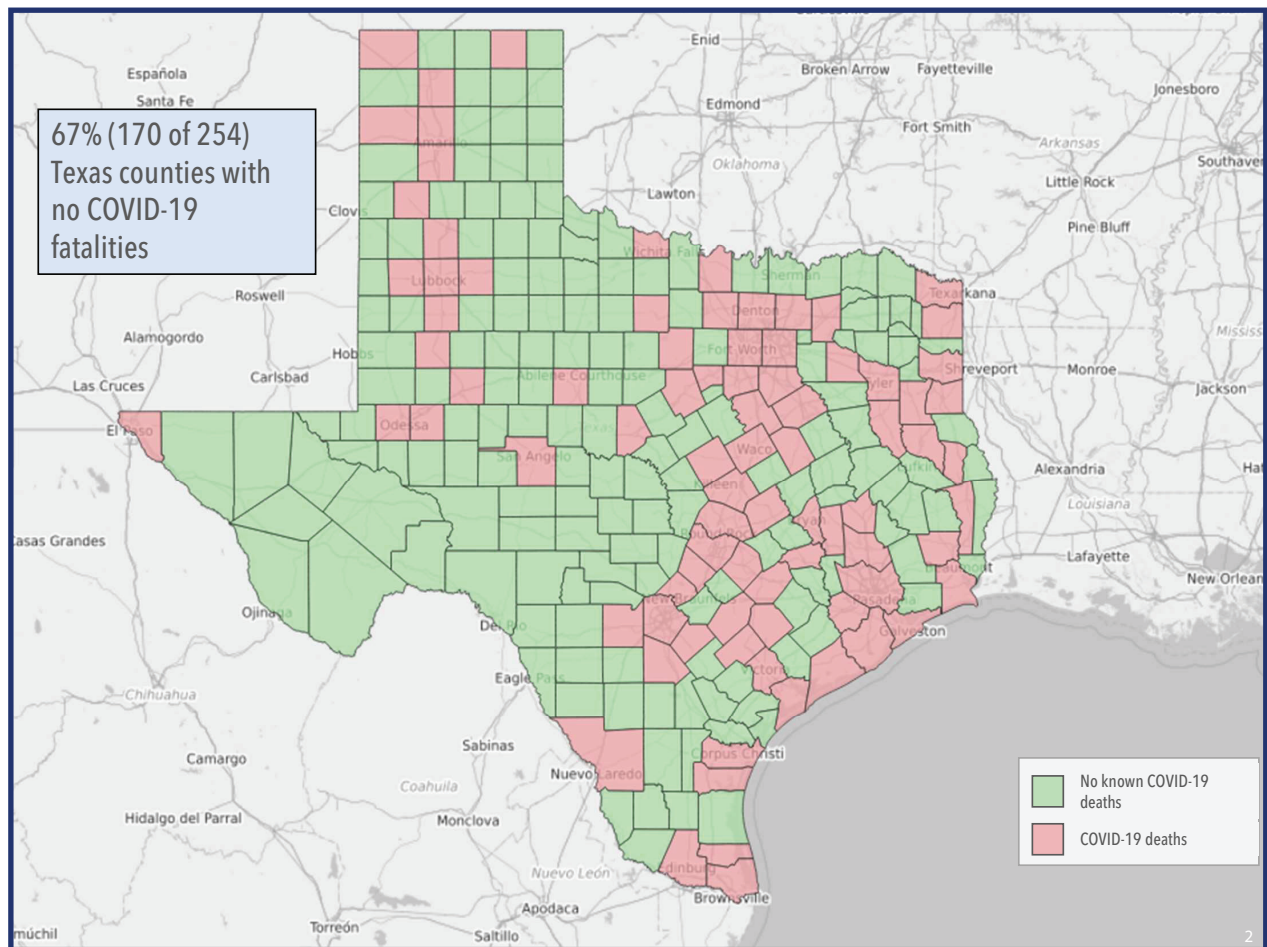
**HOSPITAL CAPACITY MATTERS.** The rationale for the shelter-in-place orders was to avoid overwhelming hospital capacity, specifically ICU and ventilator capacity. The need varies as the hospital capacity varies. Texas has 11 public health regions (PHRs). Each region has one or more tertiary medical centers and many counties with more basic hospital services or no hospital services. Rather than look at 254 counties individually, consideration should be given to look at regions in assessing hospital capacity.



**AT RISK ENVIRONMENTS MATTER.** In Texas about 40% of the 884 people who have died (DSHS, May 4, 2020) from COVID-19 lived in nursing homes or assisted living facilities. Nationally, 11,000 nursing home residents have died. State government should continue to give special attention to these facilities.

**WORKPLACE FUNCTION MATTERS.** Individuals who are exposed to many different people each day should be treated as higher risk to contract the infection and to spread it. (Please refer to other sections of the Task Force report for more details.)

**OTHER HEALTH CONDITIONS MATTER.** We know that diabetes, asthma, hypertension, obesity, COPD, cardiovascular and other chronic conditions put people at greater risk. If at all possible, employees with vulnerable chronic conditions should be encouraged to work from home. We also know that COVID-19 is disproportionately affecting minority populations, especially black males.







## RECOMMENDATIONS

### NOW – *Back to Work Safely*

#### GOVERNMENT REGULATION

- Reduce shelter-in-place restrictions in regions of the state with adequate acute care beds, ICU beds, and ventilators to treat persons hospitalized with COVID-19.
- Continue to monitor hospital capacity and occupancy daily and adjust restrictions in regions if hospitals in that region are approaching capacity. Shift ventilators and staff between regions as needed to balance capacity with need. Publish hospital capacity metrics weekly to keep the public and employers informed.
- Continue to monitor hospital capacity by public health region using the Department of State Health Services Regional Advisory Councils currently used to track hospital capacity for the state trauma system. With many rural hospitals expected to close due to the pandemic there will be increased burden on the urban and tertiary care centers making hospital capacity monitoring even more crucial.
- Continue to revise and refine regulations and guidelines for each business sector based on best available information to avoid unnecessary restrictions on employment and economic activity. Require businesses to follow best practices expressed in regulations and guidelines.
- Where licensing and other regulations have been temporarily suspended during the crisis, continue the suspension until the end of the disaster declaration. Then, conduct a cost/benefit analysis to determine if the regulation should be reimposed, repealed, or modified in the public interest.

## PHYSICAL DISTANCING, PPE, SANITIZING

Shelter-in-place orders should be replaced with requirements for physical distancing, use of PPE, and sanitizing hands and surfaces. Citizens in higher risk health categories should continue to shelter at home until more effective treatment and mitigation strategies are implemented. Workers in this category should work remotely where possible.

### Recommendations for Employees and General Public

- Each Texan must be personally responsible for taking personal mitigation actions to protect himself or herself, family members, fellow employees, and the general public. Individual mitigation will make mitigation actions by employers, merchants, and government more effective.
- Check yourself and others in your household for COVID-19 symptoms every morning before leaving your residence. Here is the current CDC list of symptoms: fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell.
- Employees can be given copies of the screening questions to ask themselves each day before leaving home. If they answer a question affirmatively, they should remain home, notify their employer, and contact their physician.
- If the test result is positive, follow your doctor's directives. You may also want to take these actions to protect yourself and to aid the infection tracing program:
- Make a list of all persons with whom you have had recent contact and of places you have been in close contact with other people to assist with contact tracing.



- Those not in a high-risk group should self-isolate and be alert for worsening symptoms that require medical attention. Contact your physician if you have these symptoms before symptoms become severe: including trouble breathing, persistent pain or pressure in the chest, new confusion or inability to arouse, bluish lips or face.
- Those in a high-risk group should consult their physician immediately.
- If the test result is negative, self-isolate until the symptoms disappear following CDC guidelines.
- Remember a negative test only shows a person did not have COVID-19 that day. A person with no symptoms who goes to work, shops, or engages in other activities may be infected with COVID-19 and able to infect others. A person has no way to know unless he or she had a test that day.
- Stay six feet from other people whenever possible.
- Wear a face covering when around other people except when eating or drinking to reduce the chance you transmit the virus by sneezing, coughing or breathing and avoid touching your face when you adjust the mask.
- Wash your hands frequently with soap and water for 20 seconds and/or with a hand sanitizer containing a minimum of 60% alcohol to a preferred level of 70% alcohol.
- If your job permits you to work at home partially or completely, do so as much as possible.
- If you need healthcare services for COVID-19 or any other condition, use telehealth services as much as possible to protect healthcare workers.

- Some health experts are discouraging the use of cash and advising the use of credit and debit cards to reduce transmission of the virus.

### **Recommendations for Businesses**

- Require all employees to answer screening questions (CDC algorithm questions are an example) to determine their potential for infection. If practical, take the temperature of all employees and check for other symptoms. Send employees with symptoms home and ask them to consult their doctor. For some time, businesses may have difficulty in obtaining thermometers as they are in short supply. We need to provide some expectations that they will make continuous efforts to obtain them, however, understanding this may take time so the questionnaire is especially important.
- Procure reasonable PPE for all employees. Specific PPE required will depend upon the employee's specific role. (e.g. a dental office receptionist will need a mask while a hygienist in the same office will require mask, face shield, gown, and gloves.) The primary purpose of masks is not to protect the wearer, but to protect people with whom the wearer comes near.
- Require use of masks by all persons while in the workplace if practical.
- Make use of hand sanitizer throughout the workplace and in all department locations for easy access by all employees, customers and visitors throughout the entire business day.



- Where items (e.g., tools, merchandise) pass between employees or between employees and customers, provide nonsterile, disposable gloves for employees and sanitize the gloves with hand sanitizer or other disinfectant during the workday. As many people have diagnosed and undiagnosed latex allergies, non-latex gloves should be considered an option.

- Clean surfaces after each customer and deep clean after each work shift and at the end of the business day.

- Organize all areas of the workplace used by employees, customers, suppliers, and shippers to support six-foot social distancing whenever possible. Limit the number of persons in the workplace as necessary to accomplish social distancing.

- Consider other reasonable actions to ensure employees and the public feel safe in your business.

## **SCREENING AND TESTING PROTOCOLS**

### **Recommendations for Government**

- State government should continue to develop a strategy to deploy public and private tests, so it does the most (1) to reduce infections, hospitalizations, and deaths and (2) provide reliable population statistics on which to base future policy decisions.

### **Recommendations for Businesses**

- Obtain necessary equipment to support screening at all locations. Assign, train and equip staff to control all points of entry to check all persons. Consider contracting with a service provider to perform screening if that would be more cost-effective.

### **Recommendations for Employees and General Public**

- See Recommendations for Mitigation above.

## **TRACING, TRACKING, AND QUARANTINE PROTOCOLS**

### **Recommendations for Businesses**

- Establish tracing and tracking procedures for employee populations. These procedures are required for testing programs to work effectively. Follow state and local Public Health Department guidelines as to tracing and tracking procedures.

- Use Health Insurance Portability and Accountability Act (HIPAA) compliant notification procedures when infected persons are found to have visited a workplace.

### **Recommendations for Government**

- Continue to organize a statewide process for contact tracing in coordination with call centers scheduling tests and providing test results. Have procedures in place to protect personal health information in compliance with federal and state law.

- Recruit and train adequate staff for contact tracing distributed statewide. Use State and National Guard, furloughed public school employees and other furloughed public employees who already have familiarity in local areas and are already being paid by state and local governments.

- If smartphone apps for contact tracing become available, use them if reasonable protection of personal information can be assured.



### **FUTURE - *Back to Work Stronger Than Ever***

While it should never be mandatory, members of the public should be encouraged to “opt-in” to public health tracking systems once available and widely adopted.

#### **PHYSICAL DISTANCING, PPE, SANITIZING**

##### **Recommendations for Businesses**

- All businesses should add pandemic planning to business continuity plans and disaster recovery plans.
- Businesses should procure and maintain sufficient PPE in reserve for critical employees, if not all employees, when possible.
- PPE should be developed using enhanced anti-microbial properties such as copper-infused or sodium chloride-coated N98 masks.

### **Recommendations for Government**

- State of Texas should encourage all businesses to acquire and maintain necessary PPE for all employees and exempt such purchases from sales/use tax.
- The State of Texas should encourage/incentivize remote working, telemedicine, and other similar technologies that support operations during a pandemic.
- All State and local government agencies in Texas should be charged with developing plans to work remotely, move to digital (paperless) operations, and be able to do business electronically, take payments, etc. Texas Open Meetings Act should be amended accordingly.

---

#### **Task Force Committee Members**

Massey Villarreal, *CEO and President, Precision Task Group, Inc.*

#### **Special Advisors to the Public Health and Safety Committee**

Dr. John C. Goodman, *Goodman Institute (Chair)*

Dr. Ronald T. Luke, *President, Research & Planning Consultants, LP*

Dr. Michael R. Williams, *President, UNT Health Science Center*





### Agriculture

#### BACKGROUND

Ensuring that we protect and expand our critical food supply chain by providing access to capital, labor, transportation, and distribution are critically important. After reviewing the current situation and considering the experiences of our Texas agricultural community, we believe the following steps need to be taken immediately and deliberately to mitigate the damage done to Texas agriculture by the pandemic. Not only will these recommendations lessen the damage done, implementation will ensure that as we are reopening Texas, we will minimize further disruption within the food, feed, fiber, fuel, and other commodity supply chains.

The food supply chain has been abruptly disrupted, with more persons eating at home and the increase in unemployment. Retail demand has increased while all other demand has slowed (restaurants) or come to a halt (schools). Unused or wasted food should be diverted for alternative unmet food needs. Food pantries and food banks are critical in maintaining the supply chain structure. As other demand eventually increases, the supply chain will have the labor it needs to return to original markets. Let's keep the flow going to ensure that workers have jobs, and businesses will not be understaffed when "normalcy" occurs.

#### Recommendations

Removing logistical and regulatory barriers is critical to the agricultural recovery efforts.

##### Primary

- Continue food and agriculture sector designation as critical infrastructure/essential workers.
- Incorporate the food supply chain as a priority—in the same way the PPE supply chain has been a priority—to ensure that Texas and America do not develop a dependence on foreign suppliers and manufacturers.

##### Capital

No agricultural commodity has been spared from the downward price pressure in the wake of market shocks related to COVID-19. As a result, 2020 net farm income is expected to sharply decline as operating costs remain fixed and gross income falls. Expanded access to capital is crucial to ensure agricultural production can continue meeting retail grocery demand for millions of homebound Americans. With the Paycheck Protection Program (PPP) being depleted so rapidly and many of the lenders in rural areas not able to setup quickly, farmers were limited in their ability to access these funds. The ability to secure grants or low-interest loans will be vital for farmers (including dairy) and ranchers to operate their businesses.



- Ensure access to capital through loan guarantees underwriting by strongly encouraging agricultural lenders and rural banks to provide the necessary lending to keep Texas agriculture producing.
- Allow lenders to grant 80% guaranteed loans. The Small Business Administration (SBA) Section 7a loans must be made available to agricultural lenders, particularly small rural banks.
- Utilize state or federal block grant programs to deliver assistance to struggling producers.
- Urge the SBA to expedite the approval of applications for rural lenders and provide guidance for agricultural applicants.
- Most of agriculture's primary lenders—such as the Farm Credit System and rural community banks—have not historically administered SBA programs, which required them to submit applications to the SBA to become an eligible lender. Many have reported long delays in the approval process, which has held up the availability of capital for farmers and ranchers who need financing as quickly as possible. The SBA must have sufficient resources to process applications as expeditiously as possible, so funds can be equitably distributed to rural Texas without further delay.
- Many farmers and their lenders continue to be hamstrung by the absence of any specific SBA guidance on the treatment of schedule F filers. Together, this situation effectively put farmers and ranchers at the end of the line to receive assistance, and now the funding for the program has been exhausted. Unfortunately, numerous agricultural producers have been left without benefits from the PPP.

We need to ensure that sole proprietors who file a Schedule F are eligible to participate in PPP. In addition, we ask that profits from farm equipment trades and breeding livestock that are reported on Form 4797 and owner compensation be included in that calculation of income.

- Address the eligibility cap for agriculture. Commercial-sized agricultural operations are the backbone of the rural economy, but many working families in rural America are being excluded from critical SBA emergency loan programs that could mean the difference between financial stability and financial ruin. Some of these family farms and downstream agricultural processing and merchandising entities employ over 500 individuals, which makes them ineligible to apply for much-needed capital available through SBA programs. A substantial increase on SBA's eligibility cap for employees is essential for these family farms to continue operating and paying their employees.
- Ensure that agricultural businesses are eligible for Economic Injury Disaster Loans (EIDL). While some agribusinesses such as nurseries, aquaculture, and cooperatives have access to EIDL under current agency policy, most of agriculture has previously been ineligible due to safety net programs administered by the U.S. Department of Agriculture (USDA). Unfortunately, this crisis threatens to severely deplete USDA's resources, particularly at the Farm Service Agency (USDA-FSA). While farmers and ranchers will need direct payments through existing and supplemental channels, they will also need access to federally guaranteed low-interest loans to continue operating. The vast majority of agriculture businesses otherwise meet the criteria to qualify for EIDL loans. We should urge Congress to provide clear guidance to the SBA expressing their intent for all production agriculture businesses with 500 or less employees to be included in this program.



- Create a low-interest loan mechanism for farmers and ranchers to secure the necessary funding for input costs to begin the next plantings. USDA Direct Payment Program to Growers is capped at \$250,000 per entity. Fruit and vegetable farmers and ranchers are often faced with \$2,000 to \$6,000 per acre in costs just from land prep to pre-harvest. The \$250,000 from the USDA will fall far short of providing enough capital for many farmers and ranchers to secure the necessary credit lines. Furthermore, at this time, the USDA does not offer any details or timeline for this program.

- Increase tax write-offs to Texas farmers and ranchers that donate fresh produce to food banks or other charity/relief organizations. Current limits only allow farmers and ranchers (or shippers) to utilize 10% to 15% of donated Fresh Food and Vegetable (FFV) as a tax deduction write-off. Increasing these deductions would provide financial support and encourage additional donations.

### **Transportation/Distribution**

Keep agricultural products moving from farm/ranch to processing to consumers.

- Extend the original Texas Department of Motor Vehicles (DMV) waiver granted following the disaster declaration, including maximum truck weights, hours-of-service for drivers, and other regulations. Maintain flexibility in trucking to keep the food supply chain open and agricultural products moving in Texas.

- Continue to monitor the situation and remove any regulatory barriers that prevent local agricultural processing facilities from providing food products to the public. Identify the type of assistance that may be provided to these facilities to help them increase capacity which includes local locker plants that process livestock for individuals.

- The demand at Texas food banks has doubled as a result of the COVID-19 pandemic. That is a 100% increase in the food needed for distribution. One half of those turning to food banks have never turned to food banks to feed their families. It is imperative that these food banks meet their demand needs. Ensure that perishable commodities are redirected/delivered to pantries and food banks efficiently, as long as the margin in food surpluses is too big and charitable giving cannot fill the need to feed jobless families. Food should not be going to waste as families are going hungry.

- Through the Texas Division of Emergency Management (TDEM), the 21 food banks across Texas are receiving a total of \$24 million in assistance. It is understood that another \$24 million may be available. This funding should be released immediately as the previous funding covered 30% of the anticipated need. As is demonstrated now, the need was 100% greater than normal demand. This funding will help feed Texas families in need for four to eight weeks and cushion the need until federal funding is available.

- Food service distributors need to pivot to support the increase in demand on the retail side. Funding is needed for equipment and packaging to make their products more relevant to retail consumers. A great food service pivot was LaBatt Foods taking on some of HEB's increased demands.



- Pull in TDA, Agricultural Marketing Service (AMS), Texas food service companies and Texas distributors along with Texas agriculture partners in produce, protein, and dairy. It is critical that the participants are required to work through Feeding Texas Food Banks in the State of Texas for the coordination of delivery of boxes of food. Feeding Texas Food Banks represent 99% of all non-profit pantries, churches, schools, etc. that are distributing food to families in need.

<https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box>

<https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>

- Coordinate unemployment benefits and employment needs. If someone can make more on unemployment than working on the frontline of this crisis, why would he/she return to work? Hero Pay, Hazard Pay and Incentive Pay should be considered for low wage restaurant workers. Consider possible dual compensation strategies so that employees may keep their unemployment benefits for a period as they return to work.

- Assist with food bank donations by creating a fund to help local food banks secure funds for products.

These funds would be used to purchase products directly from suppliers to be donated to food banks across Texas.

### Labor

- To keep food processing plants open, the state should increase housing support for agricultural packing/processing employees to avoid disastrous declines in market prices for livestock producers. As was discussed for medical personnel, perhaps state and local communities should consider housing plant employees in empty hotels for an appropriate time (two weeks or so) to minimize and ultimately eliminate virus spread within communities.

- Urge federal leadership to extend current H-2A labor program for agricultural workers to ensure that farmers/processors/packing plants remain fully staffed.

- Extend H2A and H2B visas for one year from the date when renewals are due, preventing the need for workers to return to their home countries to reapply for their visas.

- “Primary Place of Residence” needs to be defined in SBA statute.

- Many agricultural commodities rely on foreign labor through temporary visa programs. Inconsistent interpretation of SBA regulations and underlying statutes has resulted in confusion about whether H2A or H2B wages are allowable uses of PPP dollars. We request that Primary Place of Residence be defined to include H2A guest workers currently working in the United States.

- Urge Congress to broaden which rent and utility payments are eligible for PPP funds. The Coronavirus Aid, Relief and Economic Security (CARES) Act states that PPP funds can be used for rent and utilities. Farmers and ranchers pay rent on a variety of business-related items, including equipment, land, and other items. We believe that rent is inclusive of rental payments for all business-related items and should be an includable expense. In addition, we believe that producers should be able to include a broad range of utilities for any business-related item, including but not limited to the utility cost of guest-worker housing.

- Some processing/packing plants have detrimentally suffered as COVID-19 traveled throughout their facilities and infected their employees. Urge processing plants to adopt best management practices to prevent the spread of COVID-19.





- Ensure that agricultural processing facilities have the PPE and testing needed to maintain a safe work environment to avoid food supply chain disruptions from the closure of these facilities.
- Consider a six to nine month waiver or rule change to *Tex. Meat and Poultry Act S221.c* from DSHS to allow existing holders of custom slaughterers to temporarily process meats for sale to third parties .
- Develop strategies to assist agricultural processing facilities with sanitizing facilities in a manner that minimizes the amount of time the facility is non-operational. These strategies could include providing additional equipment or people to reduce the amount of time needed to sanitize these facilities.
- Increase USDA inspection capabilities. Additional inspectors will help prevent unintentional COVID-19 spread by USDA inspectors inspecting multiple facilities. Utilize qualified meat inspectors with the Army Veterinarian Core so that USDA inspectors don't need to be rotated from plant-to-plant. Additional inspectors are also needed to ensure that smaller plants are inspected. There are multiple small plants that cannot operate without a permit, but they could help fill the gap if they were inspected. If this is not an option, inspection waivers must be granted to ensure that facilities can operate legally. In any scenario, waiving state inspections by DSHS is immediately needed to ensure that the facilities continue to operate safely and legally.

---

#### **Task Force Committee Members**

Joseph B.C. Fitzsimons, *Uhl, Fitzsimons, Jewett & Burton, PLLC (Chair)*

#### **Special Advisors to the Agriculture Committee**

Russell Boening, *President, Texas Farm Bureau*

Robert E. "Bobby" McKnight, Jr., *Texas and Southwest Cattle Raisers Association*

#### **The Agriculture Committee would like to thank these individuals and organizations for their help:**

Amarillo National Bank

Cale Rice, *Dairy Farmers of America*

Dya Celeste Campos, *HEB*

Eric Cooper, *San Antonio Food Bank*

Jim Schwertner, *Schwertner Farms*

LaBatt Foods

Mark Bivins, *Governor Abbott's Strike Force to Open Texas*

North American Meat Institute

Regan Beck, *Texas Farm Bureau*

Ross Wilson, *Texas Cattle Feeders Association*

Terry Maul, *STX Beef Company*

Texas Ag Coalition



### Business Services and Technology

#### BACKGROUND

All effective government policies and business execution must do three things we call PEM (Predict, Execute, Manage):

- Predict well - through setting objectives and anticipating when changes need to be made based on changing conditions, priorities, or events.
- Execute well - through focused execution, measured by crisp outcomes (for government) and metrics (for businesses).
- Manage risk well - without which neither #1 nor #2 can happen.

Underlying all three of these capabilities is technology—the backbone of all government/businesses, both large and small. A robust “stack” of different types of technologies working together to create the “fabric” of technical enablement to “predict well, execute well, and manage risk well.”

The **PEM** stack consists of four “layers”:

**Reports and analytic insights** – that allow you to do “what if” scenarios and provide critical data analytics to key decision makers.

**Business applications** – to run day-to-day business (from human resources, payroll, finances, accounting, procurement customer relationship management (CRM) to supplier management and logistics applications).

**Technical applications** – that support the running and security (privacy and cyber) of business applications, including eCommerce, email, video conferencing and data management.

**Infrastructure / network management** – including global call / contact centers, disaster recovery centers around the world, data warehousing, Wi-Fi, telecommunications, internet support, and so on.

This “stack” is the same, whether a large or small business, local or national government technologies. However, they take different forms, depending on the size of organization and industry – [e.g., from massive mainframe and server farm systems (requiring large, often distributed centers) to laptops or tablet-based applications supported by cloud-based applications].

COVID-19 changes neither the existence nor the relevance of this stack.

It does, however, require a re-consideration of specific capabilities *within* each of the layers of the stack. Both global lessons and local experiences are highlighting “new” capabilities as well as pointing to existing ones to strengthen, given the imperatives of meeting the twin objectives of ***Stopping the Virus and Getting People Back to Work.***



This section of the report outlines technical and business service disruptions to Texas businesses and government caused by the COVID-19 virus. It also makes specific recommendations regarding new capabilities for each level of the technology stack to support the objectives of the committee. It does so through:

**Setting the context** – Critical considerations that “frame the technology recommendations” in terms of what is most effective at getting people back to work safely as well as strengthen our capabilities to respond more effectively “next time.”

**Highlighting disruptions** – In business services brought by legacy, on-premises systems are vulnerable because they are unattended due to government stay-at-home orders or illnesses to the employees, the employees’ families, or inability to scale business or government systems in a time of emergency or disaster.

**Recommending six (6) specific sets of technical recommendations** to build or reallocate resources to strengthen existing capabilities for each level of the technology stack.

This report was compiled by numerous video and phone calls from technical industry professionals from Workday, ServiceNow, AT&T, Software AG, ClearPrism (a Dallas-headquartered Artificial Intelligence technology and consulting firm), former State of Texas Chief Information Officers (CIO) and Commissioners, elected officials, corporate CEOs, and numerous small business owners. This section of the report offers some recommendations to government officials and business owners of all sizes in areas of Cyber, Cloud, and Business Preparedness.

### **CRITICAL CONSIDERATIONS IMPACTING TECHNOLOGY CAPABILITIES**

There are two critical considerations informing the technology recommendations given the two policy objectives of keeping people safe and getting people back to work.

The first deals with the “shape” of the economic recovery. Will the recovery take a V-shape, reflecting a rapid recovery, a U-shape if the bottom of the economic contraction is drawn out, or an L-shape, if policies put in place do not have the effects needed? Clearly, a V-shape is preferred, a U-shape probable and the L-shape to be avoided if possible.

To drive this, and based on global lessons, a variety of policy imperatives to shape the recovery are becoming clear, including:

**Demand** – Short-circuiting negative demand spirals – which requires getting people back to work.

**Stabilization** – Stabilizing financial markets and industrial (sector) performance.

**MBE Impact** – Mitigating the disproportionate impact on SMEs (small, medium-enterprises) and MBE (minority-owned businesses).

**Digital Divide** – Tracking the digital divide that is increasingly exacerbated by economic challenges many face.

**Collaboration** – Effectively and quickly sharing data among different state, local, law enforcement, and public agencies, as well as with the private sector.

The second deals with the distributional impact of the crisis on different industries and socio-economic segments of the economy. The disproportionate economic fallout on the smaller businesses and lowest rungs of the socio-economic ladder is striking. It is imperative that significant attention – and execution – focus on tackling this problem.

A variety of lessons from around the world already exist to inform how we get people back to work safely and build a more resilient economy.



The following technology recommendations complement and underpin most, if not all, policy and business interventions. They are relevant to government officials and business owners of all sizes. The recommendations describe “What” technical capabilities need to be developed. “How” they can be executed and quickly drafted (within 1 week) following submission of this report. The relevance of the recommendations lies in “Where” to focus to get people back to work with speed and scale.

### Recommendations

The previous section provided context for specific technology recommendations underlying efforts to make people safe and get them back to work.

The described recommendations serve two objectives:

- Reduce the pain of our current crisis; and,
- Lay the foundations for a more resilient – and safe – economy.

There are six (6) recommendations. The first is a process-oriented one – to share new best practices. The other five (5) describe specific sets of technical capabilities, the combination of which creates a tapestry of new capabilities to position us for the “new normal” of a safe, resilient economy and capabilities to Predict Well, Execute Well, and Manage Risk Well. They map to the four (4) layers of the technology stack described earlier.

### DEVELOP AND SHARE NEW BEST PRACTICES FOR EMPLOYERS AND EMPLOYEES

The “new normal” rests on new patterns of work – whereby employees are likely to “return” to work through a mix of “offsite” (including at-home) and “onsite” workspaces. There are two key considerations to work through given this reality:

#### Trust

Trusting employees working remotely is at the heart of a successful work report initiative in this digital workplace. Employees must trust that their employer is proceeding with

the employees’ best interest in mind while maintaining a safe work environment.

### Accountability and Motivation

Employers must empower workers to make decisions regarding when, where, and how to complete activities. Accountability to the management and fellow employees is essential for working remotely.

Employers must set reasonable work remote demands by setting accurate expectations. Proper employer-supplied technology, home office expectations, such as having a room or dedicated workspace, and most importantly, network or internet speed / capacity for those who work “at home.” For those who work at physical sites or retail / service spaces, sufficient PPE, including regular testing and surveillance (for health) measures to instill confidence, will be essential.

### EXPAND DIGITAL CAPABILITIES

Digital capabilities cover a range of specific use cases – or areas of focus – critical to meet the policy objectives. These use cases are based not only on discussions we have had but also on lessons learned globally as cities and countries work to get their people back to work safely.

(Note: these specific capabilities fall under the layer two (2) of the technology stack: that of business applications.)

#### Rapid / Digital Disbursements

National (and global) support packages include provisions to help SMEs. However, getting the right number of funds to the right industries – and distribution of firms – remains a challenge. The implication? Confusion (immediate implication). But more problematic, is a danger of slowing the economic recovery by not paying sufficient attention to the specific industries and businesses that require support – given the “ripple effects” that they have on overall employment, consumer confidence, and consequently, recovery.



One lesson learned from previous pandemics (SARS, H1N1) is the imperative of speeding up the provision of liquidity for SMEs. Digital infrastructures, anchored by eCommerce and a rich tapestry of electronic payment mechanisms, provide capabilities to:

- Mobilize private capital
- Provide rapidly targeted support to SMEs via internet financing
- Support fintech platforms using big-data-driven credit rating systems for rapid allocations (and monitoring)
- Serve as a conduit for emergency loans, making borrowing easier for small and micro businesses

A variety of technologies exists that could be orchestrated quickly into a fabric of electronic disbursements and focus.

### Telemedicine

While telemedicine has become an overnight necessity, there are still many legal, legislative, medical, and technical hurdles to be crossed. However, physicians are able to conduct telehealth visits, virtual check-in services, e-visits, and monthly remote care management for chronic and acute patient care. This is addressed in other sections of the report.

### Digital Commerce and Support of Re-configured Supply Chains and Local Manufacturing

As mentioned above, given the likelihood of ongoing sensitivity to maintaining social distancing, early data is suggesting that people are likely to continue to purchase more and more of their home needs / products online. This will have implications on both where manufacturing / sourcing will occur as well as where warehousing and distribution (delivery) capabilities will be needed. Figuring out how to support this “re-sourcing” will be critical. “Breaking down” the sets of activities (e.g., steps) and technical applications (and infrastructure) to support this shift will be important and can be done quickly (within two weeks).

### “Exchange” & Online Training (Re-skilling) Platforms

An urgent need exists for insight into changing demand, growing job opportunities, and information on existing skills that may be underutilized. Equally important is the ability to match job seekers and employers. “Talent exchanges” could be quickly built on which employers can post new openings, and displaced workers, backed by their existing companies, can find redeployment and secondment opportunities.

In addition, online training platforms that both supply such training and drive people towards skill-sets that are increasingly important will help the transition. Several cities have provided public subsidies of companies’ employee training programs, with smaller businesses receiving proportionally greater subsidies. The angle? Focusing people on the skill-sets needed.

Clearly, having precise, granular insight into the more than 1,500 occupations into what’s needed and what’s not will be critical – let’s emphasize it again, critical to make such exchanges and platforms effective.

### PROMOTE PRIVATE SECTOR USE OF COMMERCIAL TECHNOLOGIES AND REMOVE BARRIERS TO PUBLIC SECTOR USE OF COMMERCIAL CLOUD TECHNOLOGIES

#### *Private Sector use of Cloud:*

COVID-19 has forced organizations to think differently, but more importantly, look in the mirror and ask, “is my organization ready for the next crisis?” We are in the middle of the biggest disruption to our global, federal, and state economy that left us no choice but to **fully leverage remote work and working from home.**

Over the past 30 years technology has gone through an evolution from mainframes, client servers to today’s modern software-as-a-service (SaaS) which is a fancy word for indicating that technologies that support your businesses exist elsewhere – in the cloud – rather than on-premises (at your worksite).



Few organizations today are running true SaaS – cloud solutions in their organizations, and some have hosted-cloud or a hodge-podge of solutions stitched together, which creates risks / vulnerability regarding business continuity.

The criticality of organizational (technical) continuity of keeping data centers, data warehouses, internet service, security, service centers, and other core “infrastructures” up and running *cannot be overstated*. Which is why doubling down focus on one’s cloud strategy and strengthening such capabilities becomes critical.

Some questions to ask that can help you today and think through future organizational continuity include:

- Does your organization have On-Premise core systems today that are suited for remote work or working from home?
- Do my employees require Virtual Private Network (VPN) to access the core systems? VPN technology is over 20 years old and restricted in nature, what are people using today to access SaaS - cloud?
- During COVID-19 was working remotely or working from home a non-event and why?
- Are my core systems secure to work remotely and from home?
- Is mobile inherent to the core systems today, or do we need to buy and build that?
- Why should I care about SaaS – cloud and impacts to my executive, management, and employees?
- Do you know someone who is running a SaaS – cloud solution and benefits to an organization?

### ***Removing Barriers to Public Sector Use of Commercial Cloud:***

- The COVID-19 crisis highlighted current shortcomings in the State of Texas’s IT capability, flexibility, and agility. The state’s slow adoption of secure, agile and cost-effective cloud-based IT has hampered the ability of Texas citizens and businesses to access programs such as Unemployment Insurance.
- Because of a 15-year old statutory mandate which require most state agencies to use state-owned data centers, Texas state agencies and the Department of Information Resources are over-reliant on an old model of on-premises servers and IT infrastructure which can become quickly overwhelmed by rapid or unexpected demand surges.
- Texans recently saw this when Texas Workforce Commission (TWC)’s unemployment insurance portal crashed as a surge in newly unemployed Texans tried to access the system. The state’s data centers simply did not have enough hardware or computer power to ramp up quickly. The TWC’s executive director recently said, “... the one limiting factor, the core piece of technology we are using is 1980s technology.”
- Old technology undermines capabilities, cybersecurity and cost savings opportunities for state agencies seeking to provide a 21st century online experience for Texans to access and engage with their state government.
- The Texas Department of Information Resources’ most recent strategic plan states, “As the utilization of cloud services is becoming more prevalent, it is imperative for agencies to consider implementing cloud-based solutions for business continuity and disaster recovery planning.”  
<https://pubext.dir.texas.gov/portal/internal/resources/DocumentLibrary/20202024%20State%20Strategic%20Plan%20for%20Information%20Resources%20Management.pdf>





- Texas should remove statutory barriers to IT modernization, such as the 2005 state data center mandate, and incentivize state agencies to modernize IT through innovation and partnerships with qualified, vetted and secure private sector providers.

### **ENSURE GREATER CYBER SECURITY**

The United States Department of Homeland Security's Cybersecurity Agency (CISA) has issued alerts to exploitations by cybercriminals and persistent threat groups during the current coronavirus disease pandemic. The agency sees a growing use of COVID-19-related themes by malicious cyber actors. At the same time, the surge in teleworking has increased the use of potentially vulnerable services, such as virtual private networks (VPNs), amplifying the threat to individuals and organizations. Cybercriminals are targeting individuals, small and medium enterprises, large organizations and government with COVID-19-related scams and phishing emails. The threats observed include:

- Phishing, using the subject of coronavirus or COVID-19 as a lure
- Malware distribution using coronavirus or COVID-19 as a theme
- Registration to new domains containing working related to coronavirus or COVID-19
- Attacks against newly and often rapidly deployed remote access and teleworking infrastructures

### **Mitigations**

Malicious cyber actors continually adjust their tactics to take advantage of new situations, and the COVID-19 pandemic is no exception. Malicious cyber actors are using the high appetite for COVID-19-related information as an opportunity to deliver malware and ransomware, and to steal user credentials. Individuals and organizations should remain vigilant. For information regarding the COVID-19 pandemic, use trusted resources, such as the CDC.

### **Communications Platform Guidance for Individuals and Organizations**

Due to COVID-19, an increasing number of individuals and organizations are turning to communications platforms—such as Zoom and Microsoft Teams—for online meetings. In turn, malicious cyber actors are hijacking online meetings that are poorly secured with weak passwords or that use unpatched software.

Tips for defending against online meeting hijacking:

- Do not make meetings public. Instead, require a meeting password or use the waiting room feature and control the admittance of guests.
- Do not share a link to a meeting on an unrestricted publicly available social media post. Provide the link directly to specific people.
- Manage screensharing options. Change screensharing to "Host Only."
- Ensure users are using the updated version of remote access/meeting applications.
- Ensure telework policies address requirements for physical and information security.

Major corporations and governments must rely on global cyber leaders for cybersecurity solutions from small Internet of Things (IoT) sensors to helping individuals work from home safely. Cyber prevention, detection, monitoring, and management coupled with incident assessment and response must be addressed and prepared by these organizations.

### **ALGORITHMIC INSIGHTS & TARGETED USE OF ARTIFICIAL INTELLIGENCE TECHNIQUES**

Algorithmic insights (we might also call it "precision analytics") involves getting granular insight to support both policy and business objectives. It strengthens one's focus on execution, powered by algorithms.





Below are two examples as to how strengthening “algorithmic insight” capabilities will help strengthen both public and private sector resilience.

One: Recognition that consumer behavior is changing and is likely to remain changed for quite awhile.

It is likely that the channels consumers used to purchase goods will change from what was used before the pandemic. We are starting to see this from around the world: Online sales from grocery items increased by 20% Year-on-Year (YoY) from end of February to early April 2020. During this period, overall e-commerce levels were up more than 80% including a 2-3x increase in click-and-collect purchases. We observe similar changes in China, South Korea, and Singapore who are ahead of the US in terms of recovery efforts.

There are three implications that consumer-based companies – and local governments – can consider given this trend.

First, educate consumers and citizens about the virus in terms of product usage, directing them to relevant health agencies and clarifying fact versus fictions for different products.

Second, get products to people in new ways, such as waiving fees for home delivery, partnering public-health organizations and private-delivery services to ensure key products (such as prescriptions) get to consumers when they need them.

Third, work with public health organizations and leadership to expedite critical products – prioritizing directing and monitoring any supply chain / logistics issues around critical products consumers and businesses need.

Product “category shifts” have been occurring over the past several months – to no surprise – with a 70% increase in nonperishables, 60% of emergency supplies, 800% increase in protective equipment, and so on. Insight into what these

product category shifts are will be critical for both public and private sectors given the need to produce / prioritize and break through potential supply chain constraints.

Two: The imperative to know the details of differing industry and workforce impacts not only of COVID-19 but as importantly, the implications of both public and private sector interventions.

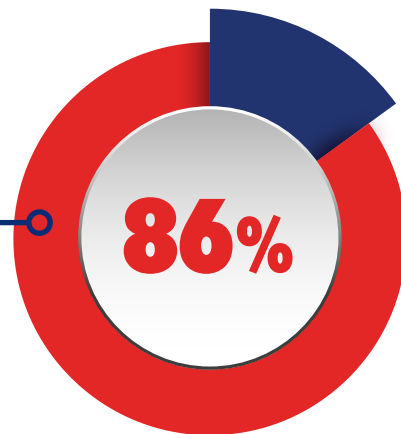
There are three (3) blunt facts that ought to be understood to ensure that decisions made and actions taken have the types of impact intended:

- Up to 1/3 of U.S. jobs may be vulnerable, of which more than 80% are held by low-income workers. The U.S. Bureau of Labor tracks over 1,500 job codes that make up over 800 occupations. These can be analyzed in terms of which are considered essential and critical and which occupations have impacts on other occupations – to help predict the potential “ripple” or “cascade” effects of one occupation on others. For example, opening up particular parts of a community (back to business) will create a demand for more restaurant openings which will create more demand for food and other services that support them.
- Three service industries – food services (preparation and serving alone), customer service, and sales account for 46% of vulnerable jobs.
- Low-income workers and small businesses are the most vulnerable –with up to 86% of the initial job loss affecting jobs that paid less than \$40,000 / year.

**One more blunt fact to add here.** The devastating recent blow to the oil industry is having an extra-ordinary impact with financial and workforce implications we are only starting to understand.



Low-income workers and small businesses are the most vulnerable –with up to 86% of the initial job loss affecting jobs that paid less than \$40,000 / year.



**Here's the fundamental issue:** The ripple or cascade effects across occupations and industries needs to be understood to target (prioritize how to open which parts of the economy to drive the greatest economic return, the fastest.) This requires PRECISE – granular insights into:

- Specific industries and, critically, size of businesses WITHIN those industries impacted
- The specific occupations impacted
- The “ripple” or “cascade” effects of industries on other industries as well as occupations on other occupations.

Granular insights – heatmaps – can be created at a state, county, city, or community level. This complements the activities described above to clarify a more granular picture of where jobs are at risk and where there may be additional demand for labor.

While many jobs are being lost, other job categories (occupations) are in increasing demand—telecommunications, digital service, delivery, etc. Insight into a) which specific industries (sub-sectors) are being impacted, b) which occupations, c) which locations, and d) which enterprise size, and e) which socio-economic and educational level are being impacted is what's needed to be focused, pragmatic and effective.

Not having such PRECISE – granular – insights runs the risk of:

- Wasted effort (and resources)
- Missed opportunities to change the shape of the recovery curve.
- Triggering further job losses over time in a negative dynamic – pushing towards a self-reinforcing recessionary spiral

#### EVENT/RISK MONITORING

Businesses are frequently buffeted by local and worldwide events, with impacts ranging from zero to significant. Which ones are important and when? And what are the implications across hundreds of partners, thousands of decisions, and millions of activities performed every day?

The blunt reality is that these events range from political to weather, disease to economic, which could impact specific parts of our economy. There are too many of them for people to manually or merely periodically monitor and figure out which one's “matter” before it's too late. Given that, the question becomes:

*How do public sector and businesses amplify the “faint signals” of events that could impact them and thereby strengthen their ability to respond effectively?*



There are two (2) sets of technology capabilities (platforms) needed to do so.

First, event or risk monitoring capabilities. In more technical terms, a risk monitoring platform consists of a set of algorithmic insights, powered by machine learning and predictive modeling that helps decision makers answer specific questions, quickly:

- What is going on in the “environment” that both public and private decisions makers need to be aware of?
- What specific industries, parts of an industry (e.g., supply chain or value key processes) or a business (e.g., fleet management, inventory warehousing) are likely to be impacted?
- What are the likely financial, workforce, and operational implications of these events?
- What is the range of potential earnings impact?

Second, scenario or simulation capabilities.

There are critical reasons to strengthen these capabilities within both the public sector and private businesses.

**FIRST:** Decisions often have unintended implications. They also have “ripple or cascade effects.” For example, interventions into one part of the economy, or one industry, or one part of a business – will have impacts on other parts.

**SECOND:** Having a rigorous method to perform “what-if” analysis will strengthen our resilience enabling decision makers to get better at “seeing around corners” into potential events that could impact us before it’s too late.

Algorithmic-based simulation platforms exist that can strengthen both insight into “faint signals” and perform “what ifs” that strengthen capabilities to “see around corners” and strengthen responses to events that matter. How? By providing insight into policy impacts as well as financial, workforce, and operational implications of potential actions taken.

### Summary and the Call to Action

COVID-19 is a biosocial problem with potentially cascading effects: with health challenges that have already escalated into economic and behavioral problems that could devolve into civil unrest with further ripple effects throughout the fabric of our country – in a dangerous “problem-chain” cycle that needs to be stopped.

Doing so requires resuming the provision and delivery of essential services and restoring economic activity – safely, quickly, and pragmatically.

Tackling both the economic and the public health imperatives in parallel is vital for us to come out of this crisis as strong – if not stronger – than before.

Hence the technology recommendations, each of which addresses part of the problems to solve. Together, they form a tapestry of technology-enabled capabilities to support the other recommendations making up the overall Committee’s Plan to get Texans back to work – with speed and scale.

---

### Task Force Committee Members

Massey Villarreal, *CEO and President, Precision Task Group (Chair)*  
Paul Sarvadi, *Chairman, and CEO, Insperity*

### The Business Services and Technology Committee would like to thank these individuals for their help:

Anthony Garcia, *Workday*  
Frank Reina, *ServiceNow*  
Bowden Hight, *Hight Consulting Group*  
Ralph Welborn, *PhD Founding Partner, ClearPrism*



### Construction, Real Estate

#### BACKGROUND – CONSTRUCTION

- The “Back to Work” recommendations for the construction industry are based on discussions between the Construction and Real Estate Committee and industry experts.
- The Committee does not believe that Phase I (“Getting Back to Work Now – Safely”) is necessarily relevant for the construction industry because most construction companies have continued to operate throughout the COVID-19 pandemic, with the exception of construction companies that temporarily stopped work due to stop work orders that were issued by certain county governments in Texas.
- Recommendations for Phase II (“Getting Back to Work over the Next 100 Days – Confidently and Effectively”) and Phase III (“Getting Back to Work in the Future – Stronger Than Ever”) are most relevant for the construction industry and will, in the Committee’s opinion, facilitate a safer and more productive operating environment under current conditions and increase the construction industry’s resiliency to future pandemics.
- The Committee believes that one of the most important elements of the construction industry’s “get back to work” plan relates to the need for city, county and state governments to create an efficient and streamlined procedure for processing backlogged requests for planning approvals and building permits, which will ensure that all

pending projects commence as soon as practical and are not further delayed by administrative approvals. Ensuring that shovel-ready projects obtain all administrative approvals and begin construction in an expedient manner will have a stimulative effect on the economy and ensure that critical projects are not further delayed.

The recommendations presented in this report are not all-inclusive but do represent key elements that should be considered in the process of “getting back to work.” The recommendations presented in this report are generally relevant to residential construction, commercial construction and civil construction. The Committee recognizes that certain construction types and task work may be more adaptable to the recommendations presented in the report. The Committee would like to emphasize that the recommendations related to COVID-19 mitigation should be considered in the context of existing employee health & safety plans as well as federal Occupational Safety and Health Administration (OSHA) guidance and regulations.

#### RECOMMENDATIONS

##### Recommendations for Businesses

***Jobsite Screening & Testing*** – Businesses should facilitate screening & testing at the jobsite until CDC or other government guidance changes. Key practices that businesses should consider adopting include the following:



- Monitoring individuals at the jobsite (including trade contractors) for COVID-19 symptoms. Businesses should consider adopting a physical or app-based form that workers must fill out to gain access to the jobsite certifying that they are (to their knowledge) free of fever, not experiencing any cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell and have not been exposed to any individual in the last two weeks that tested positive for COVID-19 (to be adjusted based on CDC guidance).

- Screening individuals (including trade contractors) for fever before granting access to the jobsite. Temperature screenings should utilize a no-contact thermometer where possible and practical.

- Consider implementing procedures for clearing employees to return to work after sickness or COVID-19 related quarantine. The procedure should comply with CDC guidance and respect employee confidentiality but require at least a Doctor's note authorizing return to work.

**Procuring Supplies** – When possible and practical, businesses should procure all necessary equipment and supplies to facilitate screening, testing (once widely available) and delivery of enhanced jobsite sanitation.

- Businesses should procure no-contact thermometers, handwashing stations, alcohol-based wipes for sanitizing tools and hard surfaces, signage, facemasks and other PPE.

**Physical Distancing During Task Work** – Businesses should ensure that all employees engaged in task work maintain 6' of physical separation while performing task work when possible. Any task work that requires employees to come within 6' of another employee should be evaluated and proper precautions should be taken including, but not limited to, use of enhanced PPE.

- Businesses should consider appointing a jobsite distancing marshal that is responsible for monitoring employee distancing at the jobsite (may only be relevant for larger scale commercial and civil construction).

**Jobsite / Crew Dispersion** – Businesses should perform an assessment and implement protocols that will increase dispersion of employees at the jobsite, decrease crew sizes at the jobsite, and decrease density of crews. Shift work should be implemented when possible.

**Jobsite Meetings** – Businesses should hold ordinary course jobsite meetings / huddles by phone or video conference when possible.

**Jobsite Handwashing** – Businesses should set up hand washing stations at entry points to the jobsite and other high traffic locations within the jobsite. Businesses should utilize signage to encourage routine and frequent hand-washing at the jobsite.

**Essential PPE** – Businesses should work with engineers and trade contractors to encourage use of engineered solutions (such as water delivery and dust collection systems) that will reduce consumption of essential PPE (including N95 masks) on the jobsite.

**Virtual Inspections** – When available in certain cities and counties, businesses (including trade contractors) should use virtual inspections for purposes of obtaining building permits and inspections.

**Communal Water Coolers** – Businesses should furnish individual water bottles to employees as a substitute for use of communal jobsite water coolers.

**Support of Smaller Trade Contractors** – Large construction businesses should encourage and programmatically support small, eligible trade contractors in their pursuit of economic relief made available under federal programs and relief acts.





### **Recommendations for Employees**

**Employer Guidance** – Employees should adhere to all employer-provided guidance on distancing, handwashing, screening and testing.

**Sharing of Tools** – Employees should avoid sharing tools when possible.

**Employee Meals** – Employees should bring their lunch and snacks to the jobsite and avoid gathering in groups.

**Jobsite Navigation** – Employees should use stairs when possible to avoid coming into close contact with other workers on buck-hoists and jobsite elevators (relevant for vertical commercial construction only). When possible, employees should consider establishing a one-way foot traffic pattern at the jobsite to avoid coming into close contact with each other while navigating the jobsite.

**Jobsite Crews and Cohorts** – Employees should perform job tasks within a self-contained crew or cohort, while maintaining physical distancing (if possible) within the crew / cohort.

**Jobsite Transportation** – Employees should only share transportation to the jobsite with a limited and consistent crew or cohort.

### **Recommendations for Government**

**Infrastructure Spending** – The Committee recommends that the state government facilitate accelerated coordination among state agencies and the Texas congressional delegation to ensure actionable infrastructure projects in Texas are advanced for funding under any potential infrastructure spending bill that may be considered as part of the federal response. The addressable universe of infrastructure spending projects may include social infrastructure (hospitals, schools, etc.), transportation infrastructure or broadband infrastructure.

**Backlogged Planning Approvals & Building Permits** – The Committee believes that many local governments are backlogged with requests for planning approvals and building permits. It may be productive for the state government to issue guidance on how local governments should prioritize processing of backlogged planning approvals and building permits. State and local governments should consider if it is prudent to prioritize issuance of building permits to projects in the backlog that serve a broader social purpose (affordable & workforce housing, public infrastructure, etc.).

**Statewide Approach** – The Committee recognizes that certain local and county governments were initially quick to issue stop-work orders for the construction industry and believes that a statewide approach to guidance is the most optimal approach. At a minimum, a more coordinated response on a regional basis would reduce confusion. The Committee believes that local coordination between major adjacent counties is important. Examples include coordination between (i) Travis County & Bastrop County, (ii) Dallas County, Tarrant County and Collin County, (iii) Harris County, Fort Bend County & Galveston County.

**Virtual Inspections** – The Committee recommends that local and county governments invest in resources to facilitate virtual building inspections in order to enhance efficiency and facilitate physical distancing at the jobsite.

### **Recommendations for the Public**

The Committee does not have any recommendations for the public as construction is not generally a public-facing or customer-facing activity.



## **FUTURE - Back to Work Stronger Than Ever**

### **Recommendations for Businesses**

#### ***Gradually Relax Screening and Physical Distancing***

***Based on CDC Guidance*** – Businesses should monitor CDC guidance and ease requirements that are rooted in the need for jobsite screening and physical distancing as conditions allow.

***Continue to Embrace Technology*** – Businesses should continue to encourage use of phone meetings and web conferencing.

#### ***Maintain Procedures Focused on Future Pandemic***

***Resiliency*** – Businesses should continue to encourage certain practices adopted in response to the COVID-19 pandemic that are not disruptive to daily operations but reduce the risk of future pandemics including, but not limited to, jobsite handwashing, enhanced jobsite sanitation, etc.

***Virtual Inspections*** – Businesses should make use of virtual building inspections, once widely available, in order to enhance efficiency and reduce administrative burden imposed on local governments.

### **Recommendations for Employees**

***Employer Guidance*** – Employees should adhere to all employer-provided guidance.

### **Recommendations for Government**

***Foster Successful Long-Term Implementation*** – The Committee believes that many of the recommendations for government outlined in Phase II, if advanced, will require well more than 100 days to for successful implementation. That being said, it is important to commence implementation of the Phase II initiatives immediately so the benefits of such initiatives can be realized well into the future.

### **Recommendations for the Public**

The Committee does not have any recommendations for the public as construction is not generally a public-facing or customer-facing activity.

---

### **Task Force Committee Members**

Woody L. Hunt, *Senior Chairman of the Board of Directors*  
Hunt Companies (Co-Chair)

Jodie L. Jiles, *Director of Business Development, Transwestern* (Co-Chair)

### **Special Advisors to the Construction Committee**

Ryan McCrory, *Executive Vice President, Hunt Companies*  
Kevin Roberts, *President, Transwestern*

### **The Construction Committee would like to thank individuals from these companies for their help:**

Little Mendelson P.C.  
Moss Construction Management  
Pinnacle Property Management Services  
Cushman & Wakefield





## BACKGROUND – REAL ESTATE

- The “Back to Work” recommendations for the real estate industry are based on discussions between the Construction and Real Estate Committee and industry experts and address issues that are pertinent to Phase I (“Getting Back to Work Now – Safely”) Phase II (“Getting Back to Work Over the Next 100 Days – Confidently and Effectively”), and Phase III (“Getting Back to Work in the Future – Stronger than Ever”).
- The Committee believes that Phase I (“Getting Back to Work Now – Safely”) is particularly relevant for the current environment, although most commercial buildings have continued to operate throughout the COVID-19 pandemic, as these assets house essential businesses and are governed by a contractual relationship between landlord and tenant in many cases.
- Phase II and Phase III recommendations are limited, as the most critical recommendations for facilitating the earliest economic recovery are contained in Phase I.
- Subsequent recommendations include tax credits or other fee waivers equal to the amount spent by property owners for government-mandated COVID-19 property modifications and protection from liability for future COVID-19 infections for commercial property owners.

## Recommendations

The recommendations presented in this report are not all-inclusive and are generally relevant to single and multitenant commercial environments, including multifamily properties, where owners/managers have little control over who enters the facility in normal conditions. The Committee recognizes that certain property types and customers may be more adaptable to the recommendations that the Committee is presenting. The Committee would like to emphasize that the recommendations related to COVID-19 mitigation should be considered in the context of existing employee health and safety plans, as well as OSHA guidance and government regulations and mandates.

- Every commercial building is different. What is feasible and appropriate for any specific building will vary upon the nature of tenant businesses, size, location, and other characteristics. These recommendations are intended to provide a general list of concepts. The Committee realizes that building owners may be under financial hardship, and many of the recommendations related to building modification, staffing, and operating procedures may cause undue financial hardship and may be unfeasible at this time.
- Still unknown are the possible or probable governmental and CDC recommendations that will apply to reentry to the workplace. Possible reentry conditions from government might include:
  - All building occupants, visitors, and vendors may be required to wear facemasks in some or most circumstances.
  - Social distancing guidelines are likely to continue and will only be modified after the continuing public health threat is known or medical solutions are determined.
  - Phase-in of limits to numbers of people in near proximity in common areas, workspaces, and meetings.
  - It remains to be seen if those that have recovered from COVID-19 will have effective antibodies for purposes of preventing reinfection. Any potential programs centered around antibody testing and self-identification remain major unknowns.
  - Training requirements with a certification test or record keeping on CDC protocols could be required related to the proper use of PPE and worker-safety issues for all persons in the workplace.
  - Reporting requirements might be modified (employer’s responsibility).



- Existing OSHA worker safety regulations continue to apply and continue to be the employer's responsibility.

### **NOW - Back to Work Safely**

#### **Recommendations for Businesses**

**Building Reopening** – The Committee recommends thorough preparation by businesses and property owners, prior to populating any commercial space.

- Buildings should complete a readiness program to include cleaning protocols and building system protocols in advance of greater building demand.
- Provide workforce communication plans highlighting clearly the building protocols in place to facilitate and socialize a return to workplace.
- Provide clear guidance and communication of social distancing plans for commercial buildings.
- Plan for and provide clear communication of cleaning protocols for common areas of buildings.
- Buildings that have remained open due to their essential nature and multifamily assets (which never closed) should continue to implement the aforementioned recommendations if not already in practice.

**Building Access Control and Security** – The Committee proposes the following recommendations as related to access control and security.

- Where possible, reduce entry points, but not if this causes people to gather or queue where they cannot maintain proper social distancing.
- Review security staffing at entry points as needed.
- Install shielding paneling at lobby greeting desks.
- For some properties, a requirement may be needed for

tenants to meet and escort visitors or report their expected arrival to security.

- Consider using path of travel control and guide stanchion system to direct and separate building travelers in common areas and encourage distancing (also helps focus cleaning areas).
- To avoid groups forming in a lobby or assembly area, consider exterior staging and markers placed on the ground/sidewalk to pace and distance people during peak hours of arrivals (in the same manner as retail stores). If needed, consider temporary exterior canopy for areas where there is no awning.
- Consider installing directional lobby flow signage to stairwells, elevators, and through lobbies.
- Large businesses that may enact testing protocols or evaluations might consider the use of space on the entry floor where the business's employees report for whatever evaluation that tenants establish with and for their employees.
- Consider utilizing an elevator lobby patrol person during peak foot traffic times, whose presence will encourage social distancing practices.

**Non-Tenant Occupants** – The Committee recommends the following relative to non-tenant vendors/workers within commercial environment to promote worker safety.

- Recommend that non-tenant vendor firms to maintain adequate supply of PPE for their staff. Amend vendor contracts as necessary.
- Create CDC-approved specifications cost profiles within janitorial contracts to clean, disinfect, and/or sanitize space where future cases of an infected worker having been present are identified.



- Ensure that tenant/vendors' education and worker safety are in the control of their employers.
- Confirm steps each vendor should take to allow their employees to work within the building, such as check-in procedures and vendor safeguards for screening workers.
- Confirm local, state, and federal requirements are followed should vendor personnel become ill.
- Ensure building management maintains an adequate supply of appropriate PPE for staff. Ensure proper training pertaining to use of PPE is provided.
- For commercial properties, preventive maintenance tasks/work orders should be completed during non-business hours, where possible, when traffic counts in tenant spaces are reduced.
- For multifamily properties, preventive or non-essential work orders should be deferred until social distancing guidance is lifted.
- If maintenance staff must enter a multifamily unit to respond to an essential or emergency work order, tenants should vacate the unit (if possible) while work is performed. The maintenance staff should sanitize any areas they come into contact with before and after completing the work order. If a tenant needs to remain in the unit while work is performed, both the tenant and the maintenance staff should use enhanced PPE.

**Vertical Transportation** – The Committee recommends the following guidelines relative to vertical transportation (elevator, elevator lobbies, stairwells, where applicable).

- Opening stairwells for use if and where practical.
- For buildings with multi-floor tenants that have internal stairways, encourage employees to use those stairs and not the elevators to the extent possible.

- Consider placing signage with CDC language encouraging limits in elevators. Set a capacity limit for each elevator. This remains a personal honor system responsibility of each person.
- If elevators must be used, place visual reminders of spacing inside the cabs. Disinfect elevator hi-touch surfaces often. Employ a dedicated elevator operation where practical and helpful. Employ signage throughout the elevator system and on all floors and tenant lobbies. Use floor guidance tape or stanchion rope for queuing purposes.

**Group Gathering Places** – The Committee recommends the following for group meeting and gathering spaces.

- Ensure proper social distancing spacing for lobby seating, leasing offices, and gathering places that may require temporarily removing furniture.
- Install social distancing signage in all gathering spaces.
- Provide hand sanitizers with discarding containers:
  - Entryways
  - Elevator lobbies or cabs
  - Restrooms
  - Parking areas and doorways leading inside
  - Mailrooms, etc.
  - Recreational rooms (including gyms)
  - Leasing offices
- Consider keeping building conference facilities closed for a period of time and then limiting capacity to a portion of previous capacity.
- Install spacing markers in mailrooms.
- Consider keeping recreational rooms (including gyms) closed – only open if all CDC protocols and cleaning requirements can be met.



- Install signage to encourage social distancing and handwashing in restrooms.

***HVAC and Plumbing Operations*** – The Committee recommends the following for HVAC and plumbing system operations.

- Make air circulating and filtration system adjustments per system specifications to include operating at maximum fresh air volume and enhanced filter medium on-air handlers.
- Increasing air exhaust and outside air intake. It should be noted that this may have an impact on energy consumption.
- Flush all potable water systems. Buildings that have had dormant spaces should flush systems to remove stagnant water—not so much a virus issue as a good preventive maintenance thing to do after a prolonged period of non-use.
- Ensure any p-traps that might have evaporated in unused restrooms are refilled.
- Advise commercial tenants that upon re-occupying space, they should flow water in all their sinks, coffee makers that are plumbed, dishwashers, and ice machines and to change filters in fridges, ice machines, and plumbed coffee makers.
- If systems have been adjusted for very low occupancy, readjust HVAC equipment back to regular hour operations—when occupancies require or as noted above.
- Consider system air filter changes—avoid changing prematurely to avoid unnecessary disturbance—but when necessary or as preventive maintenance, consider after hours and full PPE utilized. Shut the system down before changing air filters.
- Consider new plumbed hand-washing station installations with soap dispensers at loading docks,

mail pick up, for delivery drivers, security stations, and contractors. Perhaps replace drinking fountains—if allowed by code—with hand-washing stations.

***Sanitation*** – The Committee recommends the following relating to cleaning and sanitizing surfaces.

- Greater scope and focus on sanitizing spaces and surfaces.
- Locating hand sanitizer in multiple locations, most importantly common areas.
- More regular cleaning of high-touch surfaces.
- Increased day cleaning in common areas.
- Dedicated cleaning of elevator interiors and elevator lobbies.
- Increased cleaning and disinfecting of entrance doors and lobby areas.
- Consider toilet overflows as possibly COVID-19 contaminated.
- Consider electrostatic sprayers to treat common and high traffic areas after hours.
- Have scalable plans for adjustments as tenant numbers increase over time.
- Disinfect all equipment and mechanical rooms on a regular basis.
- Consider engagement of an Environmental Hygienist or similar to verify cleaning and disinfecting procedures are adequate.

***Signage*** – The Committee recommends the following related to communications and signage.



- Share building plans with tenants.
- Employer to provide information and training (from their employer) about any potential workplace hazards.
- Establish communications with all building vendors to ensure CDC compliance behavior and practices.
- Continue the notification practices to building tenants when a person with a confirmed case has been identified as having been in the building.
- Advise commercial tenants to change filters in fridges, ice machines, and plumbed coffee makers if they have been out of use. Advise all tenants to flow water in all their sinks, coffee makers that are plumbed, dishwashers, and ice machines.
- Consider the use of posters, printed materials, elevator reader boards and screens to reinforce personal safety practices.
- Consider elevator signage that asks riders to observe social distancing and avoid talking when on the elevator.

### **Recommendations for Employees**

The Committee recommends the following potential modifications to tenant spaces in commercial facilities. These are tenant responsibilities and will affect employees.

- Implement more space between workers in commercial space to accommodate social distancing guidelines. Consider split shifts of employees.
- Implement shielding between desks that face each other where social distancing cannot be achieved.
- Modify and reduce breakroom or cafeteria seating in commercial building settings.

- Limit conference rooms to half of previous capacity in office setting and encourage electronic communication where possible. Consider implementing a booking system that monitors maximum occupancy for scheduled meetings.
- Employees should accommodate phasing in or platooning to ensure proper social distancing.
- “Hoteling” and shared desks arrangement modifications and disinfection protocol.
- Teams, workgroup, and all-hands meeting changes to limit contact.
- Employees should return to more individual office designs vs. open space when possible.

### **Recommendations for Government**

***Owner Liability Considerations*** – The Committee recommends strongly that legislative or executive action be taken to shield building owners from liability relating to future COVID-19 infections in their properties.

- Building owners and managers should not be placed in a position of a health and safety compliance authority with tenants, residents, visitors to tenant spaces, or vendor’s employees. These requirements and the responsibility for compliance with CDC guidelines are covered in the federal Occupational Safety and Health Act of 1970 (OSHA). Building managers should not be placed in the position of policing the wearing of masks nor deciding which masks are approved and which are not approved for entry nor be required to supply and hand out masks to those that do not have them at entry.
- While building owners will work to enact measures that encourage social distancing protocols, compliance rests with the personal responsibility each person must safeguard



their own health and that of others. Tenants and tenant businesses should remain responsible for all compliance and distancing matters with their own employees and inside their occupied space.

***Tax Credits for Investment in Retrofits Tied to Pandemic Resiliency*** – The Committee strongly recommends that the State of Texas provide or advocate for tax credits or other fee waivers to offset the costs of any physical modifications made to any commercial space or building where said change is specifically undertaken with orders issued by governing authorities relating to COVID-19.

#### **Recommendations for the Public**

The Committee recommends that all members of the public adhere to governmental and CDC guidelines.

#### **NEXT 100 DAYS - *Back to Work Confidently and Effectively*** **Relevance of Phase II**

As previously mentioned, the Committee does not have extensive recommendations for Phase II and Phase III.

- The CDC, other federal agencies, and state and local governments will continue to issue guidelines and orders impacting reentry conditions. As circumstances improve and government orders are relaxed, some of the initial reentry operational procedures that each property develops will be eased to pre-COVID practices, while others might endure for some time or even become part of new regular operational procedures.

- Government should consult with industry to set clear benchmarks for relaxation of restrictive guidance to business, employees and the public. Said benchmarks should balance the interests of supporting business with the important mission of safeguarding public health.

#### **FUTURE - *Back to Work Stronger Than Ever***

##### **Relevance of Phase III**

As previously mentioned, the Committee does not have extensive recommendations for Phase II and Phase III.

- The CDC, other federal agencies, and state and local governments will continue to issue guidelines and orders impacting reentry conditions. As circumstances improve and government orders are relaxed, some of the initial reentry operational procedures that each property develops will be eased to pre-COVID practices, while others might endure for some time or even become part of new regular operational procedures.

- Government should consult with industry to set clear benchmarks for relaxation of restrictive guidance to business, employees, and the public. Said benchmarks should balance the interests of supporting business with the important mission of safeguarding public health.

---

#### **Task Force Committee Members**

Woody L. Hunt, *Senior Chairman of the Board of Directors*

Hunt Companies (*Co-Chair*)

Jodie L. Jiles, *Director of Business Development, Transwestern (Co-Chair)*

#### **Special Advisors to the Real Estate Committee**

Ryan McCrory, *Executive Vice President, Hunt Companies*

Kevin Roberts, *President, Transwestern*

#### **The Real Estate Committee would like to thank representatives from these companies and organizations for their help:**

Building Owners and Manufacturers Association International

Td Moravits & Company

Moss Construction Management

Pinnacle Property Management Services

Cushman & Wakefield





### Education

Texas, known for its visionary leadership in public education, is continually at the forefront of innovation and change to address any challenge for its diverse student population. The closing of all Texas schools is unprecedented and underscores both a need and opportunity to reorient the operations of the Texas Public School system.

#### BACKGROUND

Texas requires a minimum of 75,600 instructional minutes, annually, according to Texas state law. There are 1,200 public school districts and 8,759 public schools in Texas. Approximately 5,385,012 students are taught by 362,193 public school teachers.

Additionally, there are 177 charter schools and 1,330 private schools with 194,576 students enrolled in Texas private schools and 142,993 students who are home-schooled. The public education per pupil expenditure equals \$9,352.00 (average).

#### Recommendations

It is the goal of business that schools open on the scheduled opening date, or even sooner, for the 2020-21 school year.

- If practical and possible, schools could open earlier in August as teachers and administrators need an opportunity to assess the progress students made and challenges they encountered during the recent school closures. Example: Some students may have entered the workforce rather than focus on online studies, while other students may not have had technology or computer access to complete coursework.
- Many families have been strained by the stay-at-home orders and would benefit by having their kids back in school, allowing them to resume normal activities.

**8,759** public schools in Texas.  
Approximately **5,385,012** students  
are taught by **362,193** public school  
teachers.





### ***Digital Learning for All Has Never Been More Important***

– With doctors and scientists warning that we could have another wave of COVID-19 next fall, with schools needing to be closed again, it is critical that we build on what we have learned from virtual learning experiences of the last several months. Social distancing and increased concern for easily transmittable contagious diseases, the Texas Public School system needs to redesign how and what we teach, which includes easy home access of all curriculum available for all Texas students.

This will center around the Texas Virtual School Network (TxVSN) and streamlining teaching strategies, modernizing curriculum, making sure all schools and children have access to computers and effective programs, and keeping and recruiting talented teachers and principals in schools.

- Open virtual resources to all grade levels. Currently, only high school students have access to the course catalog, and K-2 students are barred from online school.
- Lift the current moratorium on funding for new full-time online ISD schools within the TxVSN.
- Allow funding to go to courses beyond the three-course limit on student access to the statewide course catalog.
- Expand rural technology grants to support rural schools with hardware, software, connectivity, and training.

- Continue to expand digital learning and training to assist teachers in learning how to instruct from a digital platform. Provide easier access to curriculum, assessments, and instructional support.

- Revise the process by which courses are approved for the TxVSN. Defer the course approval to local school districts and/or approved third-party accreditors and the Texas Education Agency (TEA).

- Direct a portion of available federal emergency education grant funds to modernize the TxVSN online systems. Waive the prior-year public school requirement for full-time virtual education.

- Provide programs and funding so that every student has access to the internet and a computer.

### ***New Texas Education Priorities***

- Increase the number of teacher scholarships.
- Temporarily extend the timeline for required teacher professional development that could prohibit teachers from filling the gap for online course teachers.
- Develop guidelines providing students the opportunity for blending online learning with extracurricular activities at school.

---

#### **Task Force Committee Member**

Robert "Bob" McNutt, *President and CEO, Collin Street Bakery (Chair)*

#### **Special Advisor to the Education Committee**

Richard "Dick" H. Collins, *Chairman and CEO, iStation (Co-Chair)*



# Energy, Oil & Gas

### BACKGROUND

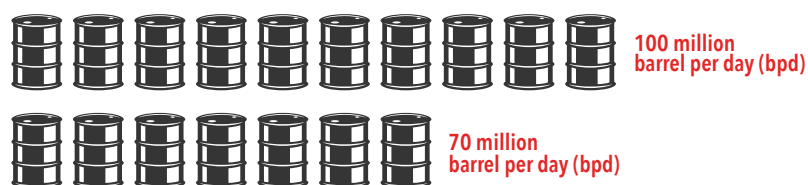
The daily business of gathering, processing, and transporting the Nation's energy needs has not ceased during the COVID-19 crisis. Importantly, for this to be carried out, the Cybersecurity and Infrastructure Security Agency (CISA) identifies Energy as Critical Infrastructure.

Dedicated employees—from rig workers to control room operators to truck drivers—have continued to deliver the energy and fuel people rely on every day. This also includes the raw materials necessary for items such as medicines, plastics, and other everyday products. Yet, until more Texans are able to get back to work—drive and fly more frequently and generally move about with more freedom—the demand side for these products will remain low.

To gain a clearer view of the global, domestic, and Texas relationship, one must put current demand of these products into context with production, transportation, and refining capabilities prior to the COVID-19 global pandemic versus today.

- Pre-COVID-19, there was a 100 million barrel per day (bpd) demand for crude oil and refined products. Today, the global demand is closer to 70 million bpd, or roughly 30% less. In the United States, nearly the same percentage decline in demand holds true.
- From a production perspective, there are 13 million bpd of crude oil produced domestically, and in Texas, that amount is roughly 5.3 million bpd, or 40% of the total barrels produced each day in the United States.
- Before the pandemic, affected downstream operators were refining approximately 17 million bpd of crude oil, which means the U.S. needed to import roughly 4 million bpd from other countries. Given the crisis, the daily refining capacity is now closer to 13 million bpd.
- There are more than 2.5 million miles of pipeline across the United States, and more than 450,000 miles located in Texas alone.

### CRUDE OIL DEMAND BEFORE AND AFTER COVID-19



*Pre-COVID-19, there was a demand for crude oil and refined products. Today, the global demand is closer to 70 million bpd, or roughly 30% less.*



Therefore, with these facts in mind, our state plays the most critical role in moving and fueling the Nation's daily demands. And ultimately, this suggests there needs to be a balancing in the value chain related to current supply versus current demand.

When it comes to the regulation of pipelines, there are federal and state laws and rules that govern the movement of liquids and natural gas, as they are the energy links of nearly every activity of everyday life. This is to ensure everyone is treated fairly in the marketplace and make certain that companies and the communities where they operate are safe. On the federal level, the primary agencies that conduct oversight include the Pipeline and Hazardous Materials Safety Administration (PHMSA), Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), and Occupational Safety and Health Administration (OSHA). In Texas, the industry receives guidance and oversight from the Railroad Commission of Texas (RRC) and Texas Commission on Environmental Quality (TCEQ).

Shippers—which includes producers as well as marketers of natural energy—are given the option of firm or interruptible service, in order to provide transportation service in line with their specific business needs. Those who make a commitment to firm capacity do so at fixed rates for a variety of reasons, including rate certainty, competitive pricing and equal contractual treatment, and priority to ship their product. Yet most critically, in order to guarantee access for all, the government requires that up to 10% of capacity on a common carrier liquids pipeline must always be reserved for uncommitted or “walk-up” shippers. Therefore, even with no contract, any qualified shipper can move volumes at the posted rate and pay as you go. Contracts are the critical covenant that companies rely upon to assure business certainty, in accordance with the law. The RRC oversees these issues and settles correlating disputes day in and day out; therefore, we recommend no changes to the current service agreement structure.

Another critical component of the industry is crude oil storage. Storage is used for a variety of reasons, but most simply as a transitional space from the point after which crude oil is shipped from the producing region but before it goes onto the refinery or end-user. With domestic and international demand down by roughly 30%, the refineries are taking less product, and consequently, the storage facilities for liquids are nearing full capacity.

The industry has proven over the past 100 years to be resilient operators and creative thinkers to assist with business continuity needs. The RRC and PHMSA have taken an important step to address the COVID-19 crisis with guidance documents, allowing pipeline operators to receive waivers of certain regulatory requirements to provide safe solutions to current energy challenges. Timely responses to the waiver requests are essential. We recommend that the RRC expedite any safe and reasonable waiver request in as short a timeframe as possible. Conversion of suitable existing pipelines to temporary crude storage is a safe and viable option. To the extent there are pipeline facilities or non-energy assets that are underutilized or idled and can be converted or brought back into service safely to be used as a temporary storage option, we recommend PHMSA and the RRC temporarily waive duplicative testing measures as long as operators can demonstrate previous compliance.

As the state and industry transition beyond the immediate crisis and begin to think long-term on sustainable solutions during potential future events, we recommend the creation of a state-sponsored petroleum reserve. This will ensure that producers have a home for their product and can continue to operate. But also, in periods of energy insecurity, ensuring there is a ready supply to meet the daily energy demands.

To continue moving the Nation's energy, there are actionable steps that can be undertaken and recommended practices that can be encouraged.



### Recommendations for Employers

[The following should be considered suggestions only and in no way considered mandates for either employer or employee.]

- Communicate clearly and often to employees, while recognizing the needs of field personnel may be different from those who are situated at an office desk.
- Promote workplace health and safety requirements via company-supported PPE, electronic messages, and printed guidance throughout a building or facility.
- Review, understand, and implement recommended practices in accordance with:
  - Cybersecurity and Infrastructure Security Agency (CISA) guidance<sup>5</sup>
  - CDC guidance<sup>6</sup>
  - OSHA guidance<sup>7</sup>
  - State and local guidelines related to the same

### Recommendations for Government

- Texas Department of State Health Services may establish guidelines for the public health and safety applicable to employers and businesses.
- Temporarily waive certain testing or reporting requirements, including testing of facilities that might be converted to different service, so long as a company can substantiate previous compliance.
- Temporarily waive fuel-blending requirements, as the fuel supply system requires flexibility to maximize local crude production and corresponding additives and supplements, which may be unnecessary for current driving conditions.

### Recommendations for Plant and Field Operations

[The following should be considered suggestions only and in no way considered mandates for either employer or employee.]

- Where practical, suggest that employers and employees work out arrangements to allow specific employees that can perform optimally to continue to work from home (WFH).
- Enact enhanced cleaning schedules to be more frequent/ in-depth, especially around areas of high traffic (elevators, bathrooms, food areas, data vans, trailers, communal work areas).
- Whenever practical, limit visitors to essential personnel. All unsolicited visitors should be asked to set up phone conversations.
- Whenever practical, implement procedures such that employees check in via personal cell phones, utilizing a time app or other remote personal software, such that no communal time clocks are used.
- All workstations are cleaned by replacement employee during shift changes.
- All employees are asked to wear a mask as part of the PPE until further notice.
- All employees are encouraged to maintain recommended social distancing protocols in the workplace, including minimum distances between workspaces.
- Minimize face to face group meetings, whenever possible, by utilizing video conference technology. When meetings require a face to face, limit attendance to no more than 10 individuals. Social distancing must always be practiced.
- Encourage employees to restrict non-essential business travel outside of the workplace.

<sup>5</sup>Version 3.0 - CISA Guidance on Essential Critical Infrastructure Workers

<sup>6</sup>Implementing Safety Practices for Critical Infrastructure Workers - CDC Guidance

<sup>7</sup>Guidance on Preparing Workplaces for COVID-19 - OSHA Guidance



### Recommendations for Office Locations

[The following should be considered suggestions only and in no way considered mandates for either employer or employee.]

- Consider using a gradual, phased-in or rotational approach to bringing employees back to the office to avoid having all employees back all at once.
- Before entering the building, where practical, offer temperature checks.
- Strive to provide sufficient spacing for employee workspaces so as to comply with health guidelines.
- Whenever practical, face masks should be worn in all public areas of the building and when more than one person is attending a meeting.
- Where practical, allow specific employees that can perform optimally to continue to work from home (WFH).
- Ask building's housekeeping to prioritize regular bathroom wipe downs and all common areas and entry doors.
- Place hand sanitizer stations at each entry door.
- Request building to replace all faucets, soap dispensers, flushing, to automatic.
- Suggest building utilize higher grade filters for cleaner air.
- Recommend that those who can, to take the stairs versus elevators.
- Where possible/appropriate, leave doors ajar to minimize hand contact.
- Practice thorough hand washing and use of hand sanitizer frequently throughout the day.

- Practice social distancing at all times.

- Whenever practical, limit the number of employees in break rooms, restrooms, and other common areas at any one time.

### Recommendations for Meetings

[The following should be considered suggestions only and in no way considered mandates for either employer or employee.]

- Prioritize remote meetings over in-person meetings.
- Limit large in-person meetings ("general update meetings") as much as possible.
- Restrict the use of conference rooms to discourage group meetings.
- For in-person meetings that must be held:
  - Restrict to as few key participants as reasonable (including rolling scheduled times).
  - Leave one chair spacing between all participants (reducing room capacity by ~1/2)
- Meeting attendees shall be responsible for utilizing disinfecting wipes to wipe down the table and chair arms that they came in contact.

---

### Task Force Committee Members

Ben "Bud" M. Brigham, *Executive Chairman; Brigham Minerals "MNRL", Atlas Sand & Brigham Exploration*  
John B. Connally III, *Independent Energy Investor, former Partner at Baker & Botts (Chair)*  
Kelcy Warren, *Chairman and CEO, Energy Transfer*

### Special Advisor to the Energy, Oil & Gas Committee

Mike Howard, *Chairman and CEO, Howard Energy Partners*





# Government

### BACKGROUND

Morgan Stanley recently projected the nation's second quarter Gross Domestic Product (GDP) will decline a stunning 38 percent.<sup>8</sup> Their economists further stated that they "expect the U.S. economic recovery will be more drawn out than previously anticipated, marked by a deeper drop into recession and slower climb out." Clearly, the damage done to the economy as a result of the economic shutdown has been significant.

The GDP is 65 percent private sector spending, and the private sector has borne the brunt of the economic decline.

Our governments have accomplished the mission of ensuring that our hospitals were not overwhelmed by an unchecked spread of the virus. Now, it is time to ensure that we minimize the damage from those actions. We need to do what we can to avoid a deep economic recession or depression that would create other forms of crises, including potential public health issues, all of which could last for years. It is time to begin getting people back to work and responsibly returning to a more normal life.

This section of the report recommending how to reopen Texas suggests various things the state government can do to aid in the reopening and hoped-for recovery. Time is of the essence, as the deterioration is exponential.

### Recommendations

#### *Phase 1 – Immediate Suggestions*

#### Recommendations for Government

- During a disaster declaration, the state should establish clear and timely guidelines within which local jurisdictions must operate. Uncertainty or conflicting policies from various government agencies lead to paralysis and will only continue to confuse citizens and impose unnecessary restrictions on businesses.
- The state should ensure that small businesses are not penalized for actions that are restricted under local government orders but permitted under orders from the Governor.
- Continue to recommend health and safety guidelines for businesses. For example, those suspected of having an active case of the COVID-19 virus should quarantine in their

<sup>8</sup>Steve Goldstein, "Morgan Stanley forecasts 38% drop in second-quarter U.S. GDP," Market Watch, <https://www.marketwatch.com/story/morgan-stanley-forecasts-38-drop-in-second-quarter-us-gdp-2020-04-03>





home, and “at-risk” and elderly individuals should remain at home. These guidelines should be backed by supporting data but should not be accompanied by coercive policies.

- Continuously review and update all guidelines issued by the state during the shutdown until they are no longer necessary.
- Continue development of a state infrastructure plan. This plan should identify unique geographic distinctions and needs within the state. For example, a plan for West Texas might look very different from a plan for Central or East Texas, and rural areas might have different plans versus urban areas.
- Adopt policies to make government data, including public health data, easily accessible by the public on state and local government websites, including the 4,000 taxing units across Texas. Accessible and easy-to-understand public health data should always be available to the public during a health crisis to avoid confusion and misinformation. Care should be given to ensure this data provides a sound foundation for citizens and community leaders to manage health risks within their communities.
- Trust Texas’s businesses, schools, churches, and citizens to make their own health and safety choices. During the shutdown, citizens have gone grocery shopping and participated in other essential activities with many other people present. This indicates most Texans have figured out how to be in public and in workplaces while remaining healthy. We should trust Texans to practice personal responsibility as we reopen “non-essential” services. It is in each Texan’s best interest to avoid disease. The government’s job is to provide guidelines and trustworthy data.

#### **Recommendations for Government to Support Businesses**

- The state should review for future disaster decisions which businesses are deemed “essential” or “non-essential” and allow Texas’s various economic drivers to return to full

operation. Some small businesses feel this distinction has chosen winners and losers when big-box stores that also sell non-essential items were allowed to remain open while small retailers were forced to close. This also boosted e-commerce at the expense of brick and mortar stores.

- Issue guidelines of best practices for businesses that are backed with transparent and accessible data. Provide a safe harbor for businesses from legal implications surrounding COVID-19 when businesses make good faith efforts to implement the guidelines. Liability is a concern for many businesses wanting to reopen, and the state should provide information to businesses to mitigate the liability of reopening. The state has a vested interest in ensuring all of Texas’s businesses have the confidence to reopen without being exposed to unaffordable risks.
- Encourage all businesses to acquire and maintain any necessary PPE and sanitizers, appropriate to their context, and exempt such purchases from sales and use tax. Ensure that these guidelines do not exceed federal guidelines and are backed by sufficient documentation and relevant science.
- The Texas Comptroller should consider a further extension of the reporting and payment of the Texas franchise tax to November 15, 2020. This will have a minimal fiscal impact on the state and allow businesses some cash flow relief.

#### **Recommendations for Government to Support the Public**

(In all instances, these recommendations presume the state will continue to issue and update data-supported guidelines for social distancing and hygiene.)

- When possible and where practical, the state should further lift or relax social distancing guidelines for outside activity as a means of confidence building. This will encourage people in every respect and will mitigate against further mental health concerns that attend every shutdown of society, regardless of circumstances.



- When possible and where practical, lift all travel restrictions. These travel restrictions have potentially impeded necessary business-related traveling, important family gatherings, and general tourism. It is important, especially with the summer months upon us, that we allow Texans unrestricted travel access.

- The state should consider waiving entry fees to state parks, historical sites, and museums until the end of 2020 to promote tourism.

- Permit flexibility to agencies and local governments on payments for residential service taxpayers as it relates to deadlines, interest, and penalties. Extend the “Cancellation of Service” timeframe for non-payment of essential utility bills to 60 or 90 days.

- Continue to allow churches to meet if they follow the guidelines of social distancing and other recommendations during this disaster declaration. Individual houses of worship can decide how to keep their faithful safe.

#### **Recommendations for Government to Support the Healthcare Industry**

- In partnership with the private sector, the state should continue to put its full, available support behind the continued expansion of testing for COVID-19.

- Continue to make transparent the number of tests conducted, the supply of PPE, and hospital bed capacity to reassure the public that the state has no issues with dealing with a potential spike in cases.

- Expand the use of telemedicine services and technology.

- Ask the Food and Drug Administration (FDA) for a quick review of COVID-19 potential, newly created home testing kits.

- Make an effort to inform citizens regarding Section 3215 in the CARES Act, which establishes a specific limitation on liability for “volunteer” healthcare providers during COVID-19.

#### ***Phase 2 – Suggestions to Address After 100 Days***

- The state should enact an off-switch policy to end local disaster declarations on a statewide basis once the emergency is passed. The state needs to provide legislative clarification to commissioner’s courts and city councils related to declaring states of emergency. The recent shutdown showed how the principles of representative government can be thwarted when mayors and county judges have too much power in making unilateral decisions without the agreement of the rest of the executive body.

- All waived regulations and statutes due to COVID-19 should be reviewed based on experience during the crisis to determine which, if any, should be made permanent. A few examples include waivers for remote healthcare, restaurant services, and healthcare occupancy requirements for healthcare facilities.

- Federal funding from the CARES Act should not be used to promote mail-in ballots. Voting in-person at your local precinct is a basic right of the people that should not be overlooked due to the shutdown. Local special elections should be moved to run concurrently with primary-runoff or the general elections to prevent an unnecessary cost being placed on these jurisdictions.

- TCEQ rules and regulations should be reviewed considering federal reforms to the EPA. More than likely there is room for reform that can eliminate costly rules and regulations that do not pass muster on cost benefit.



- The Texas Department of State Health Service's rules and regulations at the local level should be reviewed as it pertains to food trucks, eateries, etc. to ensure there are no unnecessary barriers to commerce.
- Undergo a quick review to consider temporarily expanding professional license reciprocity arrangements with other states to allow individuals who have just moved from another state to fast-track reemployment.
- The Texas Open Data Portal, the official open-data Internet website for the State of Texas, should be utilized by all state agencies and local county and city governments to allow constituents to find the information they need and self-serve their public information requests.

### ***Phase 3 – Long-term Goals to Boost Economic Recovery and Ensure Future-Readiness***

- The state should prepare a report that contrasts results from various policy approaches across the state during this crisis. There was a wide variation of responses among communities, which created valuable experimental data. The state should ensure this data is collected and published for the future benefit of citizens and policy makers.
- Create a stockpile of essential medical equipment such as PPE to ensure that in any future pandemics there is always access to an adequate supply of PPE for healthcare personnel.
- Maintain the voluntary PPE exchange program sponsored by the Texas Hospital Association that matches hospitals in critical need of supplies with hospitals that may have extra supplies for sale or donation.
- Consider encouraging development of PPE production facilities within the state through contracts to purchase.
- Encourage the use of Telemedicine.

- Re-examine the criteria used to decide what has been deemed "elective" medical procedures for potential future health crises. For example, prohibiting biopsies could end up causing substantially more cancer deaths than COVID-19 deaths.
- Develop a pandemic response plan that applies lessons from the current COVID-19 crisis.
- Encourage all levels of government in Texas to accelerate the process of moving as much of their interactions with the public online. For example, government entities should move to accept electronic payments, accept all legal and regulatory filings electronically, maintain records digitally, and conduct administrative hearings by video conference. The Texas Open Meetings Act and the Texas Public Information Act should be amended, as necessary, to remove barriers to effective use of technology.
- Continue to reduce the business margins tax as a means of helping businesses recover.
- Eliminate state licensing for at-home operated businesses. Examples include, but are not limited to, heating and cooling technicians, auctioneers, cosmetologists, property tax professionals, electricians, and tow truck operators. These regulations serve no material public safety need and discourage economic development and entrepreneurial spirit in Texas's most economically disadvantaged neighborhoods.
- Review business licenses and permits managed by city governments.

---

#### **Task Force Committee Members**

Tim Dunn, CEO, CrownQuest Operating, LLC (Chair)

#### **Special Advisors to the Government Committee**

The Honorable Patrick Payton, Mayor, City of Midland

The Honorable Dan Pope, Mayor, City of Lubbock



# Healthcare and Medical Services

### BACKGROUND

Reopening the Texas economy safely also requires responsible behavior and cooperation from employers, employees, and consumers, and up-to-date information from our state's healthcare providers. State officials and public health experts need to communicate that every Texan has a social responsibility and moral obligation to take consistent, reasonable actions to minimize the chance he or she will infect others with COVID-19 while working, shopping, or using services. Everyone may have the right to act in ways that may infect them, but they do not have the right to act in ways that may infect others—employees, co-workers, customers, or the healthcare workforce. State officials and public health experts should provide consistent, effective messaging describing the public health measures they are implementing to assist community efforts in reopening their economies. Messaging and public service announcements need to be Texas-specific and include what steps the public can take to remain safe and limit the spread during the reopening.

#### ***Messaging should reinforce:***

- The importance of maintaining social distancing and the use of facemasks for the immediate future.
- That a negative test today only means you are negative that day.

- That many persons who spread the virus show no symptoms.
- Regularly check-in with people you have had recent contact with to ensure they are still not showing symptoms.
- Self-isolate when feeling ill, contact your healthcare provider, and, again, understand you have a moral obligation to not infect others.

State officials should also continue to communicate with federal and local government agencies regarding ongoing disease surveillance and contact tracing efforts, testing data, healthcare capacity and mitigation of transmission guidelines.

The guidelines contained in this document should apply to all healthcare disciplines, facilities, and any person engaged in a health-related field, including, but not limited to, hospitals, long-term care facilities, dental offices, freestanding emergency rooms, prisons, and other clinics, as they relate broadly to the safety of healthcare workers and patients.



## Recommendations

The recommendations contained in this document are suggestions of the Healthcare and Medical Services Committee of the Lieutenant Governor's Texans Back to Work Task Force. In the event that these suggestions may conflict with any current or future, state or federal statute, regulation, or guidance issued by a government agency, the statute, regulation, or guidance issued by a government agency should be followed.

### **NOW - Back to Work Safely**

**Screening and Testing Protocols** – For healthcare facilities to operate in the safest manner, strict screening protocols must be maintained. Due to limited supplies and existing testing capacity, healthcare facilities should prioritize screening in the near term.

- Healthcare facilities should screen all employees, patients, and visitors for symptoms of COVID-19 and exposure history upon each entry to the facility.
- Screening for fever should be conducted using no-touch thermometers.
- Entrants should be questioned on exposure history and risk.
- Any entrant that fails any portion of the screening should be denied access and directed to isolate at home and/or be sent for testing.
- Any testing must be completed using a Food and Drug Administration (FDA) approved method.
- Texas should not require that all healthcare workers be tested until sufficient capacity with adequate levels of accuracy exists. As testing capacity and efficacy increase, the state should prioritize regular testing of all healthcare workers.
- Facilities should require handwashing or use of hand sanitizer upon entry.
- Hand sanitizer should contain a minimum of 60% alcohol, preferably 70%.
- When setting appointments, healthcare providers should screen patients by phone or other means of communication for symptoms of COVID-19. If a patient is experiencing symptoms, the provider should refer them to be tested.
- Hospitals and clinics treating patients who have COVID-19 should organize patient rooms, treatment rooms, and flow patterns to minimize exposure for patients not infected.
- Facilities with concentrations of vulnerable persons, such as nursing homes or assisted living facilities, should minimize unnecessary contacts with vulnerable persons and should carefully screen all persons entering the facility and/or making contact with patients.
- Where possible, facilities should assure vulnerable patients have the means to maintain contact electronically with family and friends to minimize the psychological harms of isolation.



- Healthcare employees should check themselves and others in their household for these symptoms daily before reporting to work:

- Fever
- Dry cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

- Any healthcare worker with these symptoms should self-isolate and contact their employer for further instruction.

- If the employee is tested and receives a negative result, the employee should isolate and continue to monitor symptoms until symptoms resolve. Note that a negative test only reflects that a person did not have COVID-19 that day.

- If an employee is tested and receives a positive result, the employee should notify their employer. The employee should then isolate until they have recovered and are cleared to return to work. Healthcare facilities should follow the latest guidance from state and federal officials regarding the definition of recovery.

**Personal Protective Equipment (PPE)** – Ensuring adequate protection of healthcare workers is crucial to reopening the healthcare industry in Texas. Furthermore, patients and visitors to healthcare facilities must be protected from exposure. As businesses reopen and PPE becomes more in-demand, strategies must be implemented to ensure healthcare facilities have adequate supply.

- Texas should adopt a plan which incentivizes larger hospitals, academic medical centers, and other organizations to work with smaller facilities to provide batch sterilization services of N95 masks and other PPE, where appropriate.

- Texas should maintain PPE Exchange.

- Healthcare facilities should require use of masks at entry and while in the workplace. Provide disposable masks to those who do not have them.

- If N95 masks are used, they should meet OSHA standards.

- Require use of hand sanitizer or handwashing at entry to the facility.

- Organize work and provide computers and other equipment to allow employees to work from home as much as possible consistent with the needs of the organization.

- Organize all areas of the workplace used by employees, customers, suppliers, and shippers to support six-foot social distancing whenever possible. Limit the number of persons in the workplace as necessary to accomplish social distancing.

**Nursing Homes and Assisted Living Facilities** – Nursing home and assisted living residents and staff have been among the most severely impacted by COVID-19. In Texas about 40 percent of the approximately 800 people who have died from COVID-19 lived in nursing homes or assisted living facilities. According to the Kaiser Family Foundation about 11,000 nursing homes and assisted living residents have died from COVID-19 nationwide. It is recommended that the State continue to focus resources on nursing homes and other senior care facilities to test, isolate, and assure best practices are being followed by staff, visitors, suppliers,





and patients. State licensing requirements and enforcement inspections should be reviewed, strengthened, and increased in frequency to assure this vulnerable population is protected. Timely reporting of such incidents along with a description of actions taken should be provided to the Health and Human Services Commission and appropriate family members or guardians.

**Dental Facilities** - While dental facilities should be expected to follow the guidelines presented in this document, it should be recognized that the frequent, close contact, aerosol-producing nature of procedures performed in dental offices presents unique challenges to dental professionals when it comes to preventing the spread of COVID-19. In order to safely reopen dental clinics and resume dental care, dental clinics and personnel should:

- Follow all state and federal guidelines regarding infection control and prevention.
- Implement patient screening procedures, including temperature checks and questionnaires.
- Make use of proper PPE, including isolation gowns, N95 masks, and face shields. Personnel should be trained in the proper use of this equipment.
- Additional guidance has been developed by the Texas Dental Association, which can be found in the appendix.

**First Responders** - First responders at the state and local levels are on the frontlines of providing support to their communities during the COVID-19 pandemic. These guidelines, as well as CDC guidance, should apply to Emergency Medical Services (EMS) workers, firefighters, and law enforcement to assist these first responders in conducting activities as safely and efficiently as possible.

### **NEXT 100 DAYS - *Back to Work Confidently and Effectively***

**Local Decision Making** - As Texas emerges from the peak of the COVID-19 crisis, different areas of the state may experience variations in micro-surges. Statewide reactions to spikes in COVID-19 cases will unfairly disadvantage healthcare facilities in less-impacted areas. Hospital Chief Medical Officers (CMOs) of healthcare facilities should be empowered to make facility-level decisions based on guidelines provided by state and federal health officials:

- As localized surges occur, CMOs should be able to practice discretion on reducing or stopping elective procedures.
- CMOs should have the authority to determine appropriate levels of PPE for hospital staff, including the use of N95 respirators.
- In practicing prudent judgement over local decisions, CMOs should follow the current guidelines set forth by state and federal agencies, and professional medical organizations.

### **Telemedicine**

- While telemedicine/telehealth/tele-psychiatry, tele-ICU services have been available in various forms for several decades, third-party payers, governmental entities, and many state laws have restricted its use significantly. Some of these barriers have been removed over time, even more so now with the COVID-19 pandemic.
- Interest has been renewed due to three drivers: the ongoing needs of the healthcare delivery system, a proven track record of technological capabilities, and acceptance of technology by the general population. Advances in these areas should be encouraged and incentivized in Texas.



- Reopening the state's healthcare system should include ongoing utilization of telemedicine services in order to assist in bridging the care-delivery gap. The use of tele-ICU services to rural hospitals should be encouraged and incentivized in Texas.

- State officials and community healthcare leaders should provide both positive messaging as well as content expertise in order to ensure that telemedicine in the future (post-Coronavirus) be viewed as a foundation upon which technology services can continue to be integrated into our healthcare delivery system.

### Recommendations

Empower providers to initiate or continue to expand telemedicine services in areas most amenable to the technology (the "low-hanging fruit".)

- Chronic care management (i.e., tele-monitoring programs for Geriatric/Medicare patient population). Encourage telemedicine usage in the Medicaid population to reduce crowding in emergency rooms and physician offices.
- Tele-primary care for general practice, family medicine, pediatrics, internal medicine.
- Tele-psychiatry care and tele-ICU services.
- Other medical specialties which can safely and effectively be delivered via telemedicine.

Compliance issues to be addressed by practitioners and considered by state officials and community healthcare leaders include:

- Licensing. Providers must be appropriately licensed in all jurisdictions where their patients are physically located.

- Treatment. Providers should notify patients of telemedicine services, including risks/benefits of those services and appropriate follow-up care. Informed consent and documentation of telemedicine visits should be the same as comparable in-person care.

- Reimbursement. Providers must ensure proper documentation, coding, and billing for allowable reimbursement.

- Privacy and Security. All protected health information exchanged via telemedicine must remain confidential and secure in accordance with the HIPAA Privacy and Security Rule.

Department of State Health Services (DSHS) should develop a statewide website where employers, healthcare providers, and other necessary stakeholders can submit data and information to the state, in order aggregate data needed for a statewide contact tracing program.

Healthcare facilities and providers should work with local health departments and Regional Advisory Councils to develop information sharing practices related to contract tracing.

### **FUTURE - Back to Work Stronger Than Ever**

**Ongoing Pandemic Planning** - To improve response to future pandemic outbreaks, Texas should undergo a formal review of COVID-19 response actions to identify strengths and weaknesses of the State's response and increase ongoing pandemic planning and preparation efforts. Ongoing planning should address the following:

- Increasing state stockpiles of PPE and pandemic response supplies and equipment and incentivizing greater domestic production capacity of such items.



- Methods the state can undertake to facilitate greater access to federal supply stockpiles for healthcare facilities and local governments.
- Strengthening the state's Regional Advisory Council system to streamline regional support and collaboration efforts.
- Building and maintaining a statewide surveillance and contact tracing system that can be rapidly stood up during future pandemics.

**Physician Licensing Review** - Given recent rule changes made by the Texas Medical Board (TMB) allowing temporary emergency license credentialing for out-of-state physicians during the COVID-19 pandemic, we recommend that Texas, via TMB, consider implementing new improvements to existing physician licensing processes derived from best lessons learned during the COVID-19 crisis.

Any such contemplated TMB changes to current physician licensure processes should always achieve a balance between maintaining a high standard of practice for telemedicine and in-person visits while also improving access to high quality medical care for Texans.

**Advanced Practice Registered Nurses** - The Governor's emergency rules waive the requirement of Advanced Practice Registered Nurses (APRNs) to have a written delegation agreement but APRNs are still required to obtain a delegation agreement from a Texas licensed physician. Many physicians are finding it impossible to enter into these agreements due to limitations related to employer policies, malpractice insurance and other issues of concern. APRNs play a pivotal role in delivering healthcare in Texas. It is suggested that the delegation agreement requirement be waived entirely during the pandemic and that the Texas

Legislature be encouraged to consider a complete review, with input from various stakeholders, of APRN delegation rules in the context of lessons learned and any related problems identified during the pandemic.

### **Additional Items of Consideration**

Texas' great urban hospitals have played a pivotal role in ensuring that Texas cities have not developed into the kinds of hotspots that have developed in other large cities outside our state. They are on the cutting edge in treating COVID-19 victims, research and containing the infection and ultimately they will play a pivotal role in ending the pandemic. However, we also want to note the unique needs of rural communities in responding to COVID-19: Rural communities in Texas face unique obstacles when returning "back to work" after social distancing activities. Regarding health, rural Texans are disproportionately older, suffer from higher rates of diabetes and heart disease, and have more lung disorders<sup>9</sup>, all placing them at a higher risk for COVID-19. Regarding transportation, rural residents must often travel excessive distances for primary care services, and many do not have dependable means of transport. Furthermore, the limited public health capacity in rural counties is greatly hampering the implementation of effective public health measures. Since some rural counties do not have a local health department, COVID-19 disease surveillance and control activities are provided by eight DSHS regional offices. The regional offices are staffed by dedicated public health professionals. However, they are stretched very thin regarding these rural monitoring and surveillance activities. Lastly, rural areas often face difficulty in acquiring a steady supply of PPE, like masks and gowns.

Providing a robust economic response in rural Texas will require maximizing existing resources and creating new innovative strategies. Public health basics like social distancing, handwashing, and covering coughs and sneezes

<sup>9</sup>Centers for Disease Control and Prevention. *Leading Causes of Death in Nonmetropolitan and Metropolitan Areas – United States, 1999–2014*: [https://www.cdc.gov/mmwr/volumes/66/ss/ss6601a1.htm#F3\\_down](https://www.cdc.gov/mmwr/volumes/66/ss/ss6601a1.htm#F3_down)



will need to be emphasized by a vigorous communications campaign in rural locations. Once reliable tests are allocated, they should be made commonplace and accessible to rural citizens. At minimum, one testing site should be available per county, including drive-through or walk-up centers. Partnerships between health departments, health science centers, universities, and community colleges should be mobilized in order to develop a robust testing system in rural regions. Moreover, rural citizens should be included in the development of a sophisticated COVID-19 test tracking system. Data from the tracking system should be analyzed and mapped to identify rural hot spots.

These enhancements can provide the tools needed for aggressive isolation, contact tracing, and quarantine. Diligent containment measures will be vital if we are to control the COVID-19 epidemic in rural areas. Additionally, supply chains necessary to distribute necessary PPE for rural citizens should be greatly enhanced. In summary, a partnership encompassing academia, the private sector, public health, and state/local government will be critical in order to provide the early detection and rapid response needed to control and eliminate the spread of COVID-19 in rural areas.

**Additional Materials:** This committee recommends consideration of the Joint Statement: Roadmap for Resuming Elective Surgery after COVID-19 Pandemic, published by the American College of Surgeons, the American Society of Anesthesiologists, the Association of periOperative Registered Nurses, and the American Hospital Association; the COVID-19 Field Guide, published by the American College of Emergency Physicians, and guidance published by the American Healthcare Association/National Center for Assisted Living, all of which can be found in the appendix.

## APPENDIX

1. Texas Dental Association Guidelines for Reopening Dental Offices Safely During the COVID-19 Pandemic: [https://www.tda.org/Portals/0/COVID/TDA%20Final%20Guidelines%20Reopening%20Dental%20Offices\\_April%2021\\_2020.pdf?ver=2020-04-23-080709-470](https://www.tda.org/Portals/0/COVID/TDA%20Final%20Guidelines%20Reopening%20Dental%20Offices_April%2021_2020.pdf?ver=2020-04-23-080709-470)
2. Joint Statement: Roadmap for Resuming Elective Surgery after COVID-19 Pandemic: <https://www.asahq.org/about-asahq/newsroom/news-releases/2020/04/joint-statement-on-elective-surgery-after-covid-19-pandemic>
3. American College of Emergency Physicians COVID-19 Field Guide: <https://www.acep.org/corona/covid-19-field-guide/cover-page/>
4. American Healthcare Association and National Center for Assisted Living - Taking Reasonable Efforts to Prevent COVID-19 from Entering Your Assisted Living Community: [https://www.ahcancal.org/facility\\_operations/disaster\\_planning/Documents/AL-Guidance-Preventing-COVID19.pdf](https://www.ahcancal.org/facility_operations/disaster_planning/Documents/AL-Guidance-Preventing-COVID19.pdf)

---

### Task Force Committee Members

Gaylord T. Hughey, Jr., *Attorney at Law (Chair)*  
Victor Leal, *CEO, Leal's Mexican Restaurants*

### Special Advisors to the Healthcare and Medical Services Committee

Dr. Kirk A. Calhoun, MD, FACP, *President, University of Texas Health Science Center*  
Kristi Sherrill Hoyl, *Chief Policy & Community Officer, Baylor Scott & White Health*  
Dr. Tedd L. Mitchell, *Chancellor, Texas Tech University System*  
Dr. Michael R. Williams, *President, UNT Health Science Center*



### Higher Education

The committee on higher education met with the leadership of the community/junior colleges of the state and the state technical institutions. These leaders are well prepared and ready to open. They are putting safety first, but they're also working hard to ensure their institutions are prepared to move forward as soon as possible.

We also met with all the leadership of the general academic and health-related institutions, including five chancellors and one CFO of the six systems, and the presidents of the four independent general academics. They, too, have worked to move forward. In the interest of safety of the students, faculty members, and staff members, these institutions moved thousands of courses to online instruction within two weeks and emptied their buildings by requiring all personnel to work remotely. They required all students to leave the dorms unless the student had no other place to go or no access to online learning. This directly impacted the lives of more than 1.4 million students.

The following are our immediate, intermediate, and long-term issues and solutions. I want to especially thank the members of the committee for their long hours and diligent work.

#### IMMEDIATE TERM

- All institutions worked to comply with the CDC and state and county health department guidelines to provide the safest learning and working environments for the students, faculties, and staff members.
- All institutions are completing Spring semester courses online and have worked with Accrediting Agencies for the individual degree programs to modify learning modalities to comply with amended criteria. Institutions should continue to communicate with each other and the Commissioner of Higher Education to address ongoing concerns for optimal experiential learning.
- All institutions closed or limited access to institutions' facilities to institutionally determined essential personnel. Institutions have cancelled large events and incurred additional costs to replace events such as graduation with a virtual event.
- Institutions trained appropriate staff on all protocols and health and safety guidelines related to COVID-19.



- Institutions have approved amendments to Admissions policies related to applicant's inability to take standardized tests (SAT, ACT, MCAT, LSAT, GRE, etc.), inability to complete college readiness requirements, and adjustments due to grading policy changes.
- Institutions continued to provide housing for residential students who had no option or were displaced from their homes—TAMUS has over 5,000 still in dorms across the System; UNT has over 700; TTUS has almost 500; Texas State System has 975; UHS has 1,400; UTS has 2,842; TWU has 398; Texas Southern has 255; Midwestern has 170; and Stephen F. Austin has 45. None of the institutions have reported a positive test for these dorm students.
- Institutions are disinfecting all work sites and classrooms.
- Institutions are expanding print and digital communications with students, faculty, and staff.
- Institutions have established protocols for reporting and responding to incidents of students, faculty, and staff members who test positive for COVID-19.

### INTERMEDIATE TERM

- Adjust immediate term actions for longer term needs and most importantly compliance with the ongoing daily modifications to guidelines from the CDC and state and county health departments as the institutions plan to reopen their campuses with the safety of the students, faculties, staff members, and members of the general public as the top priority.
- Various institutions are considering or planning to stagger the campus reopening during the summer terms depending on the degree program mix—technical programs—fire prevention and other first responders, healthcare providers (medicine, nursing, pharmacy,

respiratory therapists, etc.), or experiential courses such as education degrees, music, theater, art, engineering, and the sciences.

- Many institutions have plans to continue online or blended courses for the summer terms and are continuing to evaluate all factors before a final decision is made for fall terms which may not be finalized until early July. State leadership offices need to continue to work with the institutions to ensure the safety of all individual institutional constituencies.
- Institutions will need to do strategic planning for fall course offerings that considers number of individuals in each classroom and lab, and indications are that every institution is making these plans.
- Institutions will need to modify teaching modalities to comply with amended requirements from the accrediting agencies for the various degree programs.
- Institutions are planning to continue disinfecting all work sites and classrooms and are attempting to determine what best practices will be required.
- Institutions will continue to plan to expand print and digital communications, including social media and personal contact with students, faculty, and staff members to keep them informed.
- Institutions will continue to plan reviews and adjust protocols for reporting and responding to incidents of students, faculty, and staff members who may test positive for COVID-19 depending on best practices.
- Institutions will review best practices to develop plans to protect the general health of individuals entering institutional facilities.





- Institutions will continue to develop requirements of PPE as needed by the institution and the various degree programs.
- Institutions should plan to adjust housing for residential students and students displaced from their homes to comply with the CDC and state and county health department guidelines.
- Each institution's legal liabilities related to workers compensation, furloughs or reductions in force, contractual obligations, etc., should be reviewed by the institution's General Counsel.

#### **LONG TERM**

- Institutions are planning for on-campus openings in the fall and continuing into the spring, but since the variables are so fluid, many scenarios are in the developmental stage. It may be early July before final decisions are made.
- Institutions are reviewing degree programs, offering and looking for strategic changes to meet future workplace opportunities. Institutions are seeking to address the need for first responders and healthcare professionals.

---

#### **Task Force Committee Members**

Honorable Kent R. Hance, *Hance Scarborough (Chair)*  
Brenda Pejovich, *Founder, Brenda Pejovich Foundation, Inc.*

#### **Special Advisors to the Higher Education Committee**

Dr. Carine M. Feyten, *Chancellor, Texas Woman's University*  
Honorable Ginger Nelson, *Mayor, City of Amarillo*  
Dr. Suzanne Shipley, *President, Midwestern State University*  
Dr. Michael R. Williams, *President, UNT Health Science Center*



# Manufacturing

### BACKGROUND

- Manufacturing is a critical element of the Texas economy, accounting for nearly 13% of the total output of the state and employing 7% of the workforce. Total output of manufacturing in Texas was \$230 billion in 2018, with an average of 881,000 manufacturing employees and an average compensation in excess of \$85,000 in 2017.
- The manufacturing sector ranges from small family-owned businesses to large, multinational companies employing thousands of Texans, all of whom depend on this employment to sustain and supplement their livelihoods. Many of those livelihoods have been jeopardized in recent months as the world has grappled with the effects of COVID-19.
- While many manufacturing companies were deemed “essential” during this pandemic and allowed to operate without restriction, many others were not. With Governor Abbott’s ultimate approval, manufacturing businesses will be allowed to reopen, subject to their engagement in appropriate and responsible social distancing; group density limitations; and cleaning, disinfection, and safety protocols that promote the health and safety of all employees, vendors, and customers.

### RECOMMENDATIONS

#### *Employers*

- Employers should consider requiring employees to complete a COVID-19 health-check interview or questionnaire before returning to work.
- Employers should implement procedures for clearing workers who return to work after sickness or COVID-19-related quarantine.
- Employers should encourage those who can effectively perform their duties from home to continue doing so until the threat of the pandemic subsides.
- Employers should establish protocols to minimize close contact between employees, vendors, and/or customers in support of social distancing initiatives.
- Employers should encourage online interviews and video or audio conference calls/meetings to discourage group settings.
- Employers should establish protocols to assure appropriate physical/social distancing when face-to-face meetings are specifically required.



- Employers are encouraged, but not required, to utilize digital infrared thermometers (no touch) to monitor employee wellness.
- Employers are encouraged to stagger lunch hours or allow employees to eat at their desks or work areas to minimize unnecessary contact with others.
- Employers should consider facilitating staggered work shifts to minimize the number of personnel in the facility at any one time.
- Employers should encourage employees to stay in their respective work area as much as possible and avoid walking about the facilities and interacting with others in close confinement.

### **Employees**

- Employees should immediately notify their employers should they come in close contact with any person who has tested positive for COVID-19.
- Employees should immediately notify their employers if they are experiencing any signs of the COVID-19 virus, and subsequently should be sent home immediately, ordered to self-isolate, and seek a COVID-19 test. Test results should be promptly shared with the employer.
- Employees should only return to work when they have received a doctor's clearance.
- Employees should adhere to recommended personal hygiene protocol and encourage their peers to do so.
- Employees should heed the advice on COVID-19 safety and hygiene best practices and encourage their peers to strictly follow such guidelines.

- Employees in higher risk categories (compromised immune systems, heart trouble, diabetes, at-risk age, etc.) should request to work remotely if at all possible. They should otherwise exercise caution and practice extreme social distancing and personal hygiene protocols.

### **Facilities**

- Facilities should allow for social distancing in all common areas, including entries, conference rooms, lunchrooms, etc. Operational protocols may be established to minimize human contact.
- Facilities should provide appropriate hand-washing facilities or hand sanitizer (touchless preferred) to assure appropriate personal hygiene protocols are strictly followed.
- Facilities should have on hand appropriate PPE should it be deemed necessary for employees to safely perform their jobs.
- Facilities should have posted signs discouraging "walk-in traffic," including job applicants, unsolicited sales personnel, etc.
- Facilities should consider posting signage to stress the importance of social distancing and frequent hand-washing/hand sanitization.
- Facilities should establish a protocol for routine cleaning of all tools, equipment, and hard surfaces that are physically contacted by multiple individuals throughout the workday. Employees should be discouraged from sharing tools unless absolutely necessary.

---

### **Task Force Committee Members**

Michael J. Plank, *Chairman and CEO, The Plank Companies (Chair)*

Michael A. "Mike" Hernandez III, *Owner and CEO, D&M Auto Leasing*

**The Manufacturing Committee would like to thank the National Association of Manufacturers for their help.**



### Restaurants

#### BACKGROUND

- Texas restaurants are struggling every day to remain in business after COVID-19 and government-mandated closures. A recent survey indicates that the Texas restaurant industry will lose nearly 700,000 jobs by the end of April. Sales are projected to decline by about 70%, resulting in a loss of more than \$4 billion to our State's economy and people.
- Restaurants need to reopen their dining spaces in a thoughtful, uniform way that will protect public health and build trust with customers. Guidelines should be determined at the state level, based on science and customer expectations.
- Restaurant owners typically operate in regions across the State, so regulatory consistency will be critical for a safe and successful reopening. A patchwork of ever-changing local regulations would be nearly impossible for restaurant operators to manage, and it would send confusing messages to customers who need to rebuild trust. Therefore, the State should establish a single set of standards and prohibit local jurisdictions from imposing more stringent requirements throughout the entirety of the reopening and recovery effort.
- The only way restaurants can successfully reopen is through a partnership between restaurants and their customers. For this reason, the Texas Restaurant Association launched the "Texas Restaurant Promise" to encourage restaurants and their customers to make critical commitments to each other. For example, customers are asked to follow social distancing and sanitary guidelines, and every restaurant endorsed by the Texas Restaurant Promise must commit to several health and safety requirements. Restaurants must also post the promise at their entrances, so customers see the mutual commitments that are needed to keep our communities safe.
- The Texas Restaurant Promise was created in partnership with large chains, independents from fast food to fine dining, and data partners from the foodservice sector. This cross-collaboration ensured that the resulting guidance will work for small and large operators across Texas. The partnership also sought the advice of health officials and sourced best practices from other states and health authorities to compile the guidelines. For more information about the Texas Restaurant Promise, please visit: [www.txrestaurant.org/WelcomeBack](http://www.txrestaurant.org/WelcomeBack)



## RECOMMENDATIONS

### **NOW** - *Back to Work Safely*

#### **Screening and Testing Protocols Recommendations for Restaurants**

- All employees should pass a health check or complete a health survey prior to each shift. This can fall under a "wellness program," allowing it to meet EEOC guidelines.

- Restaurants should be allowed to conduct health screening of their employees before returning to work. Examples are using simple "yes" or "no" questions/statements to obtain the necessary health information while respecting their employees' privacy. Examples include:

- Do you have any of these symptoms: fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell?

- Have you come in contact with anyone diagnosed with COVID-19?

- Have you traveled outside Texas over the last 14 days?

- I understand my responsibility to not come to work if I have symptoms of COVID-19 or have recently come into contact with someone who has COVID-19.

- I understand my responsibility to comply with [the restaurant's] health and sanitation standards.

- Restaurants should be allowed, but not required, to take his/her employees' temperatures. Whether or not this is feasible and necessary will vary greatly depending on the restaurant and the availability of supplies.

- If an employee does not pass the health check or health screening, the employee should be sent home immediately.

- If an employee is sent home because of health concerns, or if the restaurant knows that the employee has COVID-19 symptoms or has been exposed to COVID-19 within the last 14 days, then the employee should not be allowed to return to work until cleared by a doctor.

- Restaurants should refuse service to anyone who refuses to comply with the health and sanitation standards that have been put in place to protect the public from COVID-19.

- Restaurants should refer any customers with COVID-19 symptoms to their contactless delivery options.

#### **Recommendations for Employees**

- Answer all health check and health survey questions completely and honestly.

- Do not leave your residence (except in an emergency or to obtain healthcare as directed by a medical professional) if you or someone in your household has any of these symptoms:

- Fever
  - Dry cough
  - Shortness of breath or difficulty breathing
  - Chills
  - Repeated shaking with chills
  - Muscle pain
  - Headache
  - Sore throat
  - New loss of taste or smell

- Anyone with these symptoms should self-isolate and consult their doctor or local health department

- If you test positive for COVID-19, continue to self-isolate and follow your doctor's treatment plan.





### **Recommendations for Government**

- The State should establish clear, evidence-based regulations for restaurants and preempt local governments to the extent that they attempt to impose more stringent requirements. The State's regulations should prevail throughout the entirety of the reopening and recovery effort to provide consistency and predictability for all.
- Continue to provide regular, clear communication to the public and key constituencies, including restaurants.
- Continue to expand the supply of COVID-19 and COVID-19 antibody tests.
- Make COVID-19 and COVID-19 antibody tests readily available to as many people as possible, focusing on those who cannot work from home and are essential to a smooth economic restart.
- Continue to ensure COVID-19 testing is available to all.
- During the economic recovery, continue and expand regulatory waivers that allow restaurants to sell alcohol to-go and retail bulk items.

### **Recommendations for the Public**

- Same as Recommendations for Employees, listed above.

### **Tracing, Tracking, and Quarantine Protocols Recommendations for Restaurants**

- Restaurants should maintain clear and accurate records about which employees worked at which times in case they're notified of a positive COVID-19 test and asked for tracing information.
- Comply with any requests for information from public health authorities performing tracing and tracking functions.

### **Recommendations for Employees**

- If you develop symptoms of COVID-19, test positive for COVID-19, or are informed that you may have been exposed to COVID-19, contact your local public health authority for tracing and tracking assistance.
- Comply with any requests for information from public health authorities performing tracing and tracking functions. Be as complete and accurate as possible with your responses.

### **Recommendations for Government**

- The State should establish clear, evidence-based regulations for restaurants and preempt local governments to the extent that they attempt to impose more stringent requirements. The State's regulations should prevail throughout the entirety of the reopening and recovery effort to provide consistency and predictability for all.
- Hire or reassign public health workers to ensure everyone who tests positive for COVID-19 or is likely to have COVID-19 follows extensive tracing and tracking protocols.
- Develop detailed notification and tracing procedures that protect public health and privacy.
- Ensure tracing and tracking procedures are carried out in a consistent and organized manner by public health authorities, not on an ad hoc basis by untrained businesses like restaurants.

### **Recommendations for the Public**

- Same as Recommendations for Employees, listed above.

### **Social Distancing, Sanitizing, and PPE Recommendations for Restaurants**

- All seating options, common areas, and areas where people may congregate should comply with the appropriate social distancing guidelines.





- The public health conditions should dictate how stringent the social distancing guidelines are at any given time. As the public health indicators improve, the social distancing guidelines should relax.
- Restaurants should be encouraged to use different strategies to ensure the appropriate social distancing guidelines are observed. Not every strategy will work for every restaurant, but acceptable options should include:
  - Using physical barriers to separate spaces or people.
  - Moving tables, booths, bar stools, and other seating arrangements away from each other.
  - For seating arrangements that are unable to be moved, physically blocking off and/or removing seats, so they are clearly not in use.
  - Using signage and/or floor markings to help customers comply .
- Restaurants should continue to be a leader in safe sanitation practices with all team members certified in safe food handling and a certified manager on every shift.
- Hand sanitizer or hand washing stations should be available to all customers and employees.
- Employees should continue to follow sanitation best practices, including washing their hands regularly.
- Common areas and surfaces should be cleaned and sanitized regularly.
- Each dining area should be cleaned and sanitized after every use.
- Place settings, utensils, menus, and condiments should either be single-use or should be cleaned and sanitized after every use.
- Restaurants should consider additional sanitation steps if they are feasible at that particular restaurant and would improve customers' comfort level, including:
  - Designating a single employee per shift, ideally with a clearly identifiable uniform or badge for customers to recognize, to oversee safety and sanitation measures.
  - Encouraging contactless payment options.
  - Temporarily closing buffets, topping bars, and other communal serving areas.
  - Social distancing guidelines should be displayed in the bathrooms and outside where lines may form.
  - Hand sanitizer outside bathrooms.
- Adequate staff to monitor lines inside and out where lines may form.
- Encourage patrons with signage to wash their hands for 20 seconds.
- Disinfect handles at bathroom entrances and stalls regularly.
- Restaurants should allow their customers and employees to use face coverings, gloves, and other personal protective equipment, so long as the customer or employee isn't creating a public health danger due to cross-contamination or other known factors.



- Each restaurant should decide whether face coverings, gloves, or other personal protective equipment should be required within that restaurant based on public health guidance and the unique factors affecting that restaurant, including local public health indicators, customer expectations, and the availability of the equipment.
- Restaurants should refuse service to anyone who refuses to comply with the health and sanitation standards that have been put in place to protect the public from COVID-19.

### **Recommendations for Employees**

- Follow all social distancing and sanitary guidelines that have been put in place by the restaurant and public health authorities.
- If you have any questions about the social distancing and sanitary guidelines, ask a manager.
- Self-isolate and follow medical advice if you have COVID-19 symptoms, have been diagnosed with COVID-19, or were recently exposed to someone with COVID-19.

### **Recommendations for Government**

- The State should establish clear, evidence-based regulations for restaurants and preempt local governments to the extent that they attempt to impose more stringent requirements. The State's regulations should prevail throughout the entirety of the reopening and recovery effort to provide consistency and predictability for all.

### **Recommendations for the Public**

- Follow all social distancing and sanitary guidelines that have been put in place by the restaurant and public health authorities.
- If you have any questions about the social distancing and sanitary guidelines, ask a manager.
- Self-isolate and follow medical advice if you have COVID-19 symptoms, have been diagnosed with COVID-19, or were recently exposed to someone with COVID-19.
- We recommend that individuals with a heightened risk of contracting COVID-19 continue to stay home as much as possible until more effective treatment and mitigation strategies are implemented.
- Individuals in this category are encouraged to use contactless delivery options as much as possible.

---

### **Task Force Committee Members**

Victor Leal, *CEO, Leal's Mexican Restaurants (Chair)*  
Robert "Bob" McNutt, *President and CEO, Collin Street Bakery*  
Sheldon "Shelly" Stein, *President, Southern Glazer's Wine & Spirits*

### **Special Advisor to the Restaurant Committee**

Steve Merritt, *Senior Business Advisor, Transworld Business Advisors*



# Retail, Fitness, and Personal Services

### BACKGROUND

Retailers across the State of Texas have been decimated by the forced closures or forced limitations imposed by governments related to the outbreak of COVID-19. The State economy is at risk due to widespread bankruptcies of these retailers if we don't allow consumers back in their doors to shop immediately. The State relies on sales tax, and local governments rely on the property taxes that come from the real and personal property at these retail store locations. We must do everything in our power to reopen retailers in a safe and expedient manner to save the Texas economy.

While many retailers who were required to close do not have a high density of employees and customers, online e-commerce retailers were protected, and highly dense distribution warehouses remained in operation to distribute retail goods that were even non-essential. It is time to level the playing field and allow traditional retail to reopen safely.

**Economic Recommendation:** In order to encourage the public to shop, *The State of Texas should declare a Sales Tax Holiday* for at least 30 days starting at some point in the month of May. This length of time will ensure there is no rush of traffic but will give a needed boost to the desperate retailers and will give them the opportunity to rehire furloughed or laid off employees.

### Guidelines for Retail, Fitness, and Personal Services

These best practices<sup>10</sup> guidelines are designed to allow retail businesses to reopen during the COVID-19 pandemic to serve customers while substantially reducing the risk of virus transmission. These recommendations were designed using a variety of sources, including the "Sharing What We've Learned: A Blueprint for Business" laid out by Kroger, who has been successfully operating under new procedures safely. That guide by Kroger can be found here:

<https://www.thekrogerco.com/wp-content/uploads/2020/04/Krogers-Blueprint-for-Businesses.pdf>

Most national retailers have developed or are in the process of developing their own reopening procedures to ensure a safe experience for their team members and customers. We must allow retailers to have the flexibility to develop their own procedures while having guidelines to protect public safety.

These guidelines should apply to all retailers, including gyms, theaters, and service providers operating in a retail setting ["retailer(s)"]. Specific considerations for business types are given towards the end of these guidelines.

<sup>10</sup>The measures set forth herein are a compilation from various resources, including the CDC, WHO, National Restaurant Association, National Automobile Dealers Association, New York State Department of Health as well as a review of orders and declarations issued by Texas local governments, such as Bexar County, Dallas County, and Travis County.



## RECOMMENDATIONS

### Healthy Habits

**Personal Hygiene:** Promote and practice good hand hygiene. Employees should wash hands with soap and water for at least 20 seconds (i) before and after eating; (ii) after sneezing, coughing, or nose blowing; (iii) after using the restroom; (iv) before handling food; (v) after touching or cleaning surfaces or objects; and (vi) after using shared equipment and supplies. Employees should cover coughs and sneezes with a clean tissue or the corner of the elbow.

**Hand Sanitizer:** Increase availability of hand sanitizer to be used regularly by employees and visitors. Hand sanitizing stations should be available at store entrances and next to any cart/basket corral.

**Encourage Use of PPE:** Employees should use masks or facial coverings while working and when near customers. Unless disposable, masks should be cleaned and sanitized daily. If appropriate, gloves should also be used by employees.

**Additional Breaks:** Retailers should give additional breaks to employees to allow for healthy habits and consider adding additional labor to cover this.

### Enhanced Cleaning Procedures

**Daily Sanitation:** Retailers should clean and sanitize their stores, including equipment and other surfaces within them, before the opening of each business day.

**Follow Guidelines:** Retailers should follow CDC guidelines regarding best practices for sanitation and consider assigning dedicated employees to cleaning and sanitation.

**High-Traffic Areas and Surfaces:** Give special attention to cleaning and disinfecting high-traffic areas and commonly used or touched surfaces. These should be cleaned and disinfected throughout the day, as often as possible.

### Encourage Physical Distancing

**Social Distancing:** Employees, customers, and visitors should keep at least six-feet distance from others. Employees should not shake hands or otherwise physically touch a customer at any time. Any meetings or interactions related to the business should be conducted while maintaining physical distancing guidelines.

Where necessary and practical, reorganize the layout of retail stores to allow for social distancing. Retailers must have the flexibility to decide what is best for the safety of their employees and customers.

**Physical Barriers:** Consider physical barriers, floor signage, or other methods to clearly outline these distances in regularly trafficked areas.

**Manage Capacity:** Manage or consider limiting capacity of high-volume areas such as fitting rooms or waiting rooms, where appropriate.

**Contactless Activities:** Move to contactless processes where possible, including contactless payment at check out and with vendors. Make pickup, delivery, and curbside options available where possible.



### **Adjust Hours of Operation**

Consider adjusting store hours to allow for more cleaning or to spread out crowds, depending on application.

**At-Risk Population:** Retail stores should consider exclusive hours for serving at-risk populations or seniors. Consider implementing alternative service models for at-risk customers, such as curb-side pick-up and/or delivery services.

### **Educational Signage and Messaging**

Display signage to (i) remind employees and visitors to practice good personal hygiene, (ii) inform customers of the locations of hand-washing and/or hand-sanitizing stations, and (iii) encourage social distancing.

## **LIMITING TRANSMISSION AND RESPONDING TO INFECTION**

### **Monitoring Employee Health**

- Employees should only work if they are healthy and symptom free.
- Create protocols to screen and test for employee illnesses.
- Screenings should include indicated exposure to COVID-19. Any employees that have had any exposure recently should not work.
- Retailers should be allowed, but not required, to check temperatures of employees as a screen for illness.

### **Monitoring Customer Health**

- Retailers should follow disease prevention guidelines. Retailers should recommend all their customers wear masks and not enter their store if they have symptoms of illness.

## **SPECIFIC BUSINESS TYPES**

Unless there are specific recommendations from medical experts on certain businesses, in order to ensure a fair and balanced reopening that does not pick winners and losers, all retailers should be allowed to reopen if they follow the State's guidelines. Some businesses allow for greater personal contact and require special considerations.

- In addition to the guidelines above, the following businesses should have these additional guidelines:

**Gyms and Fitness Facilities:** Due to the high volume of visitors to these businesses, special care must be taken to ensure social distancing and proper sanitation.

- Limit class sizes.
- Limit equipment use, or reorganize facilities.
- Limit use of pools, spas, locker room facilities to allow for proper social distancing and personal hygiene.
- Should have employees dedicated throughout the day to cleaning and sanitizing all surfaces of the facility.

**Cinemas and Theaters:** Due to seating arrangements customary in these businesses, cinemas and theaters should limit occupancy in auditoriums to allow for proper social distancing.

- Allow for spacing between viewing groups.
- Chairs in auditoriums should be sanitized prior to each showing.



**Personal Services:** Hair Salons, Nail Salons, etc.: Because these businesses perform services that do not allow for social distancing, it is important that extra precautions be in place to protect employees and customers.

- Employees of these businesses, if they are in direct physical contact with customers, should wear PPE to include masks and gloves.
- Employees should be screened (verbally) prior to each shift for symptoms of illness. Retailers should have the right, but not obligation, to test temperatures of employees prior to shifts.
- Retailers in this category should be allowed to verbally screen customers before rendering services.

- All contact surfaces should be sanitized between each appointment or service provided, and all gloves should be discarded after each use.

- Where possible, utilize appointment scheduling to space out customers. Consider longer operating hours to accommodate more cleaning time and space between appointments.

- In addition, the Texas Department of Licensing and Regulation has issued suggested guidelines which detail recommendations. <https://www.tdlr.texas.gov/covid19.htm>

---

#### **Task Force Committee Members**

Steve Alvis, *Co-Founder and Managing Partner, NewQuest Properties*

Clay E. Cooley, *Founder and CEO, Clay Cooley Motors*

Michael A. "Mike" Hernandez III, *Owner and CEO, D&M Auto Leasing (Chair)*

#### **Special Advisors to the Retail, Fitness and Personal Services Committee**

Austin Alvis, *Vice President, NewQuest Properties*

#### **The Retail, Fitness and Personal Services Committee would like to thank these individuals and organizations for their help:**

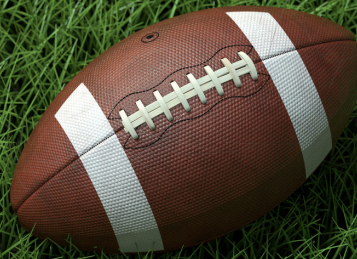
Charlie Gilcrest, *Gilcrest Automotive Group*

Garrett Reece, *Hill Gilstrap, P.C.*

Texas Automobile Dealers Association

North Texas Auto Dealers





# Sports and Entertainment

### BACKGROUND

The Sports and Entertainment sector is a critical part of Texas's economy, providing a much-needed boost to Texan's morale and well-being as we work our way out of the pandemic.

This important sector ranges from small family-owned businesses employing seasonal and part-time employees, to large venues employing thousands of Texans, all of whom depend on this employment to sustain and supplement their livelihoods.

For this purpose, Sports and Entertainment means any public or private businesses and venues including, but not limited to, aquariums, auditoriums, bowling alleys, concert halls, dance halls, escape rooms, event/festival locations, exhibits, ice rinks, interactive gaming centers, motor tracks, movie theaters, museums, performance centers, playhouses, sporting facilities, theme and amusement parks, video arcades, and zoos.

The Committee is mindful that these recommendations need to be able to be applied uniformly from county to county and city to city to allow for consistency in expectations, obligations, responsibilities, and application. The goal of these recommendations is to set parameters to help Sports and Entertainment businesses in Texas navigate their individual situations, which can vary greatly.

Upon receiving Governor Abbott's approval and guidance, all Texas Sports and Entertainment businesses will be allowed to incrementally reopen.

### RECOMMENDATIONS

#### Employees

- Employees should complete a COVID-19-related health check interview or questionnaire before returning to work.
- Employees should notify employer if they have been in close contact with another person who has tested positive for COVID-19.
- Employees should not be allowed to return to work if they display any symptoms of COVID-19 illness. They should consult a medical professional and follow their directives.
- Employees should strictly adhere to the highest hygiene best practices (handwashing, face touching, etc.).
- Employees should have access to appropriate PPE depending on their job function (gloves, masks, etc.).
- Employees should receive COVID-19 safety and hygiene best practices training.
- Employees must notify employers immediately upon positive COVID-19 test results.



## Customers and Fans

Once a decision is made between sports leagues and states, these are some recommendations from Texas teams.

- Venue entries and queuing should be organized to allow customers and fans to practice responsible social distancing protocols.
- Protocols should be employed which minimize physical contact between employees and customers/fans in queuing areas (fan screening, turnstiles, ticket taking, concessions, restaurants, retail, etc.).
- Venues should use reasonable methods to maintain guest traffic flow to facilitate social distancing and group-size limitations.
- When feasible, special accommodations should be considered for higher risk populations to ensure their safe enjoyment of the venue [similar to Americans with Disabilities Act (ADA) seating areas].
- Venue operators may encourage patrons to bring their own PPE (masks, gloves, safety glasses etc.).
- Reasonable measures should be taken to restrict contact between customers/fans and participants.

**Example:** Disallow the signing of autographs when fans are present at events.

- Venues are permitted to disallow entrance to or remove any customers or fans who refuse to respect social distancing and group-size limitations.

## Facilities

- Venues should make reasonable accommodations which allow for COVID-19 phase-appropriate social distancing in all areas, including entries, primary seating areas, concourses, common areas, elevators, suites, retail stores, concessions, and restaurants.

**Example:** Venue entries and queuing should be organized to allow customers and fans to practice responsible social distancing protocols.

**Examples:** Customized ticket manifests to establish “safe” space between patrons and/or facilitate patrons sitting in smaller clusters throughout the venue. Allowing patrons to purchase tickets in groups, while leaving empty seats around a group to achieve social distancing.

- Venues should employ signage to assist with health and safety reminders or instructions that facilitate social distancing and group-size limitations.
- Venues should review operational protocols to reduce physical human contact in all areas.

**Example:** In venues with security checks, consider limiting the entry of items such as bags that require physical contact by venue staff or implement clear-bag policies.

**Example:** Consider removing or propping open doors, when possible, to reduce the number of touch points.

**Example:** Make use of cashless sales technology (ticketing, parking, concessions, restaurants, retail) when possible and allowable by law.

- Venues should increase the frequency of cleaning and disinfecting in human-contact areas (common, seating, restrooms, concession, restaurant, retail, kitchen, and any other high-traffic or touch points such as handrails, door handles/push bars/knobs, elevator buttons, etc.), employing appropriate protocols and disinfection products.
- Venues should make available (touchless, if possible) hand sanitizer and/or washing stations throughout their venues, accessible to both employees and customers/fans.
- Venues with restaurant and retail operations should follow the Governor’s guidelines as defined for those sectors.



### **Participants (Players, Performers, Officials)**

Participants represent a unique aspect of the Sports and Entertainment sector. In performance/competition-related sports and entertainment businesses, participants are an indispensable part of the business operation. To perform their roles, it is often necessary for them to be in close physical contact with one another and, at times, in relatively large groups. After careful consideration, we have provided the following recommendations for participants, players, and performers.

- Businesses should develop appropriate protocols for wellness testing before allowing participants to return to work, practice, rehearsing, performing, and/or competition.
- Businesses should create specific protocols that address positive COVID-19 test results after participants have returned to work, practice, rehearsing, performing, and/or competition.
- Until otherwise recommended, participants should avoid close interaction or physical contact with customers and fans.

### **Government**

- Government authorities should give clear, evidence-based guidance to local leaders regarding group/crowd gathering size limitations, venue density recommendations (i.e., headcounts per square foot), social distancing guidelines, and reopening gateway standards.
- Government will be needed to help identify sourcing to expand, facilitate, and coordinate access to, and availability of, critical supplies such as disinfection materials, PPE, pharmaceuticals, diagnostics, and antibody tests.

### **Special Considerations**

Assuming standards at or above the guidelines herein, scholastic and professional sports and entertainment activities will have the discretion to develop their own guidelines related to competition, performing, social distancing, testing, group/crowd gathering size and density recommendations due to the unique factors related to their leagues, governing bodies, and player associations.

---

### **Special Advisors to the Sports and Entertainment Committee**

Alex Fairly, *CEO, Fairly Group (Chair)*

Kenneth A. Hersh, *President and CEO, George W. Bush Presidential Center*

Judy MacLeod, *Commissioner, Conference USA*

Jamey Rootes, *President, Houston Texans*

Reid Ryan, *Houston Astros*

Andrew Silverman, *Chief Revenue Officer, American Airlines Center*





# Transportation, Warehousing, and Distribution

### BACKGROUND

As the nation came together to slow the spread of COVID-19, on March 16th the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce. The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA developed, in collaboration with other federal agencies, state and local governments, and the private sector, an "Essential Critical Infrastructure Workforce."

Included in these guidelines are recommendations for essential workers who support crucial supply chains and enable functions for maintaining our critical infrastructure. Transportation, distribution, and warehousing functions may have been impacted in recent weeks, but they have continued to operate with little to no interruption. Delivering goods from domestic and global origins that serve essential needs for people in our region and state remains a priority.

The key to continuity of operations has been through the establishment of safe work practices for the employees first and foremost. As in any business, without labor availability, continuity of commercial or retail operations will be impacted.

Procedures, protocol, preparedness, workplace response, and continual proactive communication must fulfill the safety expectations of the worker.

The procedures and protocols that have been developed and established for continual safe work practices are valuable resources to other industries that have not been allowed to return to work but will be opening in the near term. These established procedures are quite common already across all business that are operating through the course of the pandemic.

### RECOMMENDATIONS

#### *NOW - Continue to Work Safely*

#### **Procedures and Protocols for Employees**

- This industry is crucial to support retail businesses that have been closed. Stores and restaurants employ large numbers of employees in a single location, and many employees transport products in trucks or vehicles to retail market facilities. The facilities should limit or prohibit visitors.
- Warehouses and distribution facilities are generally not retail and should limit or prohibit visitors to their buildings. Protocols to protect the workforce in this industry are generally standard at this point.



- At a minimum, practices learned and established must continue to be adhered to for the protection of the employees as well as to provide confidence in the supply chain for the customers that use the services of the transportation and distribution industry.

#### ***Basic minimum requirements for operations***

##### ***Social distancing in workplace***

- Maintain six-foot distance from other workers.
- Stagger breaks and lunch periods to avoid congregation of employees.

##### ***Temperature screening of all workers***

- This screening alone does not ensure the employee is not infected, but denying an employee with fever entry into the facility adds another layer of protection for employees.
- Availability of thermometers is limited, but as more become accessible, this is a valuable tool for the additional satisfaction of those working in the facilities.

##### ***Hygiene***

- Common handwashing and sanitizing must be adhered to.

##### ***Disinfecting common areas***

- Thorough constant cleaning of offices and common areas is critical.
- Having supplies available for employees to self-clean is critical.

##### ***Regular (maybe weekly) vacating facility areas for 2-4 hours for spray disinfecting that require employees to be out of the building***

##### ***Isolating through shifts***

- Telecommuting if possible.
- Alternating shifts to limit cross contact with groups of employees.

##### ***Wearing of facial masks***

- First responders must be equipped with N95 masks.

- All employees should be given a mask or wear appropriate self-made facial coverings to prevent spread from coughing or sneezing.

##### ***Equipment cleaning***

- Daily cleaning with sanitizer wipes and disinfectant spray for operators to self-clean vehicles or equipment.
- Frequent deep disinfecting of entire vehicle.
- If previous operator with confirmed case of COVID-19 was using equipment of vehicle, it should be removed from service until thoroughly disinfected.

##### ***Employee exposure evaluation guidelines and identification communicated with all employees in accordance with the CDC***

- High – Close contact with confirmed case
- Medium – Close contact with symptomatic person
- Low – Same room but no close contact with confirmed or symptomatic person
- Management actions in accordance with CDC to address employees who fall into these categories

##### ***Communicate with employees to stay home if sick***

- Promote symptom awareness
- Communication of guidelines to all employees

##### ***Recommendations for Government***

- Continue to recognize the critical and essential nature of employees in the transportation/warehouse/distribution industry to ensure they are in the queue closely behind healthcare employees and first responders in receiving priority for testing and treatment.
- State and local government should assist with procurement of PPE and other hygiene materials that are in limited supply for supply chain entities as well as all other businesses beginning to reopen.



### ***Back to Work Confidently and Effectively***

- Continue supply chain business industry as usual as long as data and indicators continue to be favorable.
- Continue to employ protective and safe work practices for the near term as other industries return to work. Interaction with retail businesses will require strict attention to those policies already in place.
- Also, government should pursue the following recommendations to help transportation/distribution/warehouse entities continue to grow.
- Consider measures that protect transportation companies from going out of business while global commerce slows down, ensuring that there will be capacity during a rapid recovery. There is a general concern that reduction in business will force many of the critical smaller trucking companies, serving the intermodal and oil and gas sector, to go out of business.
- Ensure return to work policies include providing for basic needs for transportation workers as businesses reopen. Truck drivers, for instance, must be able to get food as businesses open. Drive through and take out are not options as trucks have limited ability to park and are unable to walk up to window.
- Truck drivers must have access to public restrooms at facilities that they serve. Warehouse facilities must provide for authorizing through screening into the building or separate restroom facilities for drivers to use.

### ***Back to Work Stronger Than Ever***

- Include social distancing and safe work practices into organizational culture for long term.
- Develop domestic sources for PPE and other resources to be prepared for future similar events.
- Be prepared for ramp up of capacity and worker availability for global trade following the current period of downturn in business.
- Consider review of current state statutes and offering amending legislation that supports transportation of domestic and global trade.
- Prepare for new ways of conducting business with telecommuting opportunities becoming the new normal in this industry sector.

---

#### **Task Force Committee Members**

Roger Guenther, *Executive Director, Port of Houston (Chair)*

Michael J. Plank, *Chairman and CEO, The Plank Companies*

Sheldon "Shelly" Stein, *President, Southern Glazer's Wine & Spirits*

#### **Special Advisors to the Transportation Committee**

Ike Brown, *President, Vice Chairman, NFI*

Jeff Moseley, *CEO, Texas Association of Business*





# Economic Development and Infrastructure

## THE POST-COVID-19 ENVIRONMENT

### Background and Framework

Measures taken to prevent a major spike in COVID-19 infections have been important to protecting human health, but the inevitable result has been substantial harm to the economy. Many factors will determine the ultimate effects of the coronavirus on the economy, most of which remain highly uncertain at present.

The length and severity of the outbreak, the nature and magnitude of the full policy response, and the capacity of businesses to resume normal activities are among myriad phenomena that will play a significant role.

Much of the work of this Task Force is designed to facilitate a safe and robust return to vitality throughout the Texas business community. As activity resumes and states struggle to regain their economic footing, it is likely that the competition for jobs and investment will intensify.

Over the past two decades, Texas has become firmly established as the national leader for economic development and business climate. Numerous accolades and acknowledgements from being the perennial winner of the “Governor’s Cup” and CNBC state by state comparisons have affirmed the enduring strength of the Texas economy as a leader in job creation, innovation and productivity.

The economic rebound from COVID-19 will require that Texas recognize the enhanced level of competitiveness that will characterize the post-COVID-19 environment and respond in ways that both maintain and widen its current preeminent position.

### Economic and Community Development Resources

- Economic development professionals from around the state were contacted during the course of the Committee’s work. As expected, communities are struggling with COVID-19 and the fallout for existing businesses. Many are finding it necessary or desirable to use available funds for purposes related to retaining existing core businesses. In addition, although employees at retail outlets, restaurants, and personal service establishments do not conform to a standard definition of “primary” jobs, supporting these firms is often the single most important avenue available to many small communities seeking to minimize harm from the displacements and assure sustainability. As with many other parts of the economy, flexibility in the use of these funds in this time of crisis could be highly beneficial.
- Local EDCs are also working to refocus their efforts on helping existing businesses survive social distancing and other actions needed to slow the spread of the coronavirus. Contracts for incentives signed in the past may also need to be renegotiated to allow for the changing situation.



- In a post-COVID-19 environment, states across the US will inevitably become much more aggressive in their quest for new activity. Although Texas has many advantages in some areas, it is essential that Texas remain competitive.

## **OTHER CONSIDERATIONS AND ADDITIONAL RECOMMENDATIONS**

### **Identified Gaps**

- The COVID-19 pandemic spotlighted issues on many fronts. Attention to identified gaps and problems can prepare Texas for similar problems that may arise in the future.
- As mentioned earlier, many communities have had problems with internet speeds and capacity. Social distancing requirements greatly enhanced the need for broadband both for remote work and online education. In addition, school districts have struggled to provide Wi-Fi for students without internet access. Without a doubt, the need for online access will expand in the future, and prudent preparation for the future possibility of needs for social distancing is another reason to ensure that Texas invests in broadband infrastructure.

### **Rule Consistency**

- As the economy reopens, rules will need to be in place for how businesses operate to protect against additional infections. For firms with locations across multiple local areas, complying with inconsistent rules will be challenging. Encouraging a common set of parameters at the state level may increase the ease of getting businesses going.

- To the extent that rules vary, it is important that firms have legal protection against torts for noncompliance with local ordinances during the transition phase. Other Committees are considering these issues in detail, but they are important to the economic development process as well.

### **Supply Chain Challenges**

- Supply chain issues have become acute at times during the pandemic, and a need for diversified sourcing has become more than apparent. A particularly important priority for many industries is to onshore critical aspects of manufacturing. During the pandemic, manufacturing stoppages and shipping slowdowns in various geographic areas caused disruptions in the supply chain. Texas has the potential to play an important role in enhancing and diversifying supply chains for many industry sectors. The potential increase in domestic manufacturing activity offers significant opportunities for Texas assuming that the state maintains its current advantages in workforce, business climate, cost factors, and transportation infrastructure.
- In addition, critical products such as pharmaceuticals, medical supplies, and other items need to be available through an onshore supply chain to ensure adequate supplies during any future pandemics. Securing such supply chains is important to protecting Texans and Americans in the event of a future pandemic. The State can support development of these crucial supply chains, benefitting the economy, public health, and security.



## SUMMARY AND CONCLUSIONS

### Texas as a Place for Business

- Texas has been one of the strongest performing states in the US for a number of years, attracting more major corporate locations and expansions than any other and regularly topping lists of the best places to do business. Texas has also emerged as the unabashed US leader in global trade, bringing both enormous opportunities and vulnerabilities. While natural resources such as oil and gas reserves, abundant raw land, and a comparatively young and growing population clearly play a role in the state's success, proactive economic development efforts have been critical to economic gains.

- Texas has many advantages but was also facing daunting challenges even before COVID-19. Dramatic demographic shifts have heightened the importance of both public and higher education.
- Infrastructure has become more strained as the state has not invested sufficient funds to accommodate rapid growth and has been resistant to innovative funding mechanisms.
- Long-term prosperity hinges on dealing with these challenges in meaningful ways. COVID-19 has heightened the urgency, and enlightened policy decisions now will not only help to deal with short-term problems related to the COVID-19 problems, but also address underlying patterns and enhance long-term growth prospects.

---

### Task Force Committee Members

Massey Villarreal, *CEO and President, Precision Task Group*

### Special Advisors to the Economic Development and Infrastructure Committee

John Osborne, *President and CEO, Lubbock Economic Development Alliance*

Dr. Ray Perryman, *President and CEO, The Perryman Group (Chair)*

Dr. Michael R. Williams, *President, UNT Health Science Center*



## Global Trade and Supply Chains

### BACKGROUND

As of January 2020, nearly 800,000 Texans are employed in jobs tied directly to trade.

Since the onset of infections caused by COVID-19, Texas employers have taken noteworthy measures to combat its spread. The managers of Texas's ports of entry, its supply chain manufacturers, and transportation leaders have taken critical steps to protect their employees, clients, and the general public, while providing essential equipment and services.

The Trump Administration's United States-Mexico-Canada Agreement (USMCA)<sup>11</sup> was passed with the support of all Texas Congressional Members in December 2019 and signed by the President in January 2020.<sup>12</sup> USMCA will allow companies to efficiently and effectively operate their supply chains across borders to compete globally.

As a result of USMCA passage, Texans are projected to benefit by \$17.5 billion per year and approximately 164,000 jobs, compared to reverting to World Trade Organization Tariffs had the North American Free Trade Agreement (NAFTA) been allowed to expire without replacement.<sup>13</sup>

The U.S.-Mexico border is North America's busiest trade gateway. Mexico is the third-largest trading partner of the U.S., the largest trading partner for Texas, and 70% of trade between the two countries passes through the Texas-Mexico border.

Due to the Trump Administration's advocacy, USMCA should particularly increase the number of North American auto manufacturing jobs by raising the requirement that 75% of parts must originate on the continent, compared to 65% under NAFTA.<sup>14</sup> This should help GM in Arlington, Toyota in San Antonio, their Texas suppliers, and auto assembly operations in the Texas border region, in particular. Federal designations are critical to Texans' jobs.

- Mexico is Texas's number one trade partner.
- The top U.S. export to Mexico is computer and electronic products, followed by transportation equipment, petroleum and coal products, chemicals, and machinery.

<sup>11</sup> USMCA Full Text: <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>.

<sup>12</sup> Tom Benning, Dallas Morning News, December 19, 2019, accessed at <https://www.dallasnews.com/news/politics/2019/12/19/house-is-poised-to-pass-trumps-usmca-a-north-american-trade-deal-key-for-texas/>.

<sup>13</sup> Perryman Group, US-Mexico-Canada Trade Agreement a Major Win for the Economy, December 2019.

<sup>14</sup> <https://blogs.thomsonreuters.com/answeron/usmca-economic-impact/>.





- \$1.7 billion in goods typically crosses the U.S.-Mexico border each day.<sup>15</sup>
- During 2018, total trade volume between Texas and Mexico exceeded \$265 billion in U.S. exports to Mexico and \$346.5 billion in imports from Mexico.<sup>16</sup>
- Significant Texas economic strength is related to "North American manufacturing," where businesses in Mexico and the U.S. are partners in cross-border manufacturing through a process known as production sharing, meaning the two countries work together to build products. A full 40% of the content in U.S. imports from Mexico is produced in the U.S.<sup>17</sup>
- The modernity, efficiency, safety, and openness of the 29 land ports of entry on the Texas-Mexico border are directly tied to the success of Texas.<sup>18</sup> 28 handle personal vehicle movements, 24 process pedestrian movements, and 14 process commercial movements, with several processing two or more of these types of movements.
- The four freight rail crossings and numerous pipeline crossings (especially in the Rio Grande Valley) are deemed critical infrastructure by HSA/CISA.
- Thus, if Texas-Mexico cross-border manufacturing and trade can be conducted safely and efficiently, it can be a significant Texas asset as consumer demand rebuilds. Additionally, passage of USMCA can be a critically important tool to Texas's job and economic recovery, especially for American and multinational companies looking to "re-shore," "on-shore," or "near-shore" components of their Chinese supply chain to Texas and North America. USMCA provides even greater economic benefit for chemical, auto manufacturing, and agriculture than previous North

#### American trade treaties.

- Conversely, if the Texas-Mexico border is not safe and efficient, economic consequences are severe. A one-third reduction in trade over only three months will cost:
  - the Texas economy more than \$32 billion in gross product and approximately 292,000 Texas job years, when full multiplier effects are calculated
  - the Texas border region \$2 billion in gross regional product and approximately 24,000 job years
  - Texans in the Texas manufacturing industry \$25 billion in gross product and Texans in Texas trade (wholesale and retail) an \$18 billion loss in gross product
  - Widespread losses across multiple industries, including mining and agriculture.
  - The Brownsville to Del Rio section of the U.S.-Mexico border remains open, though as of April 3rd hours of operation are significantly curtailed.<sup>19</sup>
  - Sectors deemed "essential" in the United States have seen their operations or those of key suppliers shut down in Mexico.
  - Very recently, the Mexican government mandated closure of most Mexican-border manufacturing, disrupting supply chains for medical equipment and other essential industries. Cargo and pedestrian traffic have immediately fallen. Rating agencies now cut Mexico's GDP forecast by at least 4% for 2020.<sup>20</sup>

<sup>15</sup> Perryman Group, *The Economic Costs of the US-Mexico Border Slowdown*, April 2019.

<sup>16</sup> Perryman Group, *The Economic Costs of the US-Mexico Border Slowdown*, April 2019.

<sup>17</sup> Wilson Center Mexico Institute, *Working Together: Economic Ties between the United States and Mexico*, <https://www.wilsoncenter.org/publication/working-together-economic-ties-between-the-united-states-and-mexico#sthash.J2HChZQe.dpuf>.

<sup>18</sup> The border crossing in Santa Teresa is analyzed as part of the BTMP because it is within El Paso's Metropolitan Planning Organization (MPO) planning area boundary.

<sup>19</sup> <https://www.cbp.gov/newsroom/local-media-release/cbp-anuncia-modificaciones-temporales-las-horas-de-operaci-n-en-ciertos>.

<sup>20</sup> <https://www.reuters.com/article/us-mexico-economy-forecast/credit-suisse-sharply-cuts-mexicos-2020-gdp-sees-economy-shrinking-by-4-idUSKBN21448J>.



- More specifically, major supply chain dislocations are plaguing bi-national industries such as automotive, defense/aerospace, electronics, personal care products, medical equipment, and trade services. Greater dialogue between Mexico and Texas and U.S. authorities are critical. Additionally, defense and auto manufacturers shaken about cross-border supply chain disruption may consider dislocation from the Texas border region.

- To provide medical equipment, goods, and essential needs for people in our region, our state and both countries must remain a priority.

## RECOMMENDATIONS

**NOW** - *Continue to Work Safely*

### Procedures and Protocols for Employees in Trade and Border Manufacturing

Protocols are generally standard at this point:

- Social distancing
- Temperature screening
- Hygiene
- Disinfecting common areas
- Isolating through shifts (group)
- Masks
- Equipment cleaning

Employee exposure evaluation guidelines

- Exposure level identification
- Management actions
- Employee actions

Communicate with employees to stay home if sick

- Symptom awareness
- Communication of guidelines

### Procedures and Protocols for Employees in Trade at Border Manufacturing Operations

- Typically, these are businesses that are not retail and should limit or prohibit visitors.

- Companies are organizing work to provide computers and other equipment to allow employees to work from home as much as possible consistent with the needs of the organization.

- Companies should organize all areas of the workplace used by employees, customers, suppliers, and shippers to support physical distancing whenever possible. This includes to limit the number of persons in the workplace as necessary to accomplish social distancing.

### Procedures and Protocols for Employees at Ports of Entry

- In addition, land ports have always aggressively pursued medical assessments of incoming foreign workers.

- Land ports of entry, which are operational at reduced capacity and hours of operation, have currently implemented routine deep cleaning and sanitation of terminals and social distancing measures, among other measures. They provide incident reports on their website, to include work "tracing."

- Land ports of entry have reshaped traffic lanes to allow pedestrians crossing the border to do so outside of Customs and Border Protection (CBP) facilities.

- Tax Office and CBP have adopted federal guidelines for social distancing for safety of employees and the public.<sup>21</sup>

- CBP extended the Temporary Closure of Trusted Traveler Program enrollment until June 1.<sup>22</sup>

<sup>21</sup><https://www.cbp.gov/newsroom/local-media-release/cbp-anuncia-modificaciones-temporales-las-horas-de-operacion-en-ciertos>

<sup>22</sup><https://www.cbp.gov/newsroom/national-media-release/cbp-extends-temporary-closure-trusted-traveler-program-enrollment>





### **Legislative Strategy for On-shoring, Re-shoring and Near-shoring**

- CBP should add as necessary sentry lanes and institute Trusted Traveler policies.
- Manufacturers stepped into a void to produce valuable medical equipment and PPE, to include donating their own supplies. Despite unprecedented legal uncertainty and rapid changes in the law, manufacturers didn't wait until they had perfect legal certainty before they acted to do the right thing. The state should consider adopting legislation to appropriately limit liability for manufacturers attempting "good Samaritan" efforts to put food on the table, donate equipment, and produce protective gear or ventilators.
- The state should consider placing public nuisance claims based on the spread of pandemic disease off limits where there has been a declared national emergency.
- Given relative reduction in traffic, waive truck haul limits until the end of the disaster declaration to allow for fewer trucks carrying same or greater number of goods.
- Restore overtime funding or assign CBP personnel as appropriate to pedestrian crossings in El Paso region.

### **Tracing, Tracking and Quarantine Protocols Recommendations for All Businesses**

- Maintain clear and accurate records about which employees worked at which times in case they're notified of a positive COVID-19 test and asked for tracing information.
- Comply with any requests for information from public health authorities performing tracing and tracking functions.

### **Recommendations for Employees**

- If you develop symptoms of COVID-19, test positive for COVID-19, or are informed that you may have been exposed to COVID-19, contact your local public health authority for tracing and tracking assistance.

- Comply with any requests for information from public health authorities performing tracing and tracking functions. Be as complete and accurate as possible with your responses.

### **Recommendation for Government**

- Hire or reassign public health workers to ensure everyone who tests positive for COVID-19 or is likely to have COVID-19 follows extensive tracing and tracking protocols.
- Develop detailed notification and tracing procedures that protect public health and privacy.
- Ensure tracing and tracking procedures are carried out in a consistent and organized manner by public health authorities, not on an ad hoc basis by untrained businesses.

### **Back to Work Confidently and Effectively**

#### **Strategy for On-shoring, Re-shoring and Near-shoring**

- Continue business as usual as long as data and indicators continue to be favorable.
- Maintain the expected July 1 opening date for USMCA protocols to take affect at U.S.-Mexico land ports of entry.
- Create a strategy to encourage companies to consider diversifying supply chains currently located in China to create/expand job creation, investment, and operations in Texas and the border region.

---

### **Special Advisors on the Global Trade and Supply Chains Committee**

Steve Ahlenius, *CEO, McAllen Chamber*

Jon Barela, *CEO, The Borderplex Alliance*

Rafael Herrera, *CEO, Innovative Group*

Tracye McDaniel, *CEO, TIP Strategies*

Jeff Moseley, *CEO, Texas Association of Business (Chair)*

Dr. Ray Perryman, *President and CEO, The Perryman Group*

Gerald Schwebel, *President, International Bank Commerce*



## Legal Liability and Regulatory Orders

### BACKGROUND

As Texans get Back to Work in the wake of the COVID-19 coronavirus pandemic, it is of paramount importance that the Texas economy return in a safe and healthy manner. For many Texas businesses and healthcare providers, potential legal liability arising out of this pandemic creates uncertainty and obstacles to getting Texans back to work. A successful Texans Back to Work initiative must create an environment in which Texas business owners and employers can reopen without overly burdensome regulatory mandates, confusion about applicable standards, or fears of costly and meritless litigation. In these uncertain times, it is important to recognize COVID-19 is the enemy, not the Texas businesses that are re-starting the economy.

This is a moment to foster innovation and business growth in the same way Texas has always done—by providing a fair and predictable regulatory and legal environment. Whether through regulations, legislation, or executive order, state and federal governments should provide a “safe harbor” of liability protections for businesses and healthcare providers who act in good faith while following government guidance such as COVID-19 protocols described below.

In this section, “COVID-19 Protocols” include COVID-19 related guidance issued by the CDC, regulations and orders issued by the OSHA, the United States Department of Labor (DOL), Texas Governor Abbott’s Executive Orders, and the Minimum Recommended Health Protocols promulgated by the Texas Department of State Health Services (DSHS).

Finally, the recommendations below are intended to incorporate or supplement those industry-specific recommendations made by other Texans Back to Work Task Force Committees in this report.

### MAJOR AREAS OF POTENTIAL LEGAL LIABILITY

#### *Safe Workplace/Health and Safety Requirements:*

- As Texas businesses open back up, employers should provide a workplace that protects workers from contracting COVID-19 by following COVID-19 Protocols and determining if employees should wear personal protective equipment (PPE), such as masks. OSHA’s PPE standards may apply to potential occupational exposure to the virus:

<https://www.osha.gov/Publications/OSHA3990.pdf>.



**Employment Practices:** As Texas businesses re-open, employers could face legal concerns related to wage and hour requirements, leave issues, Americans with Disabilities Act (ADA) and accommodations issues, travel restrictions, telework protocols, and workers compensation claims. In addition to COVID-19 protocols, employers facing these issues may consider becoming familiar with laws, such as:

- Family Medical Leave Act (FMLA)

<https://www.dol.gov/agencies/whd/fmla>

- Americans with Disabilities Act (ADA)

<https://www.dol.gov/general/topic/disability/ada>, and

- The Families First Coronavirus Response Act (FFCRA)

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>.

**Discrimination Claims:** Many are familiar with information the CDC has promulgated indicating individuals 65 years and older and people of all ages with underlying medical conditions are in a high-risk category. Though these identifiers are important for medical reasons, businesses should be careful not to inadvertently discriminate based on these categories. It is important for businesses to continue to ensure all individuals are treated fairly. In addition to COVID-19 protocols, Texas businesses and employers considering these risk factors should be familiar with existing state and federal anti-discrimination laws, such as:

**Age Discrimination:** Texas businesses and employers should be aware that age discrimination can apply regardless of age and should familiarize themselves with the Age Discrimination in Employment Act (ADEA). <https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>.

**Disability Discrimination:** The Americans with Disabilities Act (ADA) prohibits discrimination against employees with disabilities, see <https://www.dol.gov/general/topic/disability/ada>. The ADA requires employers to provide reasonable accommodations for disabled individuals or those with underlying medical conditions (e.g., the ability to telework so long as it does not create an undue hardship for the business). Other employees may need reasonable accommodations to comply with new PPE requirements (e.g., wearing non-latex gloves to avoid allergic reaction). See EEOC's Technical Assistance Questions and Answers in this area: [www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitation\\_act\\_coronavirus.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm).

**Other Discrimination:** Potential liability is not limited to age and health status/disability categories. The Chair of the EEOC has recently posted a message on national origin and race discrimination during the COVID-19 outbreak. [https://www.eeoc.gov/eeoc/newsroom/wysk/national\\_origin\\_race\\_discrimination\\_covid-19.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/national_origin_race_discrimination_covid-19.cfm). In addition to COVID-19 protocols, businesses that may decline entry into their facilities should continue to apply standards equally to all individuals.

**Health Privacy:** Employers are required to keep medical information confidential, storing it separately from the employee's personnel file and limiting access to this confidential data under state and federal privacy laws. As Texas employers consider various options to screen employees and patrons, such as temperature checks and health screening questionnaires, employers should follow COVID-19 protocols and EEOC guidelines. The EEOC recently released guidance on Pandemic Preparedness in the Workplace and the Americans with Disabilities Act. See <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>.



The state's data breach notification statute defines sensitive personal information to include information that relates to the physical health or condition of an individual. Employers and businesses may have disclosure obligations under the state's data breach notification law but could also face legal liability if an individual's temperature or health screening form is inadvertently disclosed to others.

See <https://www.texasattorneygeneral.gov/consumer-protection/data-breach-reporting>.

**Exposure/Premises Liability:** Premises liability exists when a business may be held liable for injuries on their premises sustained by customers or other third parties, regardless of whether the injury was caused by a condition of the property. "Exposure liability," as defined in this report, could be claims by a person who allegedly was exposed to COVID-19 at a business or by a business' act or failure to act. Businesses should act in good-faith and follow COVID-19 protocols to prevent the spread of the virus. Businesses who act in good-faith and follow these protocols should not have to live under the threat of litigation.

**Product Liability:** Texas manufacturers, including manufacturers of products to protect against or treat COVID-19, may also be at risk for COVID-19-related litigation. For Texas manufacturers, legal liability arising out of COVID-19 may exist under Texas common law, product liability law, or other related laws or regulations. The federal Public Readiness and Emergency Preparedness Act (PREP Act) currently provides immunity from liability (except for willful misconduct) for some products manufactured to combat COVID-19. PREP Act immunity is limited in two important ways: (1) immunity does not extend to all products (e.g., hand sanitizers, soaps, and other key cleaning supplies) and (2) immunity does not provide protection for manufacturers in Texas whose products are not in the key health care related spaces. For example, an employer in an unrelated industry, such as

energy or hospitality, who provides PPE to its employees or uses recommended cleaning products does not receive any protections under the PREP Act.

On April 14, 2020, the U.S. Department of Health and Human Services (HHS) Office of General Counsel issued an advisory opinion that federal immunity under the PREP Act may apply to certain persons employing certain countermeasures in the fight against COVID-19, even though they are technically not covered by the plain language of the PREP Act, if one could have reasonably believed the persons or countermeasures were covered.

See <https://www.hhs.gov/sites/default/files/prep-act-advisory-opinion-april-14-2020.pdf>.

**Medical Liability/Malpractice:** Texas healthcare facilities and medical practitioners could face legal liability arising out of their care for COVID-19 patients. Volunteer health care professionals, however, do have some protections under the CARES Act. See Section 3215, Coronavirus Aid, Relief and Economic Security Act, Pub. L. 116-136 (Mar. 27, 2020), <https://www.congress.gov/bill/116th-congress/house-bill/748/text#H8A994858E307467DBDF301717861A589>. Specifically, the CARES Act exempts volunteer health care professionals from liability under federal or state law for any harm caused by an act or omission, unless the harm was caused by willful or criminal misconduct, gross negligence, or the like. As recommended below, all medical providers should have the same protections while risking their lives to care for Texans during this crisis.





## Recommendations

### **NOW** *Back to Work Safely*

#### Recommendations for Employers and Businesses

**Safe Workplace / Health and Safety:** Businesses and employers should: (1) follow COVID-19 protocols and familiarize themselves with federal or state guidance specific to their industries; (2) encourage employees to telework, where feasible, and consider strategically phasing in additional workers; and (3) communicate any new safety measures in place to protect employees and customers.

**Employment Practices:** Businesses should follow COVID-19 protocols and familiarize themselves with the Families First Coronavirus Response Act (FFCRA) and other laws that provide protections to employees requesting accommodations. Employers should ensure that their leave policies are compliant with applicable laws. In addition, employees should be kept informed of such policies and any employee assistance policies.

**Discrimination Claims.** Businesses and employers should follow COVID-19 protocols and continue to treat individuals with and without COVID-19 uniformly. Businesses should expect additional employee concerns related to COVID-19 for some time and recognize the need to provide reasonable accommodations to disabled individuals, where appropriate. Businesses and employees should continue to treat others with and without COVID-19 consistently and uniformly, including when performing health tests and asking health questions.

**Health Privacy.** Employers should follow COVID-19 protocols and continue to protect employee health data related to COVID-19 the same as they protect other employee health data. Employers should familiarize themselves with EEOC guidance about disability-related inquiries and medical exams. See [www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitaion\\_act\\_coronavirus.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm). In the event of a data breach, employers should follow state data breach laws by reporting those breaches to the Texas Attorney General's Office in accordance with their guidance, <https://www.texasattorneygeneral.gov/consumer-protection/data-breach-reporting>.

**Exposure/Premises Liability.** In order to limit potential legal liability, employers and businesses should follow COVID-19 protocols and take reasonable, good-faith precautions to limit exposure of individuals to COVID-19. Businesses are encouraged to document all efforts made to follow protocols and guidelines. Documenting these efforts may be the best proof that the company acted reasonably in light of today's risks.

**Products Liability.** Employers and businesses should familiarize themselves with existing immunity for manufacturers under the PREP Act, any future expansion of immunity to the PREP Act, and any changes to state guidance. See <https://www.phe.gov/Preparedness/legal/prepact/Pages/default.aspx>.

**Medical Liability/Malpractice.** Health care providers and practitioners, whether professional or volunteer, should be mindful of the existing standards of care and any applicable statutory duties that may apply. These providers and practitioners should familiarize themselves with the liability protections for volunteer healthcare providers in the CARES Act, and monitor laws and guidance for potential expansion of liability protections for all healthcare providers. <https://www.congress.gov/bill/116th-congress/house-bill/748/text#H8A994858E307467DBDF301717861A589>.



## **Recommendations for Government**

### ***Safe Harbors for all Businesses that Act in Good Faith and Follow COVID-19 Protocols and Industry-Specific Guidance:***

Businesses and employers that demonstrate reasonable, good-faith efforts to comply with COVID-19 protocols and industry-specific health and safety guidance should receive liability protections through a safe harbor. Again, in these uncertain times, it's important to recognize COVID-19 is the enemy, not the Texas businesses that are restarting our economy.

Whether through regulations, legislation, or executive order, state and federal governments should provide a "safe harbor" from liability for businesses who act in good faith and follow COVID-19 protocols. COVID-19 exposure and premises liability lawsuits should only apply to companies who act with gross negligence, recklessness, or willful misconduct. Prohibiting or tightly circumscribing public nuisance claims and limiting strict liability also could be useful.

### ***Current and Clear Guidance for All Businesses:***

Government should continue to refine and enhance COVID-19 protocols as circumstances evolve, so businesses can employ best practices to protect all Texans.

### ***Expand Immunity for all Manufacturers of products that protect against or treat COVID-19:***

Government should consider providing immunity to all manufacturers of products that protect against or treat COVID-19, similar to the protections provided by the federal PREP Act. In addition to protections for manufacturers providing supplies to health care related facilities, the immunity should extend to all manufacturers of products that protect against or treat COVID-19 (e.g., hand sanitizers, masks, soaps, and other key cleaning supplies) regardless of the product's final destination.

### ***Limit Medical Liability and Malpractice for Healthcare Professionals Risking their Lives:***

Healthcare providers and practitioners that comply in good-faith with COVID-19 protocols and industry-specific guidelines should receive a safe harbor, similar to the protections provided to volunteer practitioners under the Federal CARES Act. Healthcare professionals are risking their lives to treat Texans with COVID-19 and all should be equally protected.

## **NEXT 100 DAYS *Back to Work – Confidently and Effectively*** **Recommendations for Employers and Businesses**

- Continue to follow the most recent COVID-19 protocols and continue to take reasonable health and safety precautions for employees, customers, and members of the public. Reassess business and workplace health and safety standards and modify as appropriate.
- Continue to review and monitor applicable federal and state laws and regulations, as discussed above, including those relating to employment practices and data privacy obligations.
- Texas manufacturers should keep apprised of their PREP Act immunity under federal law and monitor the legal landscape for expansions of that immunity for manufacturers of products that protect against or treat COVID-19.
- Health care providers and practitioners should monitor developments in federal and state law, including any amendments to the CARES Act or other liability-limiting legislation.





### **Recommendations for Government**

- Continually re-evaluate circumstances within the next 100 days to provide clear and up-to-date COVID-19 protocols and best practices for Texas business.
- Identify ongoing legal challenges to Texas businesses as they get back to work. Engage state agencies to provide appropriate regulatory support.
- Collaborate with the Trump Administration, Congress, and federal agencies to promote measures that support the return of our vibrant Texas economy.

**FUTURE** *Balance of 2020, 87th Legislative Session & Beyond – Back to Work Stronger than Ever*  
Employers, businesses, and health care professionals should collaborate with their state leaders and legislators to determine what changes in law may be necessary to protect businesses now and in the future from pandemic disruption.

---

### **Task Force Committee Members**

Paul Sarvadi, *Chairman and CEO, and Co-Founder, Insperity (Chair)*

### **Special Advisors to the Legal Liability and Regulatory Orders Committee**

Joyce-Marie Garay, *Vice President Legal, Ryan, LLC*

Daniel D. Herink, *Senior Vice President Legal, General Counsel, Secretary, Insperity*



## CONCLUSION

While the coronavirus pandemic has been horribly deadly and disruptive, it has presented many opportunities for learning. These lessons will make us much better prepared for a resurgent coronavirus as well as for future pandemics if we heed them and prepare accordingly. The pandemic has exposed many shortcomings in government, healthcare, and business preparedness and the lessons we are learning present excellent opportunities to improve the strength and resilience of our organizations, both public and private. Finally, the pandemic has laid bare many of the unnecessary and antiquated ways in which our society operates. Change is always a challenge; it's part of the human condition. But, as we know, disasters and disruptions tend to accentuate and expedite existing trends. In this case, better use of technology, stronger healthcare systems, streamlined laws and regulations, and better preparedness in general can be the silver lining of the dark cloud of COVID-19 – if we work together and learn our lessons well.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **G. Brint Ryan, Chairman**

G. Brint Ryan, is Founder, Chairman and CEO of Ryan. Ryan, an award-winning global tax services and software provider, is the largest firm in the world dedicated exclusively to business taxes. Empowered by the dynamic myRyan work environment, which is widely recognized as the most innovative in the tax services industry, Ryan's multi-disciplinary team of more than 2,900 professionals and associates serves over 16,000 clients in more than 50 countries. Mr. Ryan is ranked among the Dallas 500 Most Influential Business Leaders in Dallas-Fort Worth by D CEO magazine and is a two-time recipient of the prestigious international Customer Service CEO of the Year Award from the Customer Service Institute of America (CSIA) for outstanding leadership exemplifying superior client service. Mr. Ryan was appointed by Lieutenant Governor Dan Patrick to serve as the Chairman for the Lieutenant Governor's Tax Policy Advisory Board. He currently serves as Chair-Elect of the Texas Association of Business and has formerly served as Treasurer and on the Executive Committee of its Board of Directors for more than a decade. Mr. Ryan was first appointed to the University of North Texas System Board of Regents in 2009 and was reappointed by Governor Greg Abbott to a six-year term expiring in 2021. He served as the Board of Regents Chairman from 2013 to 2019.

### **TASK FORCE MEMBERS**



### **Steve Alvis**

Steve Alvis is the co-founder and managing partner of NewQuest Properties. He started Quest Properties in 1985 as the savings and loan crisis began. Alvis sold REO portfolios for failed savings and loans in Texas. Later, Alvis utilized his real estate experience to build retail developments including Cinemark's first all-stadium seating theater, as well as the first 24 Hour Fitness in the market. In 2001, Alvis combined talents with Jay Sears, forming NewQuest Properties, to develop grocery-anchored power centers. NewQuest became Albertson's largest developer, and as Kroger acquired the Albertson's locations, NewQuest became Kroger's single largest developer in Texas. Today, NewQuest develops Kroger anchored centers in Texas and Louisiana, along with anchor tenants such as Target, Walmart, HEB, and Dick's Sporting Goods. NewQuest currently represents more than 75 national, regional and local tenants throughout Texas. NewQuest is the largest privately-held shopping center developer in Texas. He is currently a member of the Young President's Organization (YPO - GOLD), the Chief Executives Organization (CEO), and the International Council of Shopping Centers (ICSC.) Alvis works closely with TxDOT serving on Lieutenant Governor Dan Patrick's Transportation Advisory Board and was appointed by the Lieutenant Governor in 2018 to the Texas Facilities Commission. Alvis also serves on the Board of Economic Development for Waller County. Alvis is an active owner and developer of The Clubs at Houston Oaks.



### **Arch "Beaver" Aplin III**

Arch "Beaver" Aplin III is the Founder and President of Lake Jackson-based Buc-ee's stores. Passionate about community involvement, Beaver has a long history of being active at the local and state levels. Currently, he is the Vice-Chairman of the Texas Parks and Wildlife Commission. He is a member of The Association of Former Students' Board of Directors at Texas A&M, a member of the Houston Methodist President's Leadership Council, and a member of the Lieutenant Governor's Transportation Advisory Board.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **Roy William Bailey**

Mr. Roy Bailey is CEO of Bailey Deason Capital Interests, LLC. Prior to Bailey Deason Capital Interests, Mr. Bailey was the Executive Vice President of Hicks Holdings, LLC. Mr. Bailey was a founding Partner and Managing Director of Giuliani Partners LLC in New York City. As a founding partner of Giuliani Partners, he developed many large business transactions here in the U.S. and the Middle East. He established himself as a successful executive in the insurance and insurance finance industries. In addition to founding and owning Bailey Insurance Associates, he was also the co-founder, Chairman and CEO of Premium Finance Holdings (PFH). PFH was later sold to Texas Capital Bank. He served for two years on the Board of Directors of Ryan Specialty Group, LLC which is headquartered in Chicago, Illinois and was founded by controlling shareholder Patrick Ryan. Mr. Bailey has been active in civic, social and political activities. He was one of the youngest presidents ever elected to the 100-year-old Downtown Rotary Club of Dallas, Texas. He is serving or has served on the boards of numerous public organizations, including Baylor, Scott & White Hospital Foundation, Victim Relief Ministries, the Texas Safety Association, DFW Airport Chaplaincy, SMU Athletic Forum (Chairman), the SMU Mustang Club (President), the Dallas Athletic Club (board member), and the Park City Club (President).



### **Ben "Bud" M. Brigham**

Bud Brigham founded Brigham Exploration Company in 1990 and served as its President, CEO and Chairman until its sale to Statoil ASA. Bud managed Brigham Exploration Company's growth as a private company to its initial public offering and later sale. He founded Brigham Resources which targeted operated horizontal drilling in domestic unconventional reservoirs and was sold to Diamondback Energy Inc.; Brigham Minerals (NYSE: MNRL) which went public in April 2019; Atlas Water and Atlas Sand, which are developing water and sand infrastructure projects in the Permian Basin; and Brigham Development, a real estate enterprise acquiring and developing surface real estate in active US shale plays. Prior to Brigham Exploration, Bud served as an exploration geophysicist with Rosewood Resources, an independent oil and gas exploration and production company. Bud began his career as a seismic data processing geophysicist for Western Geophysical, a provider of 3-D seismic services. Bud served on the National Petroleum Council, the American Association of Petroleum Geologists (AAPG), the Society of Exploration Geophysicists (SEG), the Independent Producers Association of America (IPAA), the Society of Independent Professional Earth Scientists (SIPES) and serves on the Bureau of Economic Geology Visiting Committee. He was inducted into the All-American Wildcatters in April 2012, and in April 2015 Bud joined the University of Texas Chancellor's Council Executive Committee.



### **Clay E. Cooley**

Clay E. Cooley is the Founder and CEO of Clay Cooley Auto Group. Clay Cooley Auto Group is a private automotive retailer dedicated to servicing the diverse needs of its clients. Clay began his career in the late 1990s with one used-car location in Carrollton; the company has since grown to more than 12 new car franchises across the Metroplex, and at various times has operated auto dealerships throughout the United States. Clay Cooley Auto Group now sells more than 25,000 vehicles a year to a wide range of clients.



### **John B. Connally III**

John B. Connally III, independent energy investor, former Partner at Baker & Botts is principally engaged in corporate finance for energy companies and oil field service companies. He is Founding Director, Nuevo Energy; Founding Director, Pure Energy Group and Pure Gas Partners; Founding Director, Endeavour International; Founding Director, Texas South Energy; Chairman, Texas Lieutenant Governor's Energy Advisory Group; and Member, Board of Visitors, The University of Texas MD Anderson Cancer Institute.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **Mr. Tim Dunn**

Tim Dunn is the CEO of CrownQuest Operating, LLC and CrownRock LP. Dunn worked at Exxon Production Research Company (1978-1980). He then went on to First City Bancorp (1980-1987) and served as an Engineer and Manager of Oil & Gas Portfolios. He then joined Parker & Parsley Petroleum (1987-1995) where he became a founding general partner of Parker & Parsley Development, which later became Pioneer Natural Resources. He held multiple positions including Director, Executive Vice President, and Chief Financial Officer. In 1996, he co-founded a private oil and gas concern. Tim is the chairman of the board of directors of Empower Texans and Texans for Fiscal Responsibility and the vice-chairman of the board of directors at the Texas Public Policy Foundation.



### **Joseph B.C. Fitzsimons**

Joseph B.C. Fitzsimons is a natural resources, oil and gas and water law attorney and South Texas rancher. He has served as Vice-President of the Texas Wildlife Association and is a Director of the Texas and Southwestern Cattle Raisers Association. He is a former Chairman of the Parks and Wildlife Department's Private Lands Advisory Board and was named by then Governor George W. Bush to serve on the Governor's Task Force on Conservation. In 2001, Governor Rick Perry appointed Mr. Fitzsimons to the Texas Parks and Wildlife Commission, and Mr. Fitzsimons is now a Past Chairman of that agency. In 2002, he was named to represent the Texas Parks and Wildlife Commission on the Texas Water Advisory Council, which has the statutory responsibility to advise the Office of the Governor, Speaker of the House and the Lieutenant Governor on issues affecting Texas water policy. In 2003, Governor Perry appointed him as Chairman. Governor Perry appointed Mr. Fitzsimons to represent the interest of fish and wildlife on the Environmental Flows Advisory Committee. Chairman Fitzsimons identified environmental flow as a priority for his term on the Committee and continues to work to ensure water for wildlife. In 2016, Lieutenant Governor Dan Patrick appointed Mr. Fitzsimons to the Water Advisory Committee to serve as an advisory board member.



### **Roger Guenther**

Roger Guenther was named the Executive Director of Port Houston in January 2014. With 30 years of experience at the port, Guenther brings operational leadership and a proven track record to the position. Previously, he served as Deputy Executive Director of Operations and was responsible for all container and breakbulk cargo operations, management and construction of capital development projects, facility and asset maintenance, and real estate interests. Since joining Port Houston in 1988, Mr. Guenther has served in various capacities related to facilities management, including master planning of the Bayport Container Terminal, redevelopment of the existing Barbours Cut Terminal, and procurement of all container handling cranes and equipment over the last two decades. In 2016, Mr. Guenther was elected president of the Texas Ports Association. He also serves on TxDOT's Texas Freight Advisory Committee and Port Authority Advisory Committee; and is a member of the Board of Visitors of Texas A&M University at Galveston and Texas A&M Transportation Institute (TTI) Advisory Council. In May 2018, he became a member of the USDOT's Advisory Committee on Supply Chain Competitiveness.



### **Kent Hance**

Honorable Kent R. Hance provides more than 40 years of experience in the public and private sector as an attorney, businessman, Texas State Senator, U.S. Congressman, Chairman of the Texas Railroad Commission, and Chancellor of the Texas Tech University System. Through Hance Scarborough LLP's Austin and Washington, D.C. offices, Mr. Hance provides clients with his unmatched experience in a broad range of state and federal regulatory and legislative areas.

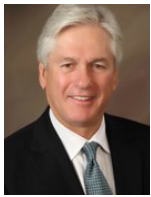


## COMMITTEE ROSTER AND BIOGRAPHIES



### **Michael A. "Mike" Hernandez III**

Mike Hernandez of Fort Worth is owner and CEO of D&M Leasing, and owner and dealer principal of Four Stars Ford, Four Stars Chevrolet Buick, Four Stars Dodge Chrysler Jeep Ram, and Four Stars Toyota. He is a member of the National Automobile Dealers Association and the Texas Automobile Dealers Association. Mr. Hernandez is also a member of the Advisory Committee to Chancellor Sharp for the McAllen Campus of Texas A&M University and the Advisory Committee to Lieutenant Governor Patrick on workforce training. Mr. Hernandez is founder and president of the Hernandez Foundation and a member of the Fort Worth Stock Show Syndicate. He has served on the boards of the Juvenile Diabetes Foundation of Fort Worth, The Family Shelter of Arlington, and the River Legacy Foundation of Arlington. He also founded the Brownsville Scholars Program. Mr. Hernandez was appointed as a member of the Board of Regents by Governor Greg Abbott in 2019. He serves as a member of the Committee on Audit and the Committee on Academic and Student Affairs. He also serves on the Board for Lease of University Lands. His term expires February 1, 2025.



### **Gaylord T. Hughey, Jr.**

Gaylord T. Hughey, Jr. is a member of the State Bar of Texas and is a Board Certified Oil, Gas and Mineral Law Specialist. He has provided a broad range of government related services to public and private entities domestically and internationally. He has served as Staff Counsel in both the Texas Senate and U.S. House of Representatives. Gaylord has been a member of the Texas School Land Board, Interstate Oil & Gas Compact Commission, Board of Regents of Texas A&M University at Commerce and numerous advisory groups. He is a frequent speaker and plays an active role in various political, professional and industry associations. Mr. Hughey has served on the following boards and foundations: Texas Business Hall of Fame Foundation, Texas Lyceum Association, Texas A&M University – Commerce, School Land Board – State of Texas, Christian Youth Foundation, Inc., Independent Petroleum Association of America – Regional Director, Society of International Business Fellows, Interstate Oil & Gas Compact Commission, University of Texas at Tyler – Development Board and Executive Committee, Tyler Area Chamber of Commerce – Executive Committee and Board of Directors, Board of Trustees of the Texas State History Museum Foundation, Texas Water Advisory Board – Member Appointed by Lt. Governor Dan Patrick, Federal Judiciary Evaluation Committee of Texas – Member Appointed by U. S. Senators Cornyn and Cruz, Associated Republicans of Texas – Executive Committee and Finance Co-Chairman of Texas, Mercy Ships Foundation Board of Directors.





## COMMITTEE ROSTER AND BIOGRAPHIES



### **Woody L. Hunt**

Woody L. Hunt is Senior Chairman of the Board of Directors of Hunt Companies, Inc., and its affiliated companies. In addition to his duties with Hunt, Mr. Hunt is a member of the Texas Economic Development Corporation Board of Directors and Complete College America; foundation trustee of the Texas Higher Education Foundation; member of the Board of Visitors of the University of Texas MD Anderson Cancer Center-Houston; Founding Chairman of the Borderplex Alliance in El Paso, where he now serves on the Board of Directors; member and former Chairman of the Texas Business Leadership Council; Vice-Chair for the Council for Regional Economic Expansion and Educational Development; an Advisory Director for WestStar Bank; member of the Executive Council of No Labels; and Co-Chair of American Business Immigration Coalition. Mr. Hunt was previously Chairman of the Texas Higher Education Strategic Planning Committee, which was charged with developing the Higher Education Plan for the State of Texas for 2015 to 2030; Vice-Chairman of The University of Texas System Board of Regents; served seven years, three as Chairman, on the Board of Directors of The University of Texas Investment Management Company (UTIMCO); was founding chairman and a board member of the Medical Centers of the Americas Foundation in El Paso; was chairman of the Texas Select Commission on Higher Education and Global Competitiveness; a member of the Western Governors University (WGU) Texas Advisory Board; was a member of the Commission for College Ready Texas and the Texas Tax Reform Commission; was a member of the National Board of the Fund for the Improvement of Postsecondary Education (FIPSE); was a member of the Texas Advisory Committee on Higher Education Cost Efficiencies; was a member of the Task Force on Higher Education Incentive Funding; was a member of the Council for Continuous Improvement and Innovation in Texas Higher Education; was a member of the Paso del Norte Foundation; and was the chairman of the Paso del Norte Health Foundation. He was a member of the Board of Directors for El Paso Electric (Nasdaq: EE) as well as serving as a member of the Board of Directors of PNM Resources (NYSE: PNM) in Albuquerque, New Mexico.



### **Jodie L. Jiles**

Jodie L. Jiles is Director of Business Development for Transwestern. He has been with Transwestern since 2012 and works strategically with the Transwestern family of companies in meeting the client's real estate needs. He received Transwestern President's Award and National Legendary Service Award in 2017. Mr. Jiles was appointed to a six-year term on The University of Texas System Board of Regents by Governor Greg Abbott in March 2019 and was confirmed by the Texas Senate in April 2019. He finds great satisfaction in giving back to the community through involvement in public service, community partnerships, and is a committed member of the following boards and has received numerous recognitions: Distinguished Alumni Award – The University of Texas at Austin, 2017; Honorary Doctorate of Humane Letters – Texas Southern University, 2014; Texas Business Leadership Council – Executive Committee, 2013 Chairman; Greater Houston Partnership – 2014 Elected Lifetime Director, 2005 Chairman; Baylor College of Medicine – Emeritus; Texas Children's Hospital – Emeritus; Texas Heart Institute – Foundation Board; Loving Kids – Chairman; The University of Texas at Austin – Development Board; UT Health – Development Board; KIPP Academy – Former Board Member; Texas Heart Institute – Former Board Member; Texas Higher Education – Former Coordinating Board Member; Texas Southern University – Former Foundation Board Member; The Federal Reserve Bank of Dallas-Houston Branch – Former Director, Board Member.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **Victor Leal**

Victor is the CEO or Chief Enchilada Officer of Leal's Mexican Restaurants of Amarillo and can often be found in the original flagship store in Muleshoe, Texas. Victor was elected to serve his hometown of Muleshoe as Mayor for two terms. He has served on several state and local boards and commissions including the Texas Facilities Commission, Texas Margins Tax Commission, Texas Finance Commission, Amarillo Care-Net Crisis Pregnancy Board, and Amarillo Downtown Women's Center Board.



### **Robert "Bob" McNutt**

Robert "Bob" Pritchett McNutt is President and CEO of the world-famous Collin Street Bakery of Corsicana, Texas. Founded over 120 years ago (1896) the bakery has grown into a worldwide phenomenon. Mr. McNutt was named President in 1991. Under his leadership, he added new bakeshops in Corsicana, Waco, and Tyler/Lindale, which have all become integral parts of the communities where they are located. Mr. McNutt served as a member of Lieutenant Governor Dan Patrick's Tax Advisory Board. McNutt is also one of the founding partners and an active director in the MCrowd Restaurant Group in Dallas, Texas, which includes 22 Mi Cocina Mexican restaurants, four Taco Diner restaurants, and The Mercury, which features high end continental cuisine. The original partners included Michael "Mico" Rodriguez, brothers Dick and Ray Washburne, along with Mr. McNutt. MCrowd introduced its first restaurant, Mi Cocina, in a small retail space in the Preston Forest neighborhood, of Dallas, Texas. Mr. McNutt was the founder of Finca Corsicana in Costa Rica growing it into the largest organic pineapple farm in the world before selling it to Dole. Additionally, Mr. McNutt is the co-founder and a director in AMAC Oil Company, a director of Navarro Pecan Company and was a past President of the Navarro County Humane Society and past Chairman of Child Evangelism Fellowship of Navarro County.



### **Brenda Pejovich**

Brenda Pejovich is founder of the Brenda Pejovich Foundation, Inc. to support research and education. She began her entrepreneurial career at the age of 23 by building a large-scale operations consulting firm which she sold to a Fortune 1000 firm. She has received recognition and numerous awards for her entrepreneurial accomplishments and community involvement. She travels around the country and Europe participating in conferences on economic policy. Additionally, she has chaired numerous fundraising events for nonprofit organizations. Brenda has leveraged her involvement in many successful ventures by applying business principles to non-profit organizations, state agencies, and public service. She has received four gubernatorial appointments by two Governors requiring Senate confirmation, including the Board of Regents of the University of Texas System and the Texas Higher Education Coordinating Board. She is a board member of the Texas Public Policy Foundation, co-founder of the Professor Svetozar Pejovich Future Leaders Award for undergraduate economics students, and a prime sponsor of the World War II Memorial located on the Capitol grounds in Austin, Texas.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **Michael J. Plank**

Michael J. Plank is Chairman and CEO of The Plank Companies, Inc., and three operating companies; National Property Holdings, Rail Logix and Speed Shore Corporation, entities engaged in Industrial Real Estate Development, Rail Services and Construction Equipment Manufacturing, respectively. Mr. Plank was appointed by Governor Abbott to the Texas A&M University System Board of Regents in 2019 and was a previous appointee to the Texas Higher Education Coordinating Board and the Governor's University Research Initiative (GURI). Mr. Plank is a member of the Young Presidents' Organization and past Chairman of the Houston Chapter. He is also past President of the Trench Shoring & Shielding Association of America, the Houston Equipment Distributors, and the Children's Museum of Houston. Mr. Plank also serves on the President's Leadership Council for Houston's Methodist Hospital, and on the board of the Greater Houston Partnership and the YMCA of Greater Houston. Mr. Plank was a recipient of the Ernst & Young Entrepreneur of the Year Award for the Gulf Coast Region in 2019.



### **Paul Sarvadi**

Paul Sarvadi is Chairman, CEO, and co-founder of Houston-based Insperity, which serves as a leading provider of human resources and business performance solutions for America's best businesses. Sarvadi co-founded Insperity in 1986. More than 34 years later Insperity has grown to a publicly traded company providing business performance solutions that support more than 100,000 businesses with more than 2 million employees. Insperity has received 10 Stevie Awards for Great Employers<sup>SM</sup> in the categories of Employer of the Year – Business Services, HR Technology Solution Provider of the Year (recognition for helping clients foster great workplaces), Achievement in HR Technology, and People-Focused CEO of the Year; the company was named in the top three percent of America's Top Workplaces by WorkplaceDynamics; it has been recognized 14 times by Texas Monthly as one of the Best Companies to Work for in Texas; 18 times by the Houston Business Journal as one of the Best Places to Work in Houston; and 10 times by the Houston Chronicle as a Top Workplace. In 2019, The American Business Awards honored him with a Silver Stevie Award in the category of Lifetime Achievement Award – Business Services Industries. Sarvadi was recognized as one of the Houston Business Journal's Most Admired CEOs in 2019. In addition, the 2019 Stevie Awards for Great Employers recognized him with a Silver Stevie Award for People-Focused CEO of the Year.



### **Sheldon I. Stein**

Sheldon Stein is President of Southern Glazer's Wine and Spirits, the nation's largest distributor of wine and spirits. He is also the CEO of Glazer's Beer and Beverage which is the third largest Miller Coors distributor in the US. Previously, Mr. Stein served as President and CEO of Glazer's Distributors. Before beginning his tenure with Glazer's in 2010, Mr. Stein had been a Vice Chairman and Head of Southwest Investment Banking for Bank of America, Merrill Lynch. Prior to joining Merrill Lynch, Mr. Stein was a Senior Managing Director and ran Bear Stearns' Southwest Investment Banking Group for over 20 years. He was a member of Bear Stearns' President's Advisory Council. Mr. Stein was also a Partner with the Dallas law firm of Hughes & Luce, where he specialized in corporate finance, mergers, and acquisitions. Mr. Stein formerly served on the Board of Directors of Tailored Brands, Inc., and currently serves on the Board of Directors of Spoleto Festival USA, Studio Movie Grill, The BRN Group, and is on the Advisory Board of Amegy Bank and Deutsch Family Wine & Spirits. Mr. Stein is also a General Partner of Gefen Capital, an Israeli-based venture capital group.



## COMMITTEE ROSTER AND BIOGRAPHIES



### **Massey Villarreal**

Massey Villarreal is CEO and President of Precision Task Group, Inc., (PTG). PTG is a Hispanic-owned and managed technical system's integration firm providing business solutions to public and private sector firms. Massey serves as Chairman of Texas Association of Business (TAB) Foundation and Chair of the Finance Committee for the TAB. Mr. Villarreal serves on the Board of the Greater Houston Partnership. Current boards include Houston Golf Association, American Israel Public Affairs Committee (AIPAC) National Council, and the Memorial Hermann Hospital System Board. Recently Massey was reelected Chairman of the Houston Golf Association (HGA). In 2016, Texas Governor Greg Abbott named Massey Villarreal to the Economic Incentive Oversight Board for a term to expire at the pleasure of the Governor. Additionally, Massey was named the Presiding Officer of the aforementioned committee. The Board will review the effectiveness and efficiency of state incentive programs and funds administered by the offices of the Governor, the Comptroller, and the Department of Agriculture. The Board will make recommendations to the Legislature on each program. Texas Governor Rick Perry re-appointed Massey to the Texas Economic Development Corporation. Massey served for one year in a vacated position on the Texas Public Finance Authority until December 2009. The authority issues and sells bonds for designated state agencies in order to finance the acquisition or construction of buildings. Prior to this recent appointment, Governor Perry appointed Mr. Villarreal as presiding officer (Chairman) of the governing board of the Texas Department of Economic Development (TxEd).



### **Kelcy Warren**

Kelcy Warren is Chairman and CEO of Energy Transfer. In 1995, Warren co-founded Energy Transfer, which began as a small intrastate natural gas pipeline operator. Today, the Energy Transfer family of partnerships, which includes Energy Transfer. Sunoco LP, and USA Compression Partners, LP, is one of the country's largest and most diversified portfolio of publicly traded energy partnerships. Warren has been recognized by numerous energy and business organizations for his contributions to the energy industry. He is honored to be a member of the Horatio Alger Association of Distinguished Americans. Warren has also been inducted into the Texas Business Hall of Fame, is a recipient of the Hanlon Award presented by the Gas Processors Association, and this year was inducted into the Ammys Hall of Fame. Warren has dedicated himself to giving back and regularly supports educational institutions from grade school through university levels. Among the organizations he supports is the March of Dimes and the Bush Foundation. He also hosts an annual event for Cherokee Crossroads, Inc. that raises money for children's charities around the country, among others. Warren serves on the board of the Woodall Rodgers Park Foundation and was appointed by Governor Greg Abbott to serve on The University of Texas System Board of Regents through 2025. Recently, President Donald Trump appointed Mr. Warren to the Kennedy Center Board of Trustees.



### **Steve Ahlenius**

Steve Ahlenius has been President and CEO of the McAllen Chamber of Commerce since 1998. He has been in the chamber profession for 33 years. Steve has an undergraduate degree in History/Political Science from Wayland Baptist University and has served on their board of trustees. He earned his Master's degree in Public Administration from Texas Tech University. Steve is a certified economic developer (CEcD) recognized by the International Economic Development Council and is chair-elect for the Texas Chamber of Commerce Executives (TCCE).

### **Austin Alvis**

Austin Alvis joined NewQuest Properties in 2014 and specializes in development, project leasing, and tenant representation. Native to Houston, Austin leans on his market knowledge to assist clients in site selection and strategic expansion. Developments and acquisitions are focused in both growth areas and under-served markets, ranging from single pad sites to neighborhood grocery-anchored centers. Austin began his post-graduate career at Bank of Texas as a credit underwriter before leaving to pursue higher education.

### **Jon Barela**

Jon Barela is the CEO of The Borderplex Alliance. Before being named CEO in 2016, Mr. Barela was New Mexico's Economic Development Cabinet Secretary. He was responsible for New Mexico becoming the number one state in export expansion and for creating more than 16,000 jobs. Before his work as cabinet secretary, Mr. Barela was the government and community affairs manager at Intel. Mr. Barela also worked as an attorney with Modrall-Sperling Law Firm and served as New Mexico's Assistant Attorney General and Director of the Civil Division. Mr. Barela earned an international relations degree with honors from Georgetown University's School of Foreign Service in Washington, D.C., and is a graduate of Georgetown Law School.

### **Russell Boening**

Russell Boening of Poth is President of the Texas Farm Bureau. Mr. Boening was elected to the Texas Farm Bureau Board of Directors in December 2008 and became secretary-treasurer in December 2011. He grows feed grains, cotton, watermelons and wheat, as well as operating a 450-cow dairy and a beef cattle operation with his brother and father near Floresville. He is a 1981 graduate of Texas A&M University with a degree in Agricultural Economics. Boening served as president of the Poth ISD school board and is a member of Dairy Farmers of America. The fourth-generation farmer was elected president of Texas Farm Bureau and Affiliated Companies Dec. 8, 2014. He was elected to the American Farm Bureau Board of Directors Jan. 13, 2015. He was appointed to the AFBF Trade Advisory Committee in January 2016. He has been a spokesman on a wide range of agricultural issues, including crop technology, trade, and water.



### **Ike Brown**

Ike Brown is Vice Chairman, President, and co-owner of NFI, a premier integrated supply chain solutions provider. NFI, founded in 1932, provides global supply chain solutions and has locations across North America. Its suite of solutions consists of asset-based dedicated transportation and drayage, warehousing and distribution, real estate, and non-asset-based transportation services including brokerage, transportation management, global logistics, and intermodal. Ike has had numerous responsibilities since his start with the company in 1977. In 1980, Ike moved to Dallas, Texas to oversee NFI's operations in the southwest. During the 80's, Ike grew NFI to be the largest contract carrier in Texas and a major truckload carrier in the southwest. In addition to his duties at NFI, Ike currently serves on the Board of Directors for the Truckload Carriers Association, the Scholarship Committee, and has also held a Board of Director's seat with Sun Bancorp. He is a Trustee at National Jewish Hospital in Denver, Colorado. Ike is an active supporter and founding donor of the new Dallas Holocaust and Human Rights Museum. He has formerly served on the Board of Directors for the Social Venture Partners Dallas, Dallas Jewish Community Center, Jewish Federation of Greater Dallas, Greenhill Schools of Dallas, and the Dallas Lighthouse for the Blind. Ike was also a member of 2011 Super Bowl Host Committee-Concert Kick-off Series in the Dallas-Fort Worth area.

### **Dr. Kirk Calhoun**

Kirk A. Calhoun, MD, FACP is President of The University of Texas Health Science Center at Tyler. Dr. Calhoun spent 10 years at the UT Medical Branch at Galveston (UTMB) as an associate professor of medicine and corporate medical director of UTMB HealthCare Systems. He then became both senior vice president at Parkland Hospital and associate dean for clinical affairs with the UT Southwestern Medical School. Dr. Calhoun served two terms as board chair for the National Association of Public Hospitals and served two terms on the Texas Department of State Health Services Council. Also, he served a term on the Council on Graduate Medical Education (COGME). In November 2002, Dr. Calhoun left UT Southwestern to become president of UT Health Science Center at Tyler, the only academic medical center in Northeast Texas. He is currently on the board of directors of the American Association of Medical Colleges and is chair of the Council of Teaching Hospitals (COTH). He is on the Executive Committee of the Teaching Hospitals of Texas (THOT). In addition to his role as president, Dr. Calhoun has an appointment as Professor of Medicine in the School of Community and Rural Health at UT Health Science Center at Tyler. Dr. Calhoun is Chairman of the Board of UT Health East Texas System, created in March 2018. Dr. Calhoun has received numerous awards for his work in healthcare delivery and community leadership.

### **Richard H. Collins**

Richard (Dick) H. Collins was born in Dallas and is a sixth-generation Texan. He is a former Chairman and CEO of two banks and has been active in real estate, energy, and media investments. Collins currently serves as Chairman and CEO of Istation, an interactive education company with more than five million students enrolled in its network across all fifty states. He is actively involved in philanthropy, supporting many causes in the arts, in education and historic preservation. Collins has served on the board of various charitable and philanthropic organizations. He was appointed by the Governor to the Texas Historical Commission, and the Texas Board of Criminal Justice.





### **Alex Fairly**

Alex Fairly leads Fairly Group, the Sports and Entertainment industry's largest Risk Consulting Firm. Fairly's team of sports, entertainment, and large venue experts has grown to become a globally recognized risk consulting company. Fairly Group's professional sports clients include the National Football League, Major League Baseball, Major League Soccer, the National Hockey League, and several regional professional sports leagues as well as many global brands including legendary recording artists, large media and production companies as well as companies. Their expertise in managing risk in the large venue / major performance space (i.e. Rolling Stones) is unparalleled. They advise the world's largest game/event/performance shows on an array of exposures including crowd control, safety, security, foodservice, disaster planning, injury management, and drug testing and are currently involved with the US' major sports leagues in COVID testing protocols and return-to-play strategies. Additionally, Fairly has consulted on 14 of the US' last 16 major league venue construction projects through both the construction and operational phases. In Texas they are engaged with every major league team (Cowboys, Texans, Rangers, Astros, Stars, Spurs, Rockets) on a broad spectrum of risk managements issues.

### **Dr. Carine M. Feyten**

Carine M. Feyten is Chancellor and President of Texas Woman's University, a public institution with a campus in Denton and health science centers in Dallas and Houston. About 90 percent of the university's 15,500 students are women making it the largest university in the nation with such a gender composition and ranked among the group of universities tied for "sixth most diverse" in the country by U.S. News and World Report. Under Chancellor Feyten's leadership, The Economist ranked Texas Woman's 45th out of 1,275 institutions in the nation and 2nd in Texas for adding value to its graduates' income earning potential. The Dallas Business Journal also ranked it 1st in the DFW region for its graduates' earnings relative to the cost of attendance. An internationally recognized consultant, speaker and scholar in the field of language learning, teaching methodologies, and the integration of technology in education, Dr. Feyten has authored or co-authored more than 100 journal articles, conference papers, book chapters, and books. She also has delivered keynote addresses in Portugal, Brazil, and Belgium, as well as across Texas. She also has consulted for the International Baccalaureate Organization, including locations in Wales and the Czech Republic.

### **Joyce-Marie Garay**

Joyce-Marie currently serves as Vice-President Legal for Ryan, LLC, overseeing enterprise-wide litigation, disputes, employment, compliance, bankruptcy, and immigration issues. From 2005 to 2017, Joyce-Marie served in various roles at Blue Cross and Blue Shield of Texas, including Assistant General Counsel in the legal department and Executive Director of HR Regulatory Compliance. During this time, Joyce-Marie became involved in the North Texas Industry Liaison Group as an Advisory Board Member, the North Texas Business Leadership Network as a founding member of the Leadership Board. She also served as a Director on the Greater Dallas Hispanic Chamber of Commerce from 2017-2018. Joyce-Marie was formerly an equity partner at the Dallas law firm of Bell Nunnally & Martin, LLP representing management-side clients in all varieties of employment law issues. Joyce-Marie has served in multiple leadership roles on the Dallas Association of Young Lawyers, including becoming its first Hispanic President. She served as President of the Yale Club of Dallas and served on the Board of Governors of the Association of Yale Alumni. She also served as a Director on the Dallas Bar Association and as Vice President of the Dallas Women Lawyers Association. She has been a member of the Mexican American Bar Association and the Junior League of Dallas.



### **Dr. John C. Goodman**

John C. Goodman is one of the nation's leading thinkers on health policy. The Wall Street Journal calls Dr. Goodman "the father of Health Savings Accounts." Modern Healthcare says he is one of four people who have most influenced the changes shaping our health care system. Dr. Goodman is the author of nine books, including *Priceless: Curing the Healthcare Crisis*; *Leaving Women Behind: Modern Families, Outdated Laws* (with Kimberley Strassel); and *Patient Power* (with Gerald Musgrave), the condensed version of which sold more than 300,000 copies and is credited with playing a pivotal role in the defeat of Hillary Clinton's health reform. Dr. Goodman regularly appears on television, including CNN, CNBC and the Fox News Channel. He appeared on many William F. Buckley Jr. Firing Line shows and was Mr. Buckley's debating partner on a number of two-hour prime time debates – including such topics as the flat tax, welfare reform and Social Security privatization. Dr. Goodman received a Ph.D. in economics from Columbia University. He has taught and done research at Columbia University, Stanford University, Dartmouth University, Southern Methodist University and the University of Dallas. He received the prestigious Duncan Black award in 1988 for the best scholarly article on public choice economics.

### **Brenda Hellyer**

In 2009 Dr. Brenda Hellyer was appointed Chancellor of San Jacinto College, Texas' eighth largest Community College with approximately 45,000 credit and non-credit students, four campuses, and several extension centers. The College will open a fifth campus in Fall 2020. Prior to joining San Jacinto College, Dr. Hellyer worked in the corporate world as an accountant in both the private and public arena. Dr. Hellyer is involved with various commissions, committees, and boards at the national, state and local levels. Currently, she serves as Board Chair of the Texas Association of Community Colleges.

### **Daniel D. Herink**

Dan Herink is Senior Vice President, Legal, General Counsel, Secretary for Inspirity, a professional employer organization. Inspirity provides human resources and administrative services to small and medium-sized businesses. Mr. Herink has been with Inspirity since 2000 and in his present role since May 2007. In his prior responsibilities with Inspirity, Mr. Herink led the Company's litigation and property and casualty insurance practice areas and worked extensively on transactional matters. He previously served as an attorney at Rodriguez, Colvin & Chaney, L.L.P. and McGinnis, Lochridge & Kilgore, L.L.P.



### **Rafael Herrera**

Rafael Herrera is co-founder and shareholder of Innovative Management Group Investments (IMG Investments) and the Chief Executive Officer of Innovative Group (IG). Innovative Group, is the leader provider of integral solutions for recyclables, to retailers and multinational corporations, specializes in the implementation of turn-key recycling programs to identify, recover, reduce cost, and maximize the byproducts generated in their plants, distribution centers and stores, currently operating in 10 countries (USA, Mexico, Canada, Guatemala, Honduras, Nicaragua, El Salvador, Costa Rica, Colombia and Brazil). In addition, Mr. Herrera was also the co-founder and shareholder of PETSTAR, a plant in Mexico that recycles PET into food - grade recycled resin; which is sold to the domestic bottling industry. Mr. Herrera served as Chairman of the Asociacion Empresarios Mexicanos (AEM) USA, a bilateral organization with 11 chapters and 650 members in the USA and Mexico. Mr. Herrera is also a member of the following boards. Mexico Energy Task Force, (Greater Houston Partnership) Hispanics Republicans of Texas (HRT) and the Bayou City Club.

### **Kenneth A. Hersh**

Since 2016, Kenneth A. Hersh has served as President, Chief Executive Officer, and board member of the George W. Bush Presidential Center, a Dallas-based non-partisan institution which houses the George W. Bush Library and Museum and the George W. Bush Institute. The Bush Center's mission is to engage communities in the U.S. and around the world by developing leaders, advancing policy, and taking action to solve today's most pressing challenges. Mr. Hersh co-founded NGP Energy Capital Management, a premier private equity investment franchise in the natural resources industry managing over \$20.0 billion of cumulative committed capital since inception in 1988. Until 2016, he served as NGP's Chief Executive Officer. From 1988 through 2015, under his leadership, NGP invested over \$12 billion and achieved returns making it one of the nation's leading investment firms. Mr. Hersh currently serves as Senior Advisor to The Carlyle Group's natural resources division and sits on the boards of the Texas Rangers Baseball Club and the Dallas Citizens Council. He serves on the Board of Overseers of the Hoover Institution and the Dean's Council of the Harvard Kennedy School. He is a member of the Council on Foreign Relations and the National Council of the American Enterprise Institute.

### **Kristi Sherrill Hoyl**

Kristi Sherrill Hoyl has been with Baylor Scott & White Health since 2004 and brings years of government and community relations experience to her role as Chief Policy & Community Officer. In addition to leading community and government affairs, Kristi will oversee the four Baylor Scott & White Health foundations. Kristi joined the Baylor Health Care System as Vice President of External and Government Affairs in 2004. In this role, Kristi was responsible for setting the legislative agenda and cultivating relations at the local, state and federal levels of government as they relate to health care issues. In 2014, Kristi became the Chief Government Affairs and Health Policy Officer for Baylor Scott & White Health, the newly formed parent company for the combined health systems of Scott & White Healthcare and Baylor Health Care System. Kristi has received numerous civic awards, including the Boys and Girls Club Rising Star award, the Downtown Renaissance award, the Volunteer Nurses Association Volunteer of the Year award and participated in The Marshall Memorial Fellowship and the British American Partnership among others. Kristi is involved with the Dallas Citizens Council, the Crystal Charity Ball and serves on the board of Directors for the Downtown Dallas Association, the Cotton Bowl Association and the Texas A&M University Association of Former Students.



### **Dr. Ronald T. Luke**

Ronald T. Luke, J.D., Ph.D., has been President of Research & Planning Consultants, L.P. (RPC) in Austin, Texas, since 1979, having been Vice President of Operations from 1976-1979. Dr. Luke has developed RPC as an inter-disciplinary firm providing economic, financial, and public policy studies. As President and owner, he supervises RPC's professional staff and maintains high standards for the firm's work products. He has been accepted as an expert in economics, socioeconomic impact analysis, and policy analysis by state and federal courts, and state administrative agencies. He was an original member, and later chairman, of the Texas Department of Insurance's Utilization Review Advisory Committee. Governor George W. Bush appointed him as an original member of the Texas Health Care Information Council. Governor Rick Perry appointed him to the Texas Health and Human Services Council, which oversees the Medicaid and CHIP programs. He has served as an advisor to committees of the Texas Legislature on health insurance mandates and major revisions to the Workers' Compensation Act. Governor Perry appointed him to the Board of the Texas Institute for Health Care Quality and Efficiency. He is also a Director of the Texas Association of Business where he chairs TAB's Health Policy Committee.

### **John Osborne**

John Osborne is the President and CEO of the Lubbock Economic Development Alliance and Visit Lubbock, which are non-profit organizations with the common goal of increasing the economic opportunities in Lubbock, including business retention, recruitment, workforce development and tourism. John has held economic development positions in communities of various sizes in three states. He served as Chairman of the Board for the Texas Economic Development Council, and currently serves as the Chairman of the Board for both the Texas Travel Alliance and Ports to Plains, and on the Board of Directors for the High Ground of Texas, and Workforce Solutions South Plains.

### **Judy MacLeod**

Judy MacLeod is Commissioner of Conference USA. Conference USA consists of fourteen member universities including four in the state of Texas (University of North Texas, University of Texas at San Antonio, Rice University and the University of Texas at El Paso). MacLeod currently serves as the Chair of the NCAA Division I Men's Basketball Oversight Committee and serves on the NCAA Council, Council Coordination Committee and the Name Image and Likeness Legislation Solutions Working Group. She previously served on the NCAA Division I Men's Basketball Selection Committee. MacLeod joined C-USA in 2005 and served as the Executive Associate Commissioner and Chief Operating Officer beginning in 2006. She took over the role as Interim Commissioner in 2015. MacLeod came to Conference USA from The University of Tulsa, where she spent 15 years - the last 10 as the Director of Athletics. She is credited with building a complete program during her tenure at TU, highlighted by high academic achievement of student-athletes, tremendous growth in on-campus athletics facilities, competitive success, conference membership transition, and marketing and fundraising growth, as well as improved equity, integrity and diversity throughout the department. Prior to her appointment as the Director of Athletics, she held the positions of associate athletics director, assistant athletics director, director of ticket sales, compliance officer and graduate assistant.



### **Ryan McCrory**

Ryan McCrory serves as Executive Vice President for Hunt Companies, Inc. Mr. McCrory is responsible for executing M&A transactions, capital markets transactions and other strategic initiatives on behalf of the Office of the CEO. Mr. McCrory serves on the firm's Executive Committee and Investment Committee. Prior to joining Hunt in 2017, Mr. McCrory was an investment professional at CenterOak Partners, a private equity firm focused on control-oriented leveraged buyouts and recapitalizations. Prior to joining CenterOak Partners, he worked as an investment professional at Brazos Private Equity Partners, CenterOak Partners' predecessor firm. Prior to entering the private equity industry, Mr. McCrory worked at Lazard Frères, where he advised on M&A and restructuring transactions.

### **Tracye McDaniel**

Tracye McDaniel is President of TIP Strategies and is a recognized trailblazer in the economic development and travel marketing industry. She has been a trusted advisor to CEOs, nonprofits, public organizations and private enterprises for more than three decades. As a widely recognized strategist with C-Suite level experience in all facets of the industry, Tracye has earned a reputation of creating mutually beneficial strategic partnerships across a broad spectrum of industries. Prior to joining TIP, Tracye founded McDaniel Strategy Ecosystems and served as president and CEO for two separate state-level marketing and lead-generation organizations: first in New Jersey (where she was appointed by then newly elected New Jersey governor, Chris Christie, and business leaders to serve as the founding CEO of Choose New Jersey) and later in Texas (where she headed up the Texas Economic Development Corporation). Her expertise in international business development and marketing spans more than 50 countries. Tracye also served as executive vice president and COO of the Greater Houston Partnership where she teamed with business leaders to raise more than \$32 million and to devise and execute Opportunity Houston, the organization's successful economic development global marketing and lead generation initiative.

### **Robert E. "Bobby" McKnight Jr.**

Robert E. McKnight Jr. of Fort Davis, Texas, raises registered and commercial Herefords and crossbred cattle on ranch land in Jeff Davis, Brewster, Presidio, Reeves and Crane counties. McKnight has served as a director of the local water and soil conservation board. He is a director for the Federal Reserve Bank in El Paso. McKnight is also past president of the Highland Hereford Breeders Association and director of the Sandhills Hereford and Quarter Horse Show.



### **Dr. Tedd L. Mitchell**

Dr. Tedd L. Mitchell was named the fifth chancellor of the Texas Tech University System on Oct. 25, 2018. As chancellor, Dr. Mitchell is the chief executive officer of a \$2 billion, four-university higher education enterprise consisting of Texas Tech University, Texas Tech University Health Sciences Center, Angelo State University and Texas Tech University Health Sciences Center El Paso. Dr. Mitchell works collaboratively with the Board of Regents, system administration and each university president to enhance the TTU System's profile and support shared missions of advancing higher education, health care, research and community outreach. Additionally, Dr. Mitchell guides the TTU System's engagement with state elected officials in Austin and federal leaders in Washington, D.C., to further enhance funding and support. Also as president, Dr. Mitchell launched initiatives for interprofessional concentration around the university's five schools – Biomedical Sciences, Health Professions, Medicine, Nursing and Pharmacy – and promoted programs to support novel research and creative endeavors such as the Department of Public Health, which will soon become the School of Public Health. Under his guidance, TTUHSC successfully helped establish the TTU System's fourth university, Texas Tech University Health Sciences Center El Paso, in 2013. Prior to arriving at TTUHSC, Dr. Mitchell served as president and chief executive officer of the Cooper Clinic in Dallas, an internationally-recognized center of excellence in preventive and sports medicine.

### **Steve Merritt**

Steve Merritt is a Senior Business Advisor with Transworld in Houston, Texas. He has over 30 years of experience in Finance and Business Development in Corporate America and has owned his own businesses for over 15 years. His experience spans many industries including transportation, oilfield services, waste management, equipment rental, fast food, pharmaceutical, reverse/forward logistics and pool services. Steve is the former Director of Finance for a large publicly traded company where he managed the investment portfolio with a collective valuation in excess of \$200M. Within that role, he was a board member and advisor to many of the portfolio companies, creating deals that promoted growth and innovation.

### **Jeff Moseley**

Jeff Moseley serves as the Chief Executive Officer of the Texas Association of Business, the largest business association in Texas, representing major corporations to small start-ups. TAB is also proud to be the state chamber of commerce. Jeff Moseley has four decades of public and private sector experience, particularly in the transportation industry and economic development.





### **Ginger Nelson**

Ginger has counseled local families and small businesses for over 20 years. She has received numerous honors in her legal career, including board certification in estate planning and probate and an AV Preeminent rating from Martindale Hubble. She and Kevin soon developed a loyal client base and started their own law firm in 2003. In 2011, they branched out to purchase the Amarillo Building, Amarillo's original high-rise, and began learning about commercial real property management. In 2014, they expanded their real estate business to include real estate development in the franchise of My Place Hotels. They enjoy the challenges of owning a small business and working together. Ginger has had the privilege to serve on numerous boards and commissions, including the Amarillo Economic Development Corporation. She has also volunteered for non-profits including Boy Scout Troop 86, the Amarillo Symphony Guild, the Amarillo Area Bar Association, the Plemons-Eagle Neighborhood Association, and Kids Inc.

### **Patrick Payton**

Patrick Payton has served as the founding and Senior Pastor of Stonegate Fellowship, in Midland, Texas from 1999-2018. In his role as both senior pastor and community leader, he led Stonegate Fellowship to a place of local, state, national, and international influence. Prior to starting Stonegate Fellowship Patrick had careers in the food service sales, marketing and brokerage sectors throughout Oklahoma and through various national relationships with vendors and multi-restaurant operators. In late 2018, Patrick began The Payton Group, LLC, a leadership, coaching, and performance organization committed to personal and organizational excellence through growing the individual, and thereby unleashing the human and organizational potential. In 2015, Patrick was selected to the inaugural class of the Presidential Leadership Scholars initiative. The Scholars initiative is a prestigious leadership program, made up of sixty global leaders collaborating in multiple arenas of leadership in cooperation with the presidential libraries of former presidents Lyndon B. Johnson, George H.W. Bush, Bill Clinton, and George W. Bush. As recently as the fall of 2019, running on a platform of a paradigm shifting thinking that can move Midland towards a top 100 city in the state and then the nation, Patrick Payton became the 30th Mayor of Midland, Texas.



### **Dr. Ray Perryman**

Dr. Ray Perryman is President and CEO of The Perryman Group, an economic research and analysis firm based in Waco, Texas. Dr. Perryman has held numerous academic positions in his career, has authored several books and more than 400 academic papers, and has served as President of both the Southwestern Economic Association and the Southwestern Society of Economists. Dr. Perryman has authored more than 2,500 trade articles, publishes a subscription forecasting service and a monthly newsletter, writes a weekly syndicated newspaper column, hosts a daily radio commentary, and appears regularly on National Public Radio. Dr. Perryman is a past recipient of the Outstanding Texas Leader Award and has been honored by the Texas Legislature for his "tireless efforts in helping to build a better Texas." Dr. Perryman was selected as the 2012 Texan of the Year by the Texas Legislative Conference, received the 2013 Baylor University Distinguished Service Medal, was inducted into the Texas Leadership Hall of Fame in 2014, received the 2016 Cesar E. Chavez Legacy Award for his humanitarian efforts, was named the Most Dynamic Economic Researcher in the US in 2018 by Global Business Insights, received the 2019 Chairman's Award for Lifetime Achievement in Economic Development from the International Economic Development Council, and was selected for the 2019 "Go Global" Award from the International Trade Council as the outstanding global economic analyst for his work on trade, energy, the environment, and other international issues.

### **Dan Pope**

Dan Pope was elected Mayor of the City of Lubbock on May 7, 2016 and re-elected in May of 2018. Dan spent the first decade of his professional career in sales and sales management with Xerox Corporation. In 1994, Dan founded Benchmark Business Solutions and over twenty years grew his business enterprise into the most successful Xerox Agent-Dealer in the country – creating over 70 jobs in Lubbock. Dan recently also served as Chief Development Officer of Covenant Health System. Mayor Pope has been an active member of the Lubbock community for more than 25 years. Dan was a member of the Lubbock Independent School District Board of Trustees for nine years and served as president of the Board. He has served in other volunteer leadership positions throughout the community, including the Lubbock Chamber of Commerce, United Way Board and Campaigns, First United Methodist Church, and the Covenant Health System Board and the Texas Tech Rawls Business School Advisory Board.

### **Lane Riggs**

Lane Riggs serves as President and Chief Operating Officer, overseeing refining operations, engineering, projects and strategic sourcing organizations, commercial operations and renewables and logistics operations. He has been with the company since 1989 and has served in many leadership positions. He began his career at Valero as a Process Engineer at the McKee refinery and subsequently held management positions including General Manager-Process Engineering, Director-Supply and Optimization, Vice President-Refinery Planning and Economics, Senior Vice President-Crude, Feedstock Supply and Trading, Senior Vice President-Refining Operations and Executive Vice President-Refining Operations and Engineering.



### **Reid Ryan**

Reid Ryan served as the Astros president of business operations from 2013 through 2019. In 2020, Reid moves into the role of executive advisor. Before joining the Astros, Reid was the founder and CEO of both the Corpus Christi Hooks and the Round Rock Express minor league franchises, both of which are top franchises in minor league attendance, stadium satisfaction and franchise value. Reid helped to bring the Corpus Christi Hooks into the fold as an owned and operated affiliate of the Houston Astros. The Round Rock Express, as of 2019 is now the Triple A affiliate of the Houston Astros. Reid has maintained his ownership interests in the Pacific Coast League's Round Rock Express. He currently serves as the Gulf Coast League (rookie ball class A) Board of Trustees representative and is a member of the finance committee for minor league baseball. Reid is involved in several other business ventures including R Bank, a Texas-based community bank chartered in Round Rock, Texas, for which he serves as a founding board member and organizer. Reid is an active member in the Houston chapter of Young Presidents Organization, on the board of the Greater Houston Partnership, Central Houston Inc., the Astros Foundation and is a board member for Spring Spirit Baseball.

### **Kevin Roberts**

Kevin Roberts is President of Transwestern's Southwest operations, which includes Houston, Austin, San Antonio, South Texas, and New Orleans. In this role, he works with our real estate professionals to create multi-disciplined, strategic solutions to complex real estate problems for Transwestern clients. Kevin also serves on Transwestern's Board of Directors and Executive Committee. During his 35-year career with Transwestern, Kevin has been instrumental in the repositioning and growth of the firm's third-party service business in the Southwest. Under his direction, the Southwest operation has grown to more than 85 million square feet. Kevin began his Transwestern career as an office leasing agent in Houston, Texas, which allows him to bring a unique perspective to his leadership role. He was instrumental in the success of the Houston high-rise office leasing efforts, completing numerous anchor transactions and onboarding significant management and leasing engagements. Prior to joining Transwestern, Kevin worked for Procter & Gamble and Johnson & Johnson. Kevin is an active member in the following organizations: Greater Houston Partnership, Board of Directors, Member of the Economic Development and Trade Steering Committee; Texas Association of Business, Board of Directors, Executive Committee; University of Houston Bauer Graduate Real Estate Program, Advisory Board Member; Urban Land Institute (ULI); and he received Transwestern's National Founder's Award.



### **Jamey Rootes**

Jamey Rootes serves as President of the Houston Texans. He also serves as President of Lone Star Sports & Entertainment (LSSE), a sports management agency associated with the Texans. LSSE created and now manages the Academy Sports + Outdoors Texas Bowl and the AdvoCare Texas Kickoff. Rootes also oversees the production of many soccer games put on by LSSE such as COPA America in 2016, the Manchester Derby in 2017 and an International Champions Cup match between Real Madrid and Bayern Munich in 2019. In 2016, he was selected as the first-ever Houston Business Journal's Business Person of the Year after serving as chairman of the Greater Houston Partnership. Rootes served on the Super Bowl Host Committees in 2004 and 2017 and was also appointed deputy chairman of two public boards for Super Bowl LI. Rootes led the efforts in securing the Texans appearance on Monday Night Football in Mexico for the first time in NFL history and elevated Houston's visibility on an international scale. Prior to joining the Texans, Rootes helped to launch Major League Soccer as the president and general manager of the Columbus Crew. Rootes was recognized as MLS's Executive of the Year in 1996 and Marketing Executive of the Year in 1999.

### **Gerald Schwebel**

Gerald Schwebel is Executive Vice President, Corporate International Division for International Bank of Commerce (IBC Bank). As a key resource to IBC Bank's international customers, Mr. Schwebel offers special expertise in international trade and finance, industrial/economic development and transportation. Widely regarded as a leading expert on international trade and finance, Mr. Schwebel frequently represents IBC Bank and its customers with top government and business leaders in the United States, Mexico, and Canada. His knowledge and unique overview have led him to present expert testimony before Congress on issues regarding U.S.-Mexico trade including the North America Free Trade Agreement (NAFTA), transportation and logistics, international finance, and U.S. immigration reform. Mr. Schwebel's perspectives on various topics related to international trade, economics, and banking have been featured in some of the major business publications in the U.S. and Mexico. Mr. Schwebel serves as Chairman of the Regional Advisory Council of the University of Texas Health Science Center-Laredo Campus; Member of Board of Advisors of the Texas A&M International University A.R. Sanchez School of Business; and Member of the Webb County Area Health Education Council. Other past leadership positions include Past-President of the Laredo Development Foundation, the Laredo Country Club, and the Laredo Philharmonic Orchestra.

### **Dr. Suzanne Shipley**

Dr. Suzanne Shipley became the 11th president of Midwestern State University in August 2015. A former Fulbright Scholars, all of her degrees are in German. Her research into the lives of German-Jewish women emigrants has resulted in translations of several previously unpublished diaries from the Holocaust. Dr. Shipley came to Midwestern State from the presidency of Shepherd University in Shepherdstown, West Virginia, a fellow Council of Public Liberal Arts College (COPLAC) member. COPLAC is a prestigious organization of 29 public colleges and universities from the United States and Canada.



### **Andrew Silverman**

Andrew Silverman joined the Center Operating Company team as Chief Revenue Officer in July of 2013. In his present role, Andrew oversees all corporate partnerships and premium suites at the American Airlines Center. He also serves on the Center Operating Company Ownership Board and the Dallas Regional Chamber Executive Committee. Silverman brought substantial accomplishments to American Airlines Center from working with a wide array of teams including the Texas Rangers, Columbus Blue Jackets, Miami Marlins, and Disney Sports. Within Silverman's tenure with the Texas Rangers, he was named Executive Vice President of Sales in 2008 and was responsible for all aspects of sales, including corporate sponsorship, season, group, suite, and individual game tickets. In March 2010, Silverman was named Senior Vice President of Sales and Service with the Miami Marlins. He contributed to the opening of Marlins Park by implementing new sales programs, drawing from experience in opening Nationwide Arena in Columbus, OH in 2000 and the \$100 million renovation of Angels Stadium in Anaheim, CA from 1996-98. Silverman served as Vice President of Ticket Sales with the National Hockey League's Columbus Blue Jackets for three seasons. He also brings experience with Disney Sports (the business unit behind the Anaheim Ducks and Angels), as well as the Los Angeles Kings.

### **Dr. Michael R. Williams**

Michael R. Williams, DO, MD, MBA, became the sixth president of UNTHSC in December 2012. The first UNTHSC alumnus to serve as President, he practiced anesthesiology and critical care medicine in Texas for more than twenty years. He then served as CEO of Hill Country Memorial Hospital from 2008-2013, during which time the hospital received numerous state and national awards and became a Truven Top 100 U.S. hospital for 2012 and 2013. Under his leadership the hospital was also awarded the 2013 Malcolm Baldrige National Presidential Best Practice for Leadership Award and named a Top 10 finalist for the 2013 Malcolm Baldrige National Presidential Quality Award. Hill Country Memorial Hospital went on to win the 2014 Malcolm Baldrige National Presidential Quality Award. In 2011, Governor Rick Perry appointed Dr. Williams to serve on the University of North Texas System Board of Regents. He was later appointed to serve on the Texas Wesleyan University Board of Trustees in 2013 and remains an active member. Thus far under his administration UNTHSC has embraced a values-based, collaborative and team culture. He has designed and built a team to implement a two-pronged strategy of regional innovation/entrepreneurism and transformative healthcare in Fort Worth, the North Texas region and beyond.



## TASK FORCE STAFF

**Charis Cranford**, Ryan, LLC

**Matt Grabner**, Ryan, LLC

**Cheryl Portillo**, Ryan, LLC

**Christine Rausin**, Ryan, LLC