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PRESIDENT'S MESSAGE *by Tony Frascarella, P.E.*



Season's greetings! It is hard to believe but 2020 is FINALLY coming to an end! Development of the coronavirus vaccine has been completed in record time and is now being distributed throughout the country. My hope for 2021 is that we finally beat this virus and are able to return to some semblance of normalcy.

The ACEC/MD Legislative Business Agenda was unveiled during this year's Legislative Kick-off Program on November 19, 2020. This year our agenda includes three major priorities including Duty to Defend, Transportation funding and the Transportation Trust Fund, and Qualifications Based Selection (QBS). We were fortunate to have as our featured speaker Delegate Vanessa Atterbeary (District 13), Vice Chair of the House Judiciary Committee. Delegate Atterbeary is a strong supporter of our Duty to Defend legislation, which is sponsored by Delegate Jon Cardin in the House. In the Senate, our bill is sponsored again this year by Senator Chris West, who has been a longtime advocate of our industry's business interests.

Also provided that day was an individual pledge form for CEPAC, ACEC/MD's Maryland Political Action Committee. If you do not already contribute, please consider making a pledge. We have a way to go to meet our pledge goal for the year. I am extremely pleased, however, to announce that for the 16th straight year we have met our ACEC/PAC (federal) goal by raising \$23,550. ACEC/PAC has grown from \$300,000 in the 2002 election cycle to over \$900,000 this year alone, which puts ACEC in the top 2% of PACs in the nation, and enables our message to be heard in Washington. Thank you to everyone who helped us achieve this goal!

Due to COVID-19, our Legislative Action Day, which is normally held in January, has turned into a Legislative Action Strategy, where we will be setting up targeted virtual legislative visits to emphasize the importance of our business agenda priorities. Please plan on attending some of these meetings, especially if we are meeting with your Delegate or Senator. It is important that we try to have at least one representative who resides in the district of the legislator in these meetings. One task that all firms' representatives can do is send to ACEC/MD the districts where their employees live and the district where your office is located.

contact:
Jim Otradovec
 Executive Director
 AMERICAN COUNCIL OF
 ENGINEERING COMPANIES/
 MARYLAND
 8254 Bayside Drive
 Pasadena, MD 21122
 Tel. 410-539-1592





PRESIDENT'S MESSAGE (CONTINUED)

Our General Membership meeting in December was hosted by the Fellows Committee. This program included educators from area universities in a panel discussion on how the pandemic has affected recruiting today and into the future. I was also honored to recognize our two newest Fellows – Alan Straus (AECOM) and Ron Rye (The Wilson T. Ballard Company). Congratulations and thank you Alan and Ron for significantly contributing to the advancement of the consulting engineering community throughout your careers!

The Awards committee has been very active of late. Fifteen projects were submitted with ten selected as finalists in the Engineering Excellence Awards competition. The Grand Award, Outstanding Project Awards, and Awards of Merit will be presented at the General Membership Meeting and virtual Awards Banquet on February 18th. Also awarded will be the recipients of the Community Service, Young Professional and President's awards. We've also added two new awards this year - Engineer of the Year – one from a large/medium size firm and one from a small firm. These awards will recognize the engineering achievements of these individuals and spotlight the well-rounded attributes of our member firms' team members.

We also present four engineering student scholarships at the banquet, focusing on deserving students from Johns Hopkins University, University of Maryland, Morgan State University, Loyola University, University of Delaware, Pennsylvania State University, and Virginia Tech University.

With heavy hearts, however, the committee has decided that we will recognize one of the ACEC/MD scholarship awards in the name of Joseph Graham, Jr., a Morgan State engineering student, who was tragically killed in the August gas explosion in north-west Baltimore. We hope that Joseph's family is able to join us at the banquet as we honor Joseph with the presentation of this scholarship.

Our client facing committee representatives continue working towards achieving their goals with program presentations and business client meetings. On November 12th, we held a well-attended Environmental Business Forum that included presentations on Coast Smart Legislation, Restoration and Mitigation Grant Programs, and Transportation and Environmental Resiliency Planning. On November 17th, our Utilities Committee hosted a Special Presentation on New Policies and Regulations in the Utilities Arena. Committee client meetings were held with Cecil County, MDOT, MD DGS, USACE-Baltimore District, and in conjunction with our ACEC/MW partners, MNCPPC, GSA and NAVFAC Washington. These meetings continue to work towards supporting our goal to strengthen communication with clients to improve procurement policies and partnering opportunities.

I wish you a very safe and happy holiday season, and a prosperous new year. I look forward to working with all of you next year on the challenges that confront us!

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## *LEGISLATIVE ACTION DAY CANCELLED*

### PLEASE UPDATE YOUR LEGISLATIVE DISTRICTS.

With the General Assembly, which convenes January 13th, moving to virtual proceedings necessitated by COVID-19, ACEC/MD is pivoting to a Legislative Action Strategy. Virtual meetings are being scheduled with influential General Assembly members that will consider ACEC/MD's legislation. In order to assist in this effort, you can do your part by providing both the Legislative District where you reside and the district where your firm is located. If you need assistance in determining your Legislative and Congressional districts, please utilize the Advocacy Section on ACEC/MD's website. When you select "Contact Your Elected Officials", you can enter your home and work address in the search box. The system will provide your Maryland and Congressional districts.



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ACEC/MD ROLLS OUT 2021 LEGISLATIVE AGENDA

ACEC/MD officially kicked off the 2021 political season on November 19th at the organization's virtual Legislative Breakfast. At this event, we were pleased to welcome featured speaker Judiciary Committee Vice Chair Delegate Vanessa Atterbeary, who expressed support for our Duty to Defend legislation that will be considered in her committee. Delegate Atterbeary is a practicing attorney, who often encounters uninsurable indemnification clauses in her daily activities.

In addition to the Duty to Defend legislation that mirrors legislation recently passed in North Carolina that ties the duty to court determined proximate cause, the Business Agenda for the General Assembly Session will champion the need to modify the transportation funding formula and promote continued support of QBS when federal or state funds are used for design projects.

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ACEC/MD 2021 LEGISLATIVE AGENDA (CONTINUED)



2021 LEGISLATIVE AGENDA

WHO ARE WE?
An organization of 90 engineering and professional service firms in the State of Maryland

CONTACT INFORMATION
8254 Boyside Drive
Pasadena, MD 21122
www.acecmd.org
P. 410.539.1592 | F. 410.685.5470
acecmd@aol.com

WHO DO WE REPRESENT?
Over 7,000 employees including:

Engineers	Scientists
Architects	Technical Specialists
Land Surveyors	Planners

<p>President Anthony R. Frascarella, PE.</p> <p>Chair, Legislative Committee Samuel F. Minette, Jr.</p>	<p>Chair, CEPAC Steven I. Hawtof, PE</p> <p>Executive Director Jim Otradovec</p>
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Duty To Defend - Equity and Fairness

WHAT IS THE ISSUE?

As a matter of public policy, Maryland law currently voids some forms of broad-based indemnification clauses in contracts relating to construction-projects. Many contracts still require A/E firms and design professionals to indemnify and to assume a duty to defend various other parties with respect to claims caused by others but which the design professional has no legal liability.

Modification to Maryland statutory language is needed to ensure that A/E firms and design professionals are not required to pay for or assume upfront duty to defend claims caused by others, through no fault of the design professional, so that such risks are fairly borne by the responsible parties.

WHY ARE THESE CHANGES IMPORTANT?

- Professional Liability Insurance does not provide coverage for legal fees and costs incurred to defend other parties when there's no established negligence or legal liability of the insured design professional. (In other words, it is uninsurable).
- Small businesses could be bankrupted by the current requirement.
- A design professional's responsibility for claims arising from A/E services should be consistent with established legal principles for professional liability.
- Other states have recognized that limiting such risks in the professional services context is good public policy.

The modifications proposed in no way prevent an owner from recovering damages caused by the fault or negligence of a design professional.

Legislative Action Required

Amend Section 5-401 of the Courts and Judicial Proceeding Article, Annotated Code of MD to void an upfront duty to defend and make indemnification unenforceable unless the design professional is the proximate cause of the injury/ loss/damage. This would fairly assign liability to the responsible party.

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ACEC/MD 2021 LEGISLATIVE AGENDA (CONTINUED)





AMERICAN COLLEGE OF ENGINEERING CONSULTANTS MARYLAND

2021

LEGISLATIVE AGENDA

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Chair, Legislative Committee Samuel E. Minnite, Jr.	Executive Director Jim Otrádovec



**MARYLAND'S TRANSPORTATION TRUST FUND
BALANCE, STABILITY & SUSTAINABILITY**

WHAT IS THE ISSUE?

The revenue generated from the gasoline tax is the major funding source for Maryland's Transportation Trust Fund (TTF). These funds fall short regularly and no longer meet the transportation infrastructure needs of the state. As a result, existing transportation facilities will continue to deteriorate including bridges, roadways, and mass transit systems. This is a dangerous prospect for the citizens of Maryland. If the revenue is not generated from the TTF for these critical repairs, the transportation system of the future will be in jeopardy. It is in the State's best interest to ensure funding levels in the TTF are at a level to sufficiently provide safe, effective and efficient travel. Further, this will ensure we can compete economically and help provide jobs for Marylanders.

WHY ARE THESE CHANGES IMPORTANT?

- To protect the TTF revenues in times where market disruptions adversely impact travel. Lack of a formula that will prevent TTF revenue from falling below a pre-determined level – a "floor" – when unique circumstances are presented (such as the pandemic's impact on fuel tax collections, gasoline prices and commuting) in the current gasoline tax is a structural deficiency in the current legislation and the provision for alternate sources of revenue are not provided.
- Budget shortfalls are now significant. The revenue stream to the TTF is based on an increasingly antiquated formula reliant on gas-powered vehicles. Increasing market acceptance of hybrid and electric vehicles further reduces gas tax revenues.
- Maryland is behind other states in the mid-Atlantic regarding transportation investment. These states have implemented a multi-model, approach to funding both roads and transit.
- There is no sustainable revenue source for transit. Inherent limitations with cost recovery have never been sufficiently addressed.
- System preservation funding is at-risk. Maintenance funding for highways, bridges and transit has been dramatically cut, leading to concerns over public safety.

**Legislative
Action Required**

Three primary concerns – First, Address the structural deficiency (no floor) in House Bill 1515, Transportation Infrastructure Investment Act of 2018. Second, Correct the fuel tax from a wholesale levy to a more efficient retail levy "at the pump." Third, revise the formula for reliance on vehicle gasoline sales which inherently does not recognize the hastening market shift to fuel efficiency and alternative powered vehicles to a formula which does recognize this market shift.

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ACEC/MD 2021 LEGISLATIVE AGENDA (CONTINUED)





ASSOCIATION OF CONSULTING ENGINEERING COMPANIES MARYLAND

2021

LEGISLATIVE INTERESTS

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QUALIFICATIONS BASED SELECTION (QBS)

Both federal and Maryland state procurements use a Qualifications Based Selection (QBS) method to procure professional design services for their projects.

WHAT IS THE ISSUE?

In the interest of public safety, both the federal and state government long ago mandated Qualifications Based Selection as the method to select architects and engineers. Federal and state funds are used by many local jurisdictions for infrastructure projects. Some of these jurisdictions are using a low bid system to select design services related to these initiatives.

Action Required

Encourage all local jurisdictions in Maryland to use the QBS process to select professional design firms when federal or State funds are used to pay for the services.

WHY ARE THESE CHANGES IMPORTANT?

- Qualifications Based Selection leads to higher quality services on public infrastructure projects. Quality professional engineering services are in the best interests of public safety.
- QBS ensures that the most qualified team is selected for the work.
- It provides for consideration of all teams based on past performance.
- Selecting the most qualified firm likely results in better design and construction savings.

WHY A LEGISLATIVE INTEREST?

- Important issue among Architectural/Engineering Firms.
- State legislators can encourage local jurisdictions to advertise through a QBS process.

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ACEC/MD CALL FOR AWARDS NOMINATIONS - DEADLINES ARE JANUARY 8TH

ACEC/MD is pleased to announce that nominees are being sought for both the 2021 Community Service Award and 2021 Young Professional of the Year Award. As indicated by recent ACEC award winners Karen Kahl (RKK), Kunal Gangopadhyay (EBA) and Chuck Phillips (KCI) for Community Service and Stephanie Kunkel (JMT) as Young Professional of the Year, many of our firms' employees are being recognized nationally for doing exciting and important work both for their companies and in the community. Look around your firm and be sure to get your team members the recognition that they richly deserve.

2021 ACEC/MD Community Service Award Nominees Wanted

ACEC/MD is once again looking for employees of member firms that have made significant contributions to their communities by volunteering their time and expertise. These individuals have enhanced the quality of life for all of us, and we would like to recognize their efforts.

The criteria for the award, along with an application, can be found on the ACEC/MD website (www.acecmd.org). Please note that only the official ACEC/MD representative of a member firm may submit candidates. However, a representative from one member firm may nominate a representative from another member firm.

The entry must include the ACEC/MD Nomination Certification and ACEC Nomination Form. To be eligible for this competition, you must send your entry electronically to acecmd@acecmd.org by January 8, 2021. The winner in the ACEC/MD competition will be forwarded to ACEC for consideration in their competition later in the year.

Thank you very much for helping ACEC/MD spotlight the valuable contribution that ACEC/MD member firm employees make to our community.

Call for Nominations for the 2021 ACEC/MD Young Professional of the Year Award Competition

The American Council of Engineering Companies/Maryland is once again soliciting candidates for the 2021 ACEC Young Professional of the Year Award. This award recognizes the accomplishments of our young engineers by highlighting their interesting and unique work, and the resulting impact on society.

The 2021 ACEC Young Professional of the Year award information is posted on ACEC/MD's website (www.acecmd.org) as well as ACEC's website (www.acec.org).

All nominations must be submitted electronically directly to the ACEC/MD office (acecmd@acecmd.org) no later than Friday, January 8, 2021. Please note that nominations will not be accepted directly to ACEC from member firms. The 2021 ACEC/MD award will be honored at ACEC/MD's Awards Banquet February 18, 2021.

The 2021 national winners will be recognized during the 2021 ACEC Fall Conference. Please contact the ACEC/MD office if you have any questions.

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The logo for ACEC, featuring the text "ACEC" in a large, bold, sans-serif font, with a curved line above the text.

ACEC



ACEC/MD CALL FOR NOMINATIONS (CONTINUED)

New This Year - ACEC/MD Engineer of the Year Award from a Small Firm and from a Mid-Large Firm

ACEC/MD is excited to announce the launch of new awards recognizing the important contributions by engineers from both a small firm and a mid-large size firm. Recognizing engineering achievements and community service, these awards are designed to spotlight the well-rounded attributes of our member firms' team members.

Criteria for Awards (must meet all criteria for each award):

Small Firm-

- a. The nominees shall be employees of ACEC/MD Member Firms and not a branch office.
- b. The architectural and engineering operations of the business did not employ more than 100 persons
- c. The nominees shall be a registered Professional Engineer.

Mid-Large Firm-

- a. The nominees shall be employees of ACEC/MD Member Firms.
- b. The nominees shall be an engineer from a Mid to Large firm
 - The firm must qualify as a prime for projects submitted
- c. The nominees shall be a registered Professional Engineer.

Please note that a 100-person firm is the delineation point separating the two awards. You must send your entry electronically to acecmd@acecmd.org, by Friday, January 8, 2021. Contact the ACEC/MD office if you have any questions.

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## TRANSPORTATION FUNDING LEVELS PROJECTED TO TAKE DRAMATIC DROP

Recognizing the need to have solid numbers demonstrating the steep reduction in the CTP, as advised by MDOT SHA, ACEC/MD recently made an official PIA request. We very much appreciate the transparency and partnering spirit demonstrated by MDOT SHA Administrator Smith, and will use these numbers to explain to the General Assembly and the public the need to take action now.

Here is the response ACEC/MD received from MDOT SHA:



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Secretary  
Tim Smith, P.E.  
Administrator

December 3, 2020

Mr. James Otradovec  
American Council of Engineering Companies/Maryland  
8254 Bayside Drive  
Pasadena MD 21122

Dear Mr. Otradovec:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is in receipt of your request (B27160) pursuant to the Maryland Public Information Act, General Provisions Article (GP), § 4-101 *et seq.*, Annotated Code of Maryland. Specifically, you requested:

"Historical, five-year record of actual planning and preliminary engineering program expenditures, exclusive of construction costs, plus the same expenditures programmed for the current CTP period."

Your request is approved. Please see attached for the approved requested record.

GP § 4-206 authorizes MDOT to charge for time incurred to prepare, search, and review documents after the first two hours of work. Since the request was less than the two free hours to fulfill, there is no charge.

The MDOT SHA now considers this request closed.

You have the option to refer any concerns about this determination to the Public Access Ombudsman pursuant to GP § 4-1B-01 *et seq.* Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision.

For efficiency reasons and to keep operational costs as low as possible, we encourage all requesters to submit their PIA requests through the MDOT online form, which can be found at [www.mdot.maryland.gov](http://www.mdot.maryland.gov). Click on the About tab at the top and then Public Information Act. You will find all PIA Representative contact information and other helpful information.

If you have any questions, you may contact me at 410-545-0405 or [clokey@mdot.maryland.gov](mailto:clokey@mdot.maryland.gov). I will be happy to assist you.

Sincerely,

Chris Lokey  
MDOT SHA PIA Representative

|             | IN THOUSANDS      |         |         |         |         |                             |        |        |        |         |         |
|-------------|-------------------|---------|---------|---------|---------|-----------------------------|--------|--------|--------|---------|---------|
|             | HISTORICAL/ACTUAL |         |         |         |         | ESTIMATED (1st Quarter CTP) |        |        |        |         |         |
|             | FY16              | FY17    | FY18    | FY19    | FY20    | FY21                        | FY22   | FY23   | FY24   | FY25    | FY26    |
| Planning    | 60,049            | 54,052  | 53,932  | 84,794  | 107,651 | 47,316                      | 5,440  | 21,255 | 20,550 | 36,100  | 49,600  |
| Engineering | 194,775           | 189,216 | 172,600 | 143,003 | 115,790 | 28,411                      | 12,476 | 46,587 | 43,673 | 67,997  | 81,600  |
|             | 254,824           | 243,268 | 226,532 | 227,797 | 223,441 | 75,727                      | 17,916 | 67,842 | 64,223 | 104,097 | 131,200 |



## *BIG INDUSTRY WINS IN STIMULUS BILL*

*BY ACEC'S LINDA BAUER DARR*

It was a long time coming, but last evening Congress finally approved a second round of stimulus funding as part of its final FY2021 appropriations package. The legislation is the second-largest stimulus in American history, second only to the CARES Act. And like the CARES Act, the bill has several provisions that ACEC has strongly lobbied on for months with the support of our MOs and members. While the bill is not perfect and does not address the FAR credit issue on PPP loan forgiveness, it provides support to American small businesses, state transit agencies, and working families when they need it most.

Our advocacy team has prepared a detailed summary of the key provisions in the COVID-19 Relief and Consolidated Appropriations Act. Make sure to follow us on social media and subscribe to the Last Word blog for any breaking developments and analysis to come.

Here are the bill's highlights:

- Clarifies that expenses covered by Paycheck Protection Program (PPP) loan forgiveness are tax-deductible business expenses. This was a top priority for ACEC advocacy since the PPP program was put in place earlier this year.
- Provides a second PPP forgivable loan for qualifying businesses with 300 or fewer employees.
- Extends and expands the refundable Employee Retention Tax Credit (ERTC) and provides that employers who receive PPP loans may still qualify for the ERTC for wages that are not paid for with forgiven PPP proceeds.
- Provides \$14 billion in supplemental funding for transit agencies, \$10 billion in highway funding for state DOTs, \$2 billion for airports, and \$1 billion for Amtrak. This has been a focus of ACEC throughout 2020. ACEC joined a coalition of groups to push for increased funding to state DOTs, issued action alerts to our members and engaged in direct lobbying with the House and Senate on this issue.
- Includes the Water Resources Development Act (WRDA), which authorizes \$9.9 billion in federal funds for 46 U.S. Army Corps of Engineers projects.
- Makes permanent the Section 179D energy-efficient commercial buildings tax deduction and extends the tax credits for wind, solar, and other renewable resources. This was a key policy goal for ACEC that we highlighted during our 2019 legislative convention.
- Extends through 2025 the Employer Participation in Repayment Act (ERPA), which allows employers to provide up to \$5,250 in student loan payments without it being a taxable benefit to the employee. This has been a key ACEC advocacy issue that was also highlighted during our 2019 fly-in.
- For our federation's 52 state and metro Member Organizations, the bill now makes 501(c)6 organizations eligible for PPP loans if the organization meets certain criteria related to spending on lobbying.

These are some big wins for our industry, representing the culmination of months of grassroots advocacy by our member firms under the leadership of our Government Affairs team in DC, backed by our state execs. Yet there is still more to do.

Our state and municipal clients are hurting and need federal aid beyond the highways and transit plus ups in this bill. We need a long-term infrastructure bill that addresses real revenues. Thankfully, recent remarks by President-elect Joe Biden and his nominee for Secretary of Transportation Pete Buttigieg point to infrastructure as a priority for the new administration.

We have already begun to work with the Biden transition teams who are preparing for January's Inaugural. We are establishing ACEC as a trusted advisor that can provide important industry perspectives to incoming policymakers on the issues that matter to our member firms. We are bullish on 2021 and look forward to becoming an even more impactful organization in the New Year.

2020 has been tough, and the holiday season has been subdued for many of us, but we can take pride in how well the engineering community has performed during these challenging times. And I am confident that we will continue to lead the way in the New Year.

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PACE OF JOB GROWTH SLOWS: "V" SET TO BECOME A "W" BY ANIRBAN BASU (SAGE POLICY GROUP)

U.S. payroll employment rose by 245,000 in November 2020, a figure that would be delightful under normal circumstances but was disappointing under current ones. Today's job growth numbers were the weakest since the economy began its healing process in May and well below the consensus that America would add closer to half a million jobs in November.

U.S. payroll employment is 9.8 million below February's level, when the pandemic brought the lengthiest economic expansion in American history to a premature ending. At November's pace of job creation, it would take until March 2024 to achieve full recovery. Here's the problem. The next few months are set to be even slower in terms of job growth as economic lockdowns resume and the economy is hit with another supply shock.

Some will raise their hands and point out that the unemployment rate declined to 6.7% in November, a multi-month low. True, but even that bright spot is blighted by the fact that the decline was largely attributable to a 400,000 person decline in the labor force. The labor force participation rate fell to 61.5% in November, remaining at levels not observed since Gerald Ford was in office.

If it wasn't clear already, we're plummeting toward a second recession.

You can read my insights on the construction industry's employment situation at Associated Builders and Contractors.

Three Key Takeaways

1. Local government educational employment (public schools) has decreased by 111,500 since September, and state government educational employment (colleges/universities) has fallen by 59,300 jobs over the same period. Many of these jobs will (presumably) snap back once a vaccine is distributed and in-person teaching resumes, but cutbacks will get worse before they get better as states and localities struggle to balance budgets.

2. The food services and drinking places sector lost another 17,400 jobs on net in November. At this point, there's not much left to say about the devastation to the restaurant industry, which will get worse as temperatures continue to dive and outdoor dining becomes impractical in much of the nation.

3. Retail trade lost 34,700 jobs in November. The transportation and warehousing segment added 145,000 jobs in November. Amazon is winning and will keep winning. They are really good at what they do.

What to Watch

Stimulus. We need stimulus. Stimulus, stimulus, stimulus. But even that may not prevent a second recession. Stimulus supports the demand side of the economy. We are facing a supply shock. If we shut it down, the economy recedes even if people have money to spend.

Our 2021 Webinars and Presentations

We're thrilled to announce our 2021 presentation, Anirban Basu and the Chamber of Data. If you're interested in having me give this wizardly economic forecast to your stakeholders, contact us at webinars@sagepolicy.com.

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## *COULD YOU LOSE YOUR JOB FOR REFUSING TO GET A COVID-19 VACCINE?*

by Bryan Renbaum | Dec 3, 2020 | *The Daily Record*

A vaccine for the coronavirus is expected to be available soon. But that does not mean that everybody will choose to get it.

A Gallup poll released last month showed that while 58% of Americans said they would get an FDA-approved COVID vaccine that is made available free of cost; 42% said that they would not.

So what about that 42%?

What happens if their employer insists that they get the vaccine and they refuse? Does the law protect them or does it protect their employer?

"An employer who does mandate a vaccine comes under the Americans with Disabilities Act. So that is considered a medical examination. And they (the employer) have to give certain accommodations. And those include a strongly-held religious belief or sincerely-held religious belief, as well as any kind of medical condition that might make taking the vaccine unsafe for them. So the answer is it depends on why they were refusing the vaccine," Diane Hoffman, director of the Law and Health Care Program at the University of Maryland School of Law, told MarylandReporter.com on Thursday. Hoffman added: "So if they were refusing it for those two reasons then the employer is going to be liable. Otherwise, they are probably not protected from losing their position."

Jessica Waltman, Vice President of Compliance at MZQ Consulting, LLC. in Pikesville, echoed similar sentiments.

"Assuming federal guidance stays the same, employees who just don't want to take vaccination because of medical concerns or non-religious personal reasons would not qualify for legal protection. If an employee claims that they cannot be vaccinated due to religious or medical reasons (like an allergy to one of the vaccine's agents), then their employer could require an attestation or medical documentation. The business would also have to provide a reasonable alternative, such as always wearing an employer-provided N-95 mask while at work."

Waltman added: "Based on what we know now, an employer would be able to mitigate liability by following these rules. Once vaccines are approved and in widespread distribution, businesses could also encourage employees to access the vaccine by offering it at work, similar to the way many offer flu-shot clinics now. Also, group health insurance plans will provide employees with free access to the vaccine as long as the national public health emergency is in effect. Federal rules on the subject make it clear that COVID-19 vaccines must be covered before any deductible and without any cost-sharing requirements, even if you go out-of-network to get it."

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## *COULD YOU LOSE YOUR JOB FOR REFUSING TO GET A COVID-19 VACCINE? (CONTINUED)*

Del. Brian Chisholm (R-Anne Arundel), who sits on the Health and Government Operations Committee, said employer vaccine mandates are likely to trigger a significant number of lawsuits.

"Absolutely. If there's one thing we are not short of in Maryland or in the United States its attorneys and lawyers who are willing to take anything to lawsuits. So I do think that if there are people who are in a situation where they feel like their employer is forcing them to take a vaccine they don't want to take-and then they fire them or force them into a situation they are not comfortable with-then sure-I think there is going to be lawsuits coming."

Gov. Larry Hogan outlined Maryland's draft vaccination plan in an interview with ABC's Good Morning America on Thursday morning. The state submitted the plan to the CDC in October.

"Our plan, which we submitted to the CDC, prioritizes the most vulnerable, so our front line healthcare workers, our nursing homes, then first responders, and as they come in, we just start working our way down that pyramid of a list. And so we're hoping to get maybe 300,000 [vaccines] by the end of December and then hopefully it's going to really ramp up from there as production starts to accelerate."

There are 205,399 confirmed cases of COVID-19 in Maryland as of Thursday morning, according to the state's Department of Health, and 4,606 people in Maryland have died from the virus. The state's positivity rate is at 7.68%, which is well above CDC recommended guidelines for containment. Maryland has conducted more than 4.5 million COVID-19 tests.

Nearly 200,000 new cases of COVID-19 were reported nationwide on Wednesday.

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ACEC/MD PAST PRESIDENT BARRETT NOMINATED FOR ACEC CHAIR

It is with great pleasure that we announce that ACEC/MD Past President Art Barrett, PE, Senior Vice President, Gannett Fleming, Inc. of Baltimore has been nominated to be Chair-elect in 2021-2022 and Chair in 2022-2023 by the ACEC Nominating Committee. Always active in ACEC/MD and ACEC, Art served as ACEC/MD President in 2015-2016 and ACEC Vice Chair in 2018-2020 . He follows in the footsteps of past ACEC leaders that includes: Andrew Parker, PE (Mueller Associates) 1991-1992, Jim Thomas, Jr, PE (George, Miles & Buhr), 1997-1998, and Terry Neimeyer, PE (KCI Technologies) 2011-2012.

We would like to send congratulations and best wishes to Art for this important recognition!

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## *VIRTUAL AWARDS BANQUET SPONSORSHIPS*

While things are certainly different this year due to COVID-19, the American Council of Engineering Companies/Maryland (ACEC/MD) is pleased to offer interested firms the opportunity to cosponsor ACEC/MD's first virtual Awards Banquet. This annual event recognizes all finalists in our Engineering Excellence Awards Program, along with the recipients of the President's Award, the Young Professional of the Year Award, Community Service Award, the new Engineer of the Year Awards for a Small Firm and a Mid-Large Firm, and the ACEC/MD and Kahl Scholarships. This virtual banquet will be held on Thursday, February 18, 2021 from 4:00 – 5:30 PM.

Member firms, suppliers to the industry, and other interested parties are invited to participate in this celebration by co-sponsoring this event. Included in this sponsorship are:

- Firm logo included in the event registration.
- Color advertisement in the February 18, 2021 event program.
- Logo included in event powerpoint template
- Acknowledgement in the March-April, 2021 ACEC/MD Newsletter.

The investment for sponsoring this event is only:

Gold - full page vertical ad (portrait-6½" high x 4½" wide)\* - \$500.00

Silver - ½ page horizontal ad (horizontal-3½" high x 4½" wide)\* - \$250.00

Bronze - Business card ad\* (horizontal-2" high x 3½" wide)\* - \$100.00

(Please note: Gold ads must be portrait; Silver and Bronze ads must be landscape.)

\* Ad must adhere to the layout and size requirements; otherwise ACEC/MD is not responsible for the appearance.

To take advantage of this opportunity and secure your firm's sponsorship, by the close of business on January 15, 2021, go to Events on the ACEC/MD website – [www.acecmd.org](http://www.acecmd.org) – and select the desired Awards Banquet Sponsorship level. In order to have your firm's logo in the promotional material for the event, please also provide your firm's logo to the ACEC/MD office no later than January 15th. Your firm's ad must be emailed to the ACEC/MD office no later than January 22nd (MUST BE .jpg-200dpi minimum or .eps format; color or black & white;) to [acecmd@aol.com](mailto:acecmd@aol.com). For further information, please contact the ACEC/MD office at 410-539-1592.

We hope you will join us in this celebration of "Excellence in Engineering," and at the same time take advantage of this chance to promote your company's name.

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MEMBER NEWS

A. MORTON THOMAS, INC. (AMT) recently announced the following:

- **Janice Gary** is the recipient of the American Council of Engineering Companies (ACEC) 2020 National Community Service Award. Janice has contributed her time and energy to groups ranging from educators, A/E/C organizations, religious congregations, college students and underprivileged families
- The firm received the Glass Hammer Award from the American Road & Transportation Builders Association (ARBITA). This annual award recognizes a company in the transportation industry that has innovative programs and activities directed toward promoting women leaders in the firm and within associations and community.

STAMBAUGH NESS (SN) has acquired T. Wayne Owens & Associates, PC, a certified public accounting firm headquartered in Augusta, GA, and TWO CPAs & Consultants, Inc. a consulting firm headquartered in Dublin, OH.

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## *ACEC BUSINESS INSURANCE TRUST (BIT)*

ACEC's Trust Programs are designed to enhance your membership investment by helping to control your firm's costs. Programs are available for business insurance (BIT), life/health insurance, and retirement plans. The ACEC Trusts have created partnerships with reputable administrators and plan providers that offer valuable services with quality and competitive prices. In addition to providing business savings, these programs make for an attractive employee retention program in which individual employees benefit from your ACEC purchasing power.

ACEC BIT member benefits include:

- Customized insurance coverage
- Competitive and exclusive insurance rates
- Meaningful risk management advice
- Access to an exclusive BIT Hartford Package
- Individualized brokering of certain policies
- Deductible assistance for qualifying firms
- Royalty sharing for qualifying firms
- Contribution to dues for coalition programs
- National and State Member Organization support

Call 1-833-223-2248 to speak with a licensed broker.

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- Executive Director
Jim Otradovec

REMINDER

AMERICAN COUNCIL OF ENGINEERING COMPANIES/MARYLAND (ACEC/MD)

We've Moved

Effective March 1, 2020, our new address is:

**8254 Bayside Drive
Pasadena, MD 21122**

Our telephone number remains the same - 410-539-1592.



UPCOMING

Awards Program & General Membership Meeting
February 18, 2021
Virtual Event
Watch for details!

For more information on these, and other events, please contact the ACEC/MD office at 410-539-1592, acecmd@acecmd.org, or go to www.acecmd.org. Mark your calendar and to plan to participate!

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contact:
Jim Otradovec
Executive Director
AMERICAN COUNCIL OF
ENGINEERING COMPANIES/
MARYLAND
8254 Bayside Drive
Pasadena, MD 21122
Tel. 410-539-1592

2020 ACEC/MD's
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 Grand Award Winner,
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