

April 13, 2020

To Members of the Maine State Legislature:

I am writing to provide information responsive to a number of questions raised and the suggestion that Bath Iron Works (“BIW”) should shut down operations during the COVID-19 pandemic. In addition to our national defense mission and contractual obligations to the Navy, we have a commitment to protect the health and safety of our workforce in this time of national emergency.

We remain open because the Department of Defense (DoD) has decided that our country’s defense industrial base must remain in operation. The DoD is charged with responsibility for national security and it is up to the DoD to decide whether we remain in operation. The Navy, as the cognizant DoD authority, has directed BIW to maintain normal schedules. On March 19, 2020, Assistant Secretary of the Navy, James Geurts sent a letter to me stating that BIW was expected to continue operations during the Covid-19 pandemic (Geurts Letter).^[1]

As a result, BIW has the same intention to protect the health and safety of its workforce as all other employers who remain at work and are part of the Critical Industry Infrastructure in Maine. That is an obligation we have taken seriously. We make changes daily to our list of precautions that continues to grow as the CDC guidance matures, new executive orders are issued, and we are able to secure additional resources through a strained supply chain where multiple entities are competing for the same resources. The comprehensive list of actions taken to protect the health and safety of our workforce are available on BIW’s website <https://www.gdbiw.com/coronavirus-update.html>

We have and will continue to provide our employees with choices to do what is best for their individual circumstances, while working to preserve the health and economic security of our workforce and communities by continuing operations in the safest manner possible.

Sincerely,



Dirk A. Lesko

Below please find brief responses to your specific questions:

1. In addition to the flexibility the DoD has demonstrated, what more specific DoD actions do you need to be able to order a temporary shutdown as the epidemic peaks in Maine?

If the Navy directs a temporary shutdown, BIW will shut down operations. Unless and until the Navy authorizes a shutdown, BIW will maintain normal operations, while safeguarding our workers, by following CDC and local health official recommendations for the health and safety in this evolving situation. No other major private shipyard constructing ships for the US Navy or any of the US Navy public shipyards have ceased operations.

^[1] https://insidedefense.com/sites/insidedefense.com/files/documents/2020/mar/03232020_gd.pdf

2. What benefits does BIW expect to provide for losses suffered by employees who contract COVID-19, or for members of their immediate household who contract it from them?

BIW provides insurance coverage for its workforce and their eligible family members. As is the case for all other essential service providers, BIW expects that there will be challenging times ahead. BIW is assisting its workers during difficult times and, among other changes, has offered: increased and more flexible access to existing benefits, expanded eligibility and improved access for short-term disability benefits, company paid time for quarantine due to workplace direct contact with a COVID-19 confirmed positive individual, 100% coverage for COVID-19 testing and associated medical visits, and waived all telehealth cost sharing to increase access for routine medical treatment.

3. What burden of evidence will fall on the worker or their family to access these benefits?

BIW recognizes the need for flexibility and access to benefits for our employees and we have worked with our providers to broaden eligibility requirements for benefits, such as short-term disability, and to dramatically simplify the documentation required, recognizing that traditional medical documentation, in many cases, is not currently available.

4. What quantities of N95 masks do you currently have in your inventory, and of other PPE previously requested of BIW by Maine's hospital system?

BIW provided 3,200 N95 masks to Maine Health at its request and remain in close contact with local health care providers. The items in our current inventory are necessary for continued operations.

5. Individual employees report a fear of retribution and/or reassignment for using their unpaid leave option. What reassurance can you provide to employees with this concern?

We have provided online information, daily bulletins, and sent letters to the homes of employees informing them of the available benefit options and will fairly treat any employee who has chosen to utilize those benefits. We have maintained three months of health care insurance and other benefits for more than 2000 employees (and eligible dependents) who have chosen to remain out of work with no risk to job security.

6. Individual employees report a close proximity of desks and other workspaces, not allowing for six-foot physical distancing. Would BIW object to unannounced inspections of workspaces by state, local or federal health or safety officials to verify compliance with these or other health and safety imperatives?

BIW is accustomed to operating in a highly regulated environment with oversight by many federal, state and local regulators. If regulators wish to inspect the facilities, we would expect them to notify us in the same manner they have done whenever they have a routine purpose or an emergent concern. As always, national security protocols must be followed and during the time of pandemic we have severely restricted access to our facilities. We would expect inspectors to comply with security with health screenings, which add time to processing their entry and could result in denial of access to any in the group who does not pass a screening. Otherwise, we will facilitate entry.