

Hosting a Convention During a Pandemic:

How to Keep Participants and Your Organization Safe

On behalf of:



September 21, 2021



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Where Are We Now?

- . COVID-19, Variants, and Fauci....
- . Opinions...wait for it...differ!
- . Battling COVID “fatigue”
- . Future is Unknown



Legal Standards

Applicable Standards for your Organization:

- 1) Negligence and Civil Immunity
- 2) Americans with Disabilities Act
- 3) OSHA
- 4) Contracts



Arkansas Immunity Shield

7
5 16-120-1103. Liability immunity.

6 A person or a person's employee, agent, or officer is immune from civil
7 liability for damages or injuries caused by or resulting from exposure of an
8 individual to COVID-19 on business premises owned or operated by the person
9 or during a business activity managed by the person.

10

11 16-120-1104. Scope.

12 The immunity from civil liability under this subchapter:

13 (1) Is in addition to any other immunity provided by state or
14 federal law; and

15 (2) Applies to a claim brought:

16 (A) In state or federal court; or

17 (B) Before the Arkansas State Claims Commission.

18



18

19 16-120-1105. Exceptions.

20 The immunity from civil liability under this subchapter does not apply

21 to:

22 (1) Willful, reckless, or intentional misconduct resulting in
23 injury or damages to another person; or

24 (2) Workers' compensation benefits paid by or on behalf of an
25 employer to an employee under the Workers' Compensation Law, § 11-9-101 et
26 seq., or a comparable workers' compensation law of another jurisdiction.

27

28 16-120-1106. Presumption.

29 It is presumed that a person or a person's employee, agent, or officer
30 is not committing willful, reckless, or intentional misconduct under this
31 subchapter if the person or the person's employee, agent, or officer is:

32 (1) Substantially complying with health and safety directives or
33 guidelines issued by the Governor or the Secretary of the Department of
34 Health concerning COVID-19; or

35 (2) Acting in good faith while attempting to comply with health
36 and safety directives or guidelines issued by the Governor or the secretary



ADA – Title III Protections

Does the ADA apply to your Organization:

- Are you a “Private Club,” or a place of “Public Accommodation?”
 - *If covered*, do you have any policy or obstacle that prohibits a person with a disability to have “full use and enjoyment” of the event and facilities?
Masks, barriers, vaccine requirement, et.
 - *If so*, can you accommodate a person with a disability?
 - Would doing so result in an *Undue Burden* or *Direct Threat*?
 - *If so*, then no accommodation required.



OSHAaaaaaaaahhhh!

- Your Organization is likely covered by OSHA!
- OSHA is part of the Department of Labor and oversees and enforces the Occupational Safety and Health Act of 1970 (the Act).
 - The Act defines “employer” and “persons” broadly to cover any entity or organization that has at least one employee, including non-profit organizations.
 - The Act applies to any “person engaged in a business affecting commerce who has employees.”

VISIT: <https://www.osha.gov/coronavirus/safework>

(Updated Aug. 13, 2021)



Contracts & Waivers

- Contracts are binding legal documents.
 - READ THEM!
 - Force Majeure Clauses
- Use of Waivers/Assumption of Risk?
- Understand Insurance Coverage/Exclusions
- Communication Plan for Events/Signage



Considerations for Your Next Event(s)

- Follow ADH Guidelines (Indoor Events) & CDC
- Virtual Option? ADA accessible...
- Insurance coverage?
- COVID-19 Prevention Policy?
- Guest *and* Employee protections?



Questions?





Thank You!

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