

2014 Hospitality Law Conference- Preparation/ Planning Think Sheet

A critical exploration of short and long term alternatives and solutions is essential for any business to recover or (in many cases) survive. Although far from a complete listing, here are some 'talking points' to highlight our session. This is intended for contemplating a range of considerations primarily based on facility location, function, scale/breadth, and capacity (guest demographics, staff, services, local and seasonal impact, etc.).

Pre Event Planning and Prep (things to contemplate and formalize BEFORE a catastrophic event)

- **Internal** (within the organizational structure and function)
 - **BUSINESS RECOVERY**
 - ✓ Parent organizational contacts, remote location communications
 - ✓ Supply chain (vendors/ providers); impact identified and duplicated (contemplate short & long term commitments)
 - ✓ Critical manpower functions and skill sets identified
 - ✓ Emergency transportation and emergency shelter needs and capabilities
 - **ADM/ RECORDS/INVENTORY**
 - ✓ Vulnerability assessment completed (impact of entire supply chain evaluated for their role and impact on your facility)
 - ✓ Food/supplies (incoming receipt, suspect product); security, damage, etc. Also, examine compromised goods, isolate, etc.
 - ✓ Guest records; security of financial transaction data (hard copy and e-files) and personal information
 - ✓ Contractual service providers and risk transfer capabilities; current obligations and timetables for anticipated delays
 - ✓ Special concerns; secured vendor or guest equipment, and intellectual property
 - ✓ Electronic capabilities and off site or sequestered provisions (duplication, recovery, security, etc.)
 - ✓ Credentials and licensure contingencies- proof and records of registrations, certifications, compliance, and continuing education proficiency). This covers key skill positions and corporate functions as well as company held certifications.
 - **SECURITY**
 - ✓ Workforce security and protection provisions (service providers, duplication of records, surveillance footage, etc.)
 - ✓ Examine vulnerability of internal/external security and theft of records, money, etc. (plan for pilferage or looting)
 - **OCCUPANTS/BULIDING**
 - ✓ Patron/guest or staff safety, protection from immediate disaster, coordinate evaluation and medical care, longer term residence
 - ✓ Family emergency contact list, next in line, prioritize based on pre-existing conditions
 - ✓ Energy/power restoration and emergency capabilities for critical functions (consider amenities and vital needs)
 - ✓ Food/ water potential use and compromised safety (time/temp controls), potable water and rations, where anticipated
 - ✓ Water infiltration from damaged water lines, nearby neighbors, flood plain, etc

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- ✓ Building/equipment isolation and critical service preservation (HVAC, fire suppression, CO detection, life safety, alarms, etc.)
- ✓ Life safety implications and medical provisions (first responders, kits, and special needs for health contingencies of workers- e.g., diabetics, handicapped, etc.). Consider ADA provisions, life safety controls or impediments.
- ✓ Communication and related contingencies for remote workers, transporters, (off site, communications with others, pre-authorized drivers, health/safety/security verification, etc.)
- ✓ Hazardous material or service supply secured (e.g., pool filtration systems and chemicals, contact with local agencies).
- **External** (outside sources, authorities, and assistance)
 - Suppliers risk anticipated and operational impact of delays or en route cargo
 - ✓ Any guaranteed service obligations to you or you to others (How does one affect another)?
 - ✓ Any unanticipated subcontracted relationships may increase risk? (Will any such relationship compromise your business)?
 - Emergency shelter and vital equipment stand-by capabilities (provisions to take on community residents?)
 - Temp staffing for specialized skills, repairs, or replacements (consider contracts, locale, transportation, language barriers)
 - Public utilities and service restoration (communications, water service, waste disposal/treatment, critical equipment isolation)
 - Public health officials and emergency medical attention
 - Public relations communications (prepared media statements and methods, trained/authorized responders)
 - Legal retainer or staff counsel (short and long term obligations and contingencies- some contractual, some not)
 - Insurance provisions, claim comm/progress reports, use for brainstorming unique risk
 - HazMat response, isolation of hazardous materials & spill recovery, EPA reporting
 - Law enforcement and security contracts to preserve property and contents
 - NOAA, FEMA, HLS, National Guard, American Red Cross, security providers, etc.
 - Compliance authorities (e.g., OSHA, FDA, EPA, ADA, ISO and TRIA registrars, etc.)
 - Outsourcing options and capabilities (short and longer term anticipation)
 - IT specialists, service providers, and short term plans for e-commerce capabilities
 - ✓ Staff capabilities vs. service contract provisions
 - ✓ 24 x 7 x 365 oversight and access to secured sites and to sensitive data ; pre-selected and verified controls
 - ✓ Cloud based recovery model with call centers contacts dispatch updates (e.g., post Sandy contingencies via PURE carrier)

Post Event Deployment (there will be some crossover from initial preparations, but this aspect is needed to circle back and verify plans work)

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- **Internal**
 - Incident response (medical attention, site securement, evacuation and isolation, and command center communications)
 - Post incident assessment and contingency comparison (prep vs. actual).
 - Workforce roll call and safety assurance
 - Post incident debriefing (HR involved with trained response and follow-up).
 - Emergency press release and supply chain communications (re-establish position and prepare statements; consult legal counsel)
 - Plan deployment to all central and remote employees
 - ISP and cell communications verifications
 - Data backup source verification and testing protocols
 - Hazardous materials isolation and securement (close contact with emergency government in local jurisdiction)
- **External**
 - Pro-active public relations communications
 - Health department contacts for compromised workers and suspect exposures
 - Public sanitation and potable water source assurance
 - Law enforcement and fire department contact for contingencies and support
 - Deployment of emergency shelter and key equipment capabilities (workforce and business operations)
 - Supply chain players direct communications to minimize disruptions and clarify temporary vs. full restoration
 - FEMA, NOAA, service providers; work with command central coordinator to discuss the storm track/secondary cells in area
 - Financial institutions, ISP and off site records management centers or sources
 - Confirm cell tower and telecommunications availability (contact emergency government authorities, Nat Guard, Red Cross as needed)

Additional Tips and Considerations-

- Develop working written plan with all affected parties (internal, external, public agencies, franchise parent, supply chain contacts)
- Train and educate skilled functions on all shifts to be sure they understand role and methods
- Test plan to assure that it works as intended (table top exercise to involve various affected parties, etc.)
- Critique and adjust as needed (include others above where adjustments may impact them or infer some changes they need to make)
- This is a dynamic process; it is perpetual and never completed, re-adjustments will be inevitable. Modify the plan to stay current!

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Example; Destination Hotel Resort



The continuum includes the overall system of each player and how their involvement affects your business contingency plan (e.g., data/software, communications, infrastructure, equipment, etc.). In this example, the resort is planning for business continuity and identifying service providers and all potential resources and to what extent they affect their risk. They experienced a Norovirus outbreak to over 200 people (guest/public), > 150 hospitalized.

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Performing a Vulnerability Assessment- One Method

Recognizing potential for an emergency or crisis is critical to an effective Integrated Emergency Management System.

When anticipating potential problems that could develop under emergency or catastrophe conditions, many business-owners find that some trade associations may provide some guidance. Below is one such evaluation system produced by Federal Emergency Management Association (FEMA).

Types of Disasters / Are You at Risk?

Step #1- Make a List- Define the Source and Consequences [What is Conceivable vs. what is likely?] using the chart below. List the disasters that pose significant and impact of that risk to your organization.

- Define results of external sources of loss to people [staff and patrons] or property. List and define key sources of business loss/financial impact.
- Consider foodborne illnesses, fire, hurricanes, terrorism (assaults, shootings, robberies), utility outages, earthquakes, explosions, building collapse, air/water contamination, damage to neighboring buildings, etc.

Step #2- Key Points to Contemplate- When preparing a Vulnerability Assessment, you will need to weigh that potential threat with present capabilities to avoid that risk. Be careful to use present controls when developing your final degree of vulnerability WITHOUT the assistance of other local authorities and response agencies. In short, how well is YOUR organization prepared? Your goal is to examine high risk that scores at or near 15 and demonstrates improved controls are needed. Estimate the probability of emergency occurring, the potential human impact, the potential property impact, and provide a numerical ranking to assess internal & external resources (Example below demonstrates where **the lower the number, the more effective resources and the lower the overall risk rating.**)

FEMA; Vulnerability Analysis Chart [and Example]

Emergency Hazard/ Threat	Probability of Occurrence (1 LO-5 HIGH)	Impact Human, Property and Business (1 LOW-5 HIGH)	Resources Internal and External (1 MANY-5 FEW)	Total Risk Rating
Weather related disaster	3	4	2	9
Violence, robbery, assault	2	5	3	10
Norovirus outbreak	3	5	4	12

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Additional Resources for More Guidance-

- <http://www.emergency.cdc.gov/>
- <http://www.fema.gov/plan-prepare-mitigate>
- <http://www.fema.gov/evaluations-assessments>
- <http://www.fema.gov/response-recovery>
- http://www.theseus.fi/bitstream/handle/10024/40611/Hartmann_Jana.pdf?sequence=1

American Health Lawyers Association-

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- *Legal Perspectives of Emergency Preparedness; Response and Recovery Checklist* (American Health Lawyers Association)-
- <http://www.healthlawyers.org/hlresources/PI/InfoSeries/Pages/EmergencyPreparednessResponseRecoveryChecklist.aspx>

Applied Strategies International (ASI)- Insight on preparing for media relations during a crisis-

- <http://www.applied-strategies.com/FOLDERS-CrisisPrevention/MediaDealing.asp>

Liberty Mutual Insurance- Additional resource summary of references for various forms of crisis management prep and response guides.

National Fire Protection Association (NFPA) - **Standard on Disaster/Emergency Management and Business Continuity Programs*- 2007 Edition
(...provided with permission of NFPA as public domain guidance)

[*Note specifically Annex B for a complete listing of worldwide agencies for various business continuity planning services].