



## **FAQ's for Building Trades Union Members Regarding COVID-19**

**The Minnesota Building and Construction Trades continues to monitor the spread of the coronavirus and the disease COVID-19. This virus has already had an immense impact on our daily lives, including the way we work. Our first priority is the health and safety of the 70,000 union construction professionals in our State. We have developed the following questions and answers to help you navigate this difficult time.**

### **Under the Minnesota Stay at Home Order, can I go to work?**

Yes. Emergency Executive Order 20-20 allows Minnesota building trades workers to leave their homes to go to work. The Order does not require projects to continue if the owner, contractor or workforce cannot continue the project. The Order asks that everyone stay home and only go to and from work, and to meet other basic needs for food, medicine or exercise.

### **Do I need to get “papers” or a letter from my employer to work under the Stay at Home Order?**

No.

### **What can I do on the job site that could help protect me from the coronavirus?**

There are many things that you can do on site to stay safe.

- Practice Social Distancing – The Centers for Disease Control and Prevention recommends maintaining a distance of 6 feet from another person.
- Take breaks and lunch in shifts to reduce the size of the group in the lunch area at any one time to less than 10 people.
- Wash your hands with soap and water often, or use an alcohol-based sanitizer that contains at least 60-90% alcohol.

### **If I have COVID-19 symptoms (cough, fever, respiratory issues) should I report to work?**

No. You should stay home and call your employer to let them know of your symptoms.

### **Should I tell my employer if I may have been exposed to COVID-19, or if I test positive for COVID-19?**

Yes. Seek medical assistance and call the Minnesota Department of Health hotline at 651-201-3920 or 800-657-3903. Consider self-quarantine for 14 days. Let your employer know if any of your co-workers was potentially exposed.

### **Can my employer perform health checks during the COVID-19 Pandemic?**

Yes, employers can do health checks and ask questions reasonably related to COVID-19 exposure, but employers cannot ask questions about underlying health conditions or disabilities. Employers can take employees' temperature if the process is performed by the employer or employer representative and is uniform, non-discriminatory, and confidential.

### **I have underlying health issues that put me in at “high risk” if I contract COVID-19—what should I do?**

Tell your employer that you have an underlying health condition that could put you at high risk. Your employer is required to keep this information confidential to the extent possible. If you believe you can continue to work safely with a reasonable accommodation, ask your employer and request a reasonable

accommodation. You should ask your employer to allow you to stay at home or to give you a lay-off if there is no reasonable accommodation available.

**Can I get workers' compensation if I contract COVID-19 at work?**

Workers compensation would only apply if you can demonstrate that you contracted COVID-19 in the course and scope of your employment and if it was caused by the work.

**My employer wants to change hours, shifts, other terms and conditions of my employment because of COVID-19. What should I do?**

The employer must get an agreement from the Union before making any changes to hours, shifts, or other terms covered by the contract. For changes to conditions that are not covered by the contract, the employer may need to provide notice to the Union of the requested changes and the opportunity to bargain. Contact your union if you have any questions.

**What does an employer have to do if they need to lay off a portion of its unionized trades?**

The employer must follow any applicable terms of the union agreement in conducting layoffs. The employer cannot terminate employees in retaliation for the exercise of the federal or state paid leave rights. Contact your union if you have any questions.

**What if I do not want to go to work out of fear of being exposed to COVID-19?**

You should call your union, ask your employer for a lay-off or furlough and apply for unemployment benefits.

**What Emergency Paid Leave is available to me during the pandemic?**

On March 18, 2020 Congress enacted the Families First Coronavirus Response Act (FFCRA). This federal law provides for two kinds of emergency paid leave.

1. Emergency Paid Sick Leave
2. Emergency Paid Family Medical Leave (FMLA)

This law applies to employers with less than 500 employees.

Full time employees are entitled to 80 hours of emergency paid sick leave.

Part time employees are entitled to pro-rated emergency paid sick leave based on the number of hours they work on average over a 2-week period.

For an employee's own illness or quarantine, the benefit is paid at the employee's regular rate of pay, not including fringe benefits, capped at \$511 per day or \$5,100 total.

If leave is taken for care of others, school closures or child care the benefit is paid at 2/3 of the regular rate, not including fringe benefits, and capped at \$200 per day and \$2,000 total.

This benefit must be used by December 31, 2020.

**When can I use Emergency Paid Sick Leave?**

- If you have been advised by a medical provider to self-quarantine, or if you have coronavirus symptoms (cough, fever, difficulty breathing) and have been seeking a medical diagnosis.
- If you are caring for someone else who has been advised to, or is required to, self-quarantine.
- If you need to care for a child due to school closure or unavailability of a child care provider.

Employers are required to provide emergency paid leave starting on April 1, 2020.

**When can I use Emergency Paid Family and Medical Leave (FMLA) for Child Care?**

Emergency FMLA can only be used if you are unable to work due to a need for leave arising from the closure of a school or day care or unavailability of a child care provider resulting from COVID-19.

This applies to all employees who have worked at least 30 calendar days for the employer.

The first 10 days of such leave is unpaid, but you can use vacation or sick leave during that period.

The remainder of the 12 weeks of emergency FMLA leave is paid at 2/3 of your regular rate of pay. The total payout for emergency FMLA is capped at \$200 per day or \$10,000 total.

This benefit must be used by December 31, 2020.