



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

The Minnesota Building and Construction Trades continues to monitor the impact the coronavirus and the disease COVID-19 on the Minnesota Construction Industry. 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.

### **MINNESOTA STAY AT HOME ORDER**

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

Yes. Emergency Executive Orders 20-20 and 20-23 identify construction as a Critical Industry and allow 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, or 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.

**As a worker in a Critical Industry, do I have access to childcare resources?**

Yes. There are some childcare resources available to critical industry workers. For more information, go to: <https://mn.gov/mmb/childcare/families/>.

### **MEMBER HEALTH**

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

The following are steps workers should be taking now:

- **Don't go to work if you are feeling sick.**
- Don't go to work if you have a fever.
- Don't go to work if you have a cough or shortness of breath.
- Avoid contact with sick people.
- Don't shake hands when greeting others.
- Avoid large gatherings or meetings of 10 people or more.
- Stay at least 6 feet away from others on job sites and in gatherings, meetings, and training sessions.
- Cover your mouth and nose with tissues if you cough or sneeze or do so into your elbow.

- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Clean your hands often by washing them with soap and water for at least 20 seconds. When hand washing isn't available, use an alcohol-based hand sanitizer with greater than 60% ethanol or 70% isopropanol. Soap and water should be used if hands are visibly dirty.
- Clean your hands frequently, including before and after going to the bathroom, before eating, and after coughing, sneezing, or blowing your nose.
- Bring food and water bottles from home to the job site and do not share.
- Drive to worksites or parking areas by yourself—no passengers or carpooling.
- Wipe down interiors and door handles of machines or construction vehicles, and the handles of equipment and tools that are shared, with disinfectant prior to entering.

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

No. You should stay home. You should also call your employer and your union to let them know of your symptoms. You should also contact your health care provider.

**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.

**MEMBER RIGHTS**

**Does my contractor have to follow CDC and OSHA guidelines?**

Yes. All businesses including those employing Critical Sector workers are required to comply with CDC, MDH and OSHA guidance.

**Does my contractor have to have a COVID-19 Preparedness Plan?**

As a critical industry, construction contractors have not been required to create pandemic business plans. However, pandemic business plans are a best practice in the construction industry and many contractors have implemented them. If you are not familiar with whether your contractor has a pandemic plan, you should contact your safety director.

**What should I do if I don't think my worksite is safe or I am afraid to go to work out of fear of being exposed to COVID-19?**

You should call your union to address the workplace safety issue. If you cannot resolve your concerns, you can contact Minnesota OSHA at 651-284-5050, [OSHA.Compliance@state.mn.us](mailto:OSHA.Compliance@state.mn.us).

**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 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.

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

Workers compensation would 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. If you are working in a health care facility in a COVID-19 unit, please contact your union for additional information about the COVID-19 Worker’s Compensation law.

**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 lay-offs. 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.

**COVID-19 SPECIFIC UNEMPLOYMENT BENEFITS**

**My employer offers me work, but I don’t feel safe returning to work. Can I choose not to return to work and continue to receive unemployment benefits?**

No. If your employer offers you work and you are able to return to work, DEED has stated that refusing to return to work may affect your continued eligibility for unemployment benefits. If you refuse an offer to return to work, you must disclose this on your unemployment application. If you feel that your employer is not abiding by CDC and MDH guidance or by a required COVID-19 Preparedness Plan, you can contact [OSHA.compliance@state.mn.us](mailto:OSHA.compliance@state.mn.us).

**What if I am unable to return to work for a COVID-19 related reason? Am I eligible for unemployment?**

- Those who cannot work due to sickness, quarantine, an outbreak at work, school closure, or unavailability of childcare due to COVID-19 are eligible.
- For benefit accounts created after March 1, 2020 through December 31, 2020, the one-week waiting period has been waived.
- Requirements for seeking alternative employment have been waived for health and safety reasons, however, it is recommended that you contact your union to get on the out-of-work list in order to stay eligible for unemployment benefits.

**What if I am laid-off or my hours have been drastically reduced because of COVID?**

Apply for unemployment through the Minnesota Department of Employment and Economic Development (DEED) by visit [www.UIMN.org](http://www.UIMN.org).

**What changes have been made to unemployment by the Federal CARES Act?**

- Weekly unemployment benefits will be increased by \$600 per week between March 29, 2020 – July 31, 2020.
- Benefits can be received for an additional 13 weeks beyond what state law typically allows; and
- These enhancements are for unemployment for any reason – not just COVID-19.

**How do I get the additional \$600 per week in unemployment benefits under the CARES Act?**

- The first week for which you can get the additional \$600 is the week beginning March 29.
- You can request the week of March 29 on or after April 5. If you already requested payment for that week, you will get the \$600 payment automatically.
- You do not need to contact DEED or do anything to get the additional \$600. DEED will automatically process the additional \$600 payment AFTER you request benefits for the week of March 29 (and every week after that you are eligible).
- You will not see the \$600 payment on your online unemployment account. You will only see it on your bank account or your unemployment debit card statement.
- Payments may take a few days to reach your bank/debit card.

**How do I get the additional 13 weeks of Unemployment Insurance under the CARES Act?**

- If you have exhausted your unemployment benefits for this benefit year, you may qualify for the 13-week benefit extension.
- You will need to complete a separate application to receive these supplemental benefits.

## **COVID-19 SPECIFIC LEAVE BENEFITS**

### **What does the Families First Coronavirus Response Act (FFCRA) do?**

- Creates Emergency Paid Sick Leave
  - Provides for 80 hours (ten days) of paid sick leave for full-time employees.
  - For an employee's own illness or quarantine, the benefit is paid at the employee's regular wage rate and capped at \$511 per day and \$5,110 total.
  - The Employer is required to continue to pay for health benefits during the leave.
  - This benefit must be used by December 31, 2020.
- Creates Emergency Family Leave for Care of Children
  - Emergency FMLA can be taken if the employee is unable to work due to school closure or unavailability of a child care provider resulting from COVID-19.
  - The first two weeks of such leave is unpaid. The remaining 10 weeks is paid at 2/3 of the employee's regular rate. An employee's payout for emergency FMLA is capped at \$200 per day or \$10,000 total per employee.
  - The Employer is required to continue to pay for health benefits during the leave.
  - This benefit must be used by December 31, 2020.
- Requires Notice Posting
  - Employers are required to post a notice of rights.

### **When can I use Emergency Paid Sick Leave under the FFCRA?**

- 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.

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

- 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.