



COVID-19 FAQ's for Building Trades Union Members

The safety of Building Trades members is our top priority. The Minnesota Building and Construction Trades continues to monitor the impacts of the coronavirus and the disease COVID-19 on the Minnesota Construction Industry. We have developed the following questions and answers to help union members better understand their rights during the COVID-19 pandemic.

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.

What are the symptoms of COVID-19?

People with COVID-19 have had a wide range of symptoms— ranging from mild symptoms to severe illness. Symptoms may appear **2-14 days after exposure to the virus**. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms. Check this resource to help identify your symptoms: <https://www.health.state.mn.us/diseases/coronavirus/materials/isitcovid.pdf>

If I have COVID-19 symptoms should I report to work?

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

What should I do if I test positive for COVID-19?

Stay home. You should also let your employer and union know if you test positive so that they can help identify anyone with whom you worked in close contact. You should not return to work until all the following occur:

- You have tested negative,
- You have not registered a temperature at or greater than 100.4 degrees Fahrenheit for three days without taking medication to reduce your temperature;
- You no longer have respiratory symptoms (cough and shortness of breath); and
- At least ten (10) days have passed since your symptoms began.

Please do not go and get your personal items from the worksite. Please stay home.

What does it mean to be in close contact with someone who has COVID-19?

Close contact can occur while at work; at home; or caring for, living, or working with, visiting, or sharing a healthcare waiting area or room with a person confirmed to have COVID-19.

“Close contact” is generally defined as:

- Being within approximately 6 feet of a person confirmed to have COVID-19 for more than 15 minutes; or
- Being coughed or sneezed on by someone with COVID-19; or
- Any additional more stringent guidelines set forth by the specific building project site policies and procedures.

What should I do if I learn that I have been in close contact with someone at work who has COVID-19?

It is suggested that if you are contacted that you have been in close contact with someone at work, you should:

- Immediately leave the job site and not return for 14 days.
- Self-quarantine for 14 days.
- If any symptoms arise, you should notify your employer and union and contact your health care provider to get seek tested.

What should I do if I learn that I have been in on a jobsite where someone has tested positive for COVID-19 but I was not in close contact with that individual?

It is suggested that Individuals who have not been in close contact with someone with COVID-19 do not need to self-quarantine but:

- You should monitor for any symptoms of COVID-19.
- If any symptoms arise, you should notify your employer and union and contact your health care provider to get seek tested.
- You should not be dispatched or moved to a new building construction project for 14 days.

What are construction tasks that have risk for getting COVID-19 at a jobsite?

The CDC has identified the types of risk for certain construction tasks.

- **Low risk:** Tasks that allow employees to remain at least 6 feet apart and involve little contact with the public or visitors.
- **Medium risk:** Tasks that require workers to be within 6 feet of one another.
- **High risk:** Entering an indoor work site occupied by people such as other workers suspected of having or known to have COVID-19, including when an occupant of the site reports signs and symptoms consistent with COVID-19.

MEMBER RIGHTS

Can my employer retaliate against me for expressing concern about workplace safety?

No. Executive Order 20-54, Protecting Workers from Unsafe Working Conditions states that employers must not discriminate or retaliate in any way against a worker communicating about occupational safety.

Is my contractor required to have a COVID-19 Preparedness Plan?

Yes. As of June 29, 2020 all critical industry employers, including construction contractors are required to have a COVID-19 Preparedness Plan that complies with the requirements on the StaySafeMN website. Employees must be trained in these plans and the plans must be readily accessible. If you have any questions about your employer's preparedness plan contact your safety director or your union representative. For more information:

<https://staysafe.mn.gov/industry-guidance/construction.jsp>

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.

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.

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.

Can union representatives still visit jobsites?

Yes. Union business agents and representatives can visit construction jobsites to provide representation services to members. Union representatives are required to follow the same safety standards including COVID-19 safety measures as workers on the jobsite.

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.

Do I have to wear a face covering at work?

Workers are required to wear face coverings where social distancing cannot be consistently maintained and face-to-face contact is necessary to perform work. It is recommended that cloth face coverings are laundered daily.

What if I can't safely wear a face covering?

Face shields may be an alternative for people who cannot wear masks due to medical or other conditions. Where cloth face coverings are not safe or appropriate in the work environment or during certain job tasks because they could become contaminated or exacerbate heat illness, employers can provide PPE, such as face shields and/or surgical masks, instead of encouraging workers to wear cloth face coverings.

Does my employer have to provide me with a cloth face covering?

Employers must provide all necessary PPE. However, cloth face coverings are not considered PPE and are not intended to be used when workers need PPE for protection against exposure to occupational hazards. Therefore, employers are not required to provide cloth face coverings. However, employers may choose to provide face coverings to workers to ensure they have one to wear and many unions have provided them to members.

COVID-19 SPECIFIC UNEMPLOYMENT BENEFITS

My employer offered 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?

If you do not feel safe at work, contact your union. 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.

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

Yes.

- 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.

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 25, 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 you could get the additional \$600 was the week beginning March 29.
- The last week you can get the additional \$600 is the week of July 25, 2020.
- 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.

I am running out of employment benefits. What should I do?

Contact your union if you have exhausted your regular benefits (26 weeks) and the additional benefits (13 weeks).

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.