



COVID-19

Updates for Union Leaders

September 8, 2020

Webinar Agenda



- I. Welcome
- II. Overview of Current COVID-19 Information
- III. Considerations for In-Person Union Meetings and Training
- IV. Update on Benefits Available to Union Members
- V. Updated Frequently Asked Questions - COVID-19
- VI. Questions and Discussion

COVID-19 In Minnesota



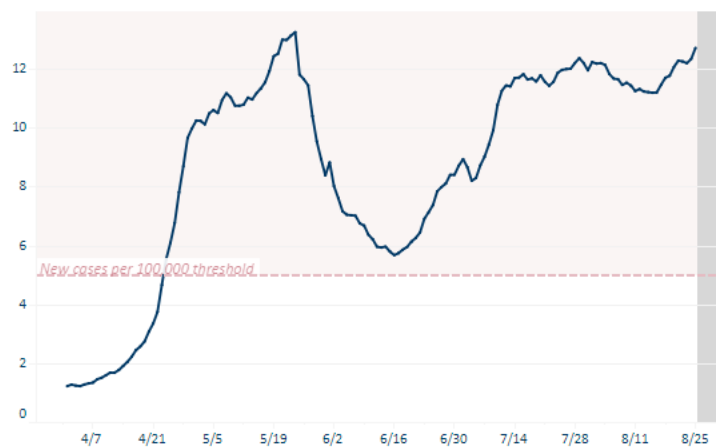
81,225
Confirmed Cases

1,860
Deceased

CASE GROWTH

DAILY NEW CASES PER 100,000 RESIDENTS 7-DAY ROLLING AVERAGE

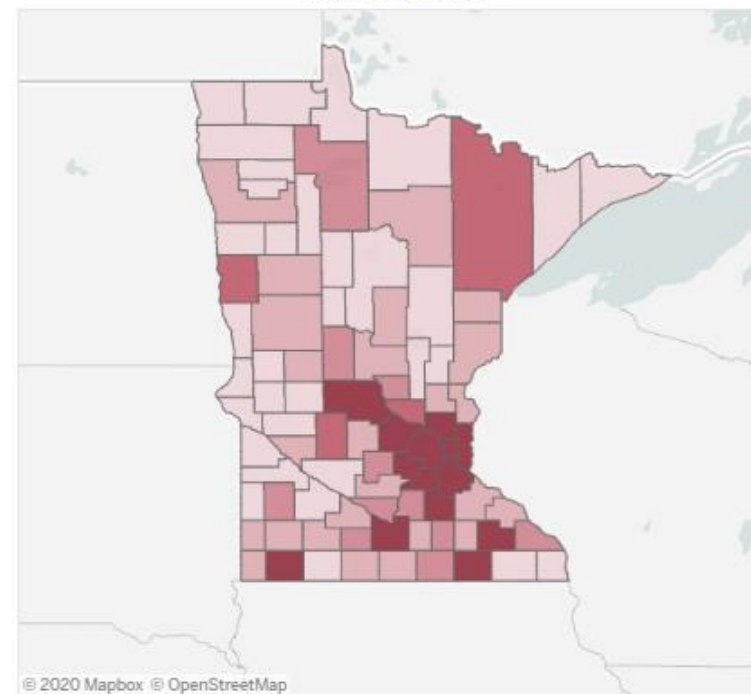
Threshold: New case growth per 100,000 residents is above 5 over 7 days
CURRENT STATUS: CAUTION



CURRENT STATUS: CAUTION

COVID-19: CASES BY COUNTY

August 27, 2020



© 2020 Mapbox © OpenStreetMap

Date:

August 27, 2020

of Cases to Date:

- 0 - 100
- >100 - 300
- >300 - 600
- >600 - 1,000
- over 1,000

Working under the Stay Safe Minnesota Plan



- All workers MUST telework if possible
- Critical Industries – OPEN
 - **Critical labor union functions.** This category includes labor union essential activities, including the administration of health and welfare funds and the monitoring of the wellbeing and safety of members (EO 20-48)
 - Continuously permitted to continue to operate in-person where necessary.
- Non-Critical Industries – OPEN
 - Non-Critical labor union functions were able to resume June 5, 2020 with a COVID-19 Preparedness Plan.
- All unions that are operating must have COVID-19 preparedness plans as of June 29, 2020.

COVID-19 Preparedness Plans Executive Order



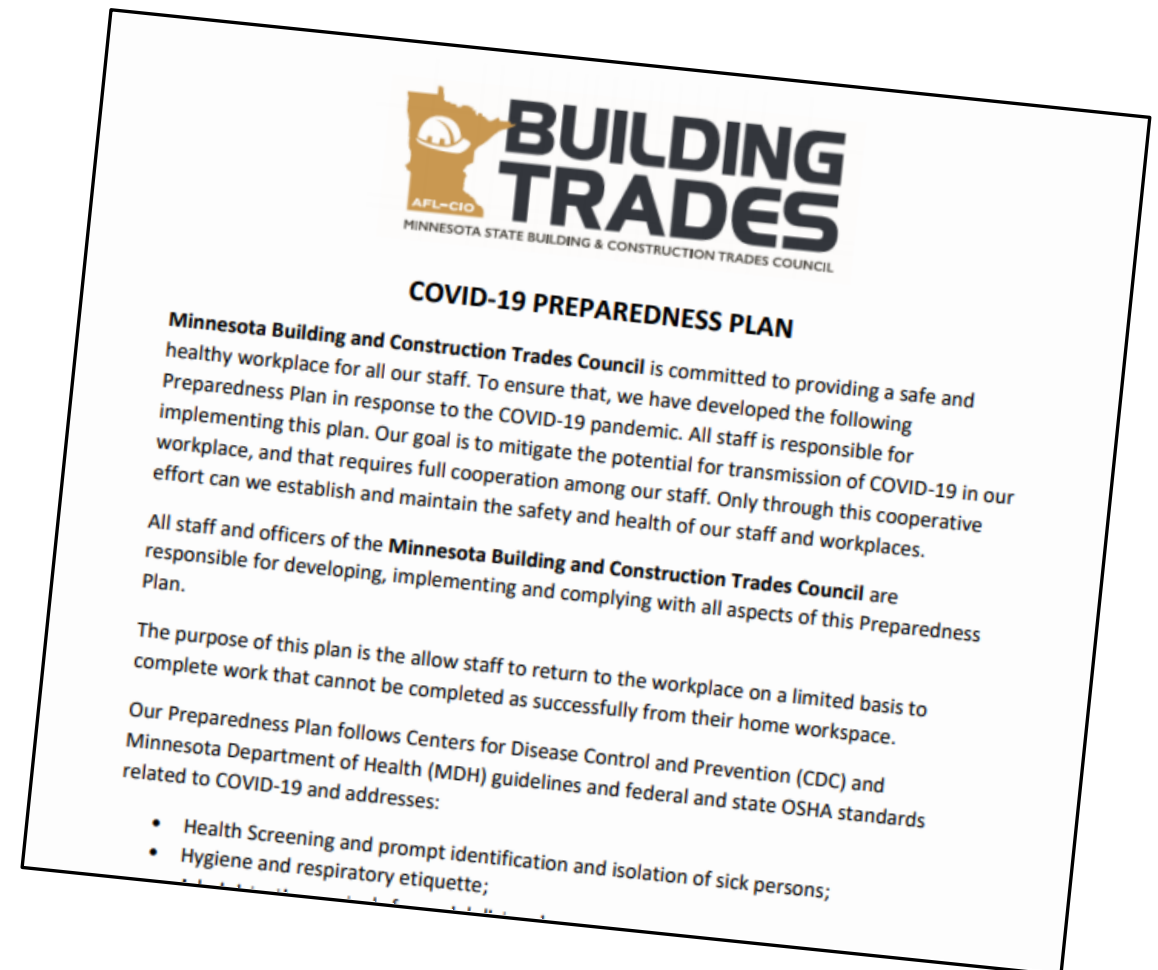
- [Governor's Executive Order 20-74](#) states that all non-critical sector businesses are required to have a COVID-19 Preparedness Plan before re-opening and all critical sector businesses are required to have a COVID-19 Preparedness Plan by June 29, 2020.
- Required Plan contents:
 - A. All Plans must ensure that all workers who can work from home continue to do so.
 - B. Ensure that sick workers stay home.
 - C. All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
 - D. Social distancing. All Plans must establish social distancing policies and procedures.
 - E. Worker hygiene and source control. All Plans must establish hygiene and source control policies for workers.
 - F. Cleaning, disinfection, and ventilation protocols. All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.

COVID-19 Preparedness Plans



For Unions:

- Unions must have a COVID-19 Preparedness Plan
- The plan must be available to all employees.
- The plan needs to address members and visitors to your facilities.
- Templates are available on-line



Face Covering Executive Order



- As of July 25, 2020, per the [Governor's Executive Order 20-81](#), people in Minnesota are required to wear a face covering in all indoor businesses and public indoor spaces, unless alone.
- Additionally, workers are required to wear a face covering when working outdoors in situations where social distancing cannot be maintained.
- Research has shown that use of face coverings can greatly reduce the risk of infection when combined with other prevention efforts such as social distancing and hand hygiene.

Face Covering



For Unions:

- Unions are required to post signs and ensure that employees and visitors to its indoor offices or other facilities are wearing face coverings consistent with the provisions of Executive Order 20-81.
- Unions must provide accommodations to employees and visitors who are unable to wear a face covering.
- Unions should update their Preparedness Plans to include information on face coverings.

The sign is rectangular with a dark blue background. On the left side, the text 'WORK SMART WORK HEALTHY' is written in white, with 'SMART' and 'HEALTHY' in a larger font. On the right side, there is a yellow rectangular area containing the text 'MINNESOTA GUIDELINES FOR FACE COVERINGS AT WORK' in dark blue, and a white icon of a blue surgical mask below it. Below the yellow area, there are three sections of text in white, each preceded by a horizontal line. The first section is 'WORKERS MUST WEAR A FACE COVERING:' followed by three bullet points. The second section is 'WORKERS MAY REMOVE A FACE COVERING:' followed by two bullet points. The third section is 'IF WORKERS CANNOT WEAR A FACE COVERING:' followed by one bullet point. At the bottom, there is a section 'THE USE OF A FACE COVERING IS NOT A SUBSTITUTE FOR:' followed by two bullet points.

**WORK SMART
WORK HEALTHY**

**MINNESOTA
GUIDELINES FOR FACE
COVERINGS AT WORK**

WORKERS MUST WEAR A FACE COVERING:

- In an indoor business or public indoor space, including office spaces.
- When working outdoors where social distancing cannot be maintained.
- When entering another person's living unit for a business purpose.

WORKERS MAY REMOVE A FACE COVERING:

- When alone in an office, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the worker should carry a face covering to be prepared for person-to-person interactions.
- Where wearing a face covering would create a job hazard.

IF WORKERS CANNOT WEAR A FACE COVERING:

- If workers are unable to wear face-coverings due to a medical/physical limitation, or mental health condition, alternative protections must be provided.

THE USE OF A FACE COVERING IS NOT A SUBSTITUTE FOR:

- Social distancing where social distancing can be achieved and maintained.
- Necessary Personal Protected Equipment (PPE).

FAQs – Face Covering



Outside of their home - when does someone NOT need to wear a face covering?

- When they are **outside** and at least six feet away from any other person.
- When **alone** in an office, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area.
 - In such situations, the worker should carry a face covering to be prepared for person-to-person interactions.

What does it mean to work “inside?”

- No specific guidance has been provided.
- Industry is operating under the general principle that when a building is 50% enclosed the construction site becomes an enclosed work area.

FAQs – Face Covering



What's the difference between a COVID face covering and PPE?

- A COVID face covering can take many different forms, such as cloth face coverings or disposable face masks, and is only designed to reduce the risk of spreading the virus.
- PPE is designed to protect against occupational hazards specific to a trade, such as N95 masks, dust masks, or respirators. Of course, some forms of PPE can protect against the spread of the virus.

How do I accommodate members who are unable to wear a cloth face covering at a union meeting?

- If a member claims a disability that prevents them from wearing a cloth face covering, such as asthma, chronic obstructive pulmonary disease (COPD), or other respiratory disability, the Union must discuss a reasonable accommodation with the member.
- Reasonable accommodations may include remote participation in the meeting or minimizing the members' exposure to other members by seating placement and other social distancing measures.

FAQs – Face Covering



What should we do if an employer isn't requiring face coverings on a jobsite?

- Ask to review their COVID-19 Preparedness Plan
- Remind them of the Executive Order to require face coverings.
- Call Minnesota OSHA

Union Meetings & Training



State Guidance:

- Collective gatherings of members are limited to numbers that allow for social distancing to be maintained.
 - This applies to meetings and in-person training.
 - Cloth face coverings are required indoors even when social distancing is possible.
- **Capacity:**
 - 6 feet of social distance,
 - maximum of 250 people in an area
 - approx. 50% occupancy

Union Events – Best Practices



- Ensure union business continues to be conducted in accordance with union constitution and by-laws as modified by guidance from the International Union.
- Share information with members through alternative methods.
- Follow all social distancing and face covering guidelines.
- Don't serve any food or beverages.
- Avoid holding large gatherings and events in person.
- Ask: Just because we can – does that mean we should?

FAQs – Union Meetings



How do I limit attendance at an in-person union meeting to meet the capacity requirements?

- Examples:
 - First Come, First Served
 - Lottery
 - Rotation
- Other solutions:
 - Rent a larger facility
 - Hold meetings remotely via videoconference

What are ways of holding union meetings during COVID?

- Hybrid meetings with both remote and in person attendance
- Remote attendance only
- Regular business meetings
- Follow your International Union's guidelines and procedures.

FAQs – Union Meetings



How do we maintain security for remote meetings?

- Use the security measures provided by your on-line platform. For example:
 - Pre-registration
 - Waiting Room
 - Take attendance

Can we screen people who come to in-person meetings?

- Yes.
- Screening Best practices:
 - Temperature screening
 - Health Questionnaire

FAQs – Training



How are unions providing journey worker and apprenticeship training during COVID-19?

- Examples:
 - In-Person
 - Hybrid
 - Distance Learning

How can we limit COVID-19 exposure for trainees and instructors when doing in-person training?

- Best practices:
 - Temperature screening
 - Health Questionnaire
 - Social Distancing
 - Face Coverings
 - Frequent sanitizing and disinfecting

FAQs – Training



Does a Training Center need a COVID-19 Preparedness Plan?

- Yes.
- Plan must include expectations and protocols to keep trainees and instructors safe.
- Plan must include all requirements of Executive Order 20-74.

Member Benefits During COVID



	FULL WAGES AND BENEFITS	FEDERAL PAID SICK LEAVE BENEFITS (EPSLA) Paid sick leave for up to 80 hours through Dec 31, 2020	FEDERAL EXPANDED FMLA LEAVE (EFMLA) Paid family leave for up to 10 weeks for employees who have worked for employer for at least 30 days through Dec 31, 2020	COVID-19 UNEMPLOYMENT BENEFITS 50% of average weekly wages + \$300 as of August 1, 2020
WORKING Member is working	WAGES: Full Wages BENEFITS: Full Benefits			
COVID LAY-OFF Member is not working or had a reduction in wages because of COVID-19.				WAGE REPLACEMENT: \$1040 per week max. (as of 8/1/20) LENGTH: 52 weeks BENEFITS: None
MEMBER IS SICK Member is experiencing COVID-19 symptoms and is seeking a medical diagnosis		WAGE REPLACEMENT: \$2,555 per week max. LENGTH: 2 weeks BENEFITS: Health*		WAGE REPLACEMENT: \$1040 per week max. (as of 8/1/20) LENGTH: 52 weeks BENEFITS: None
QUARANTINE OF MEMBER Member is under a quarantine order or advice from a health care provider to quarantine related to COVID-19		WAGE REPLACEMENT: \$2,555 per week max. LENGTH: 2 weeks BENEFITS: Health*		WAGE REPLACEMENT: \$1040 per week max. (as of 8/1/20) LENGTH: 52 weeks BENEFITS: None
QUARANTINE OF MEMBER'S FAMILY Member is caring for an individual subject to a quarantine order related to COVID-19		WAGE REPLACEMENT: \$1,000 per week max. LENGTH: 2 weeks BENEFITS: Health*		WAGE REPLACEMENT: \$1040 per week max. (as of 8/1/20) LENGTH: 52 weeks BENEFITS: None
CARE OF MEMBER'S CHILD Member is caring for own child whose school or place of childcare is closed for COVID-19- related reasons.		WAGE REPLACEMENT: \$1,000 per week max. LENGTH: 2 weeks BENEFITS: Health*	WAGE REPLACEMENT: \$1,000 per week max. LENGTH: Additional 10 weeks BENEFITS: Health*	WAGE REPLACEMENT: \$1040 per week max. (as of 8/1/20) LENGTH: 52 weeks BENEFITS: None
*The applicable collective bargaining agreement may require the employer to make contributions for other fringe benefits in addition to Health Insurance while the employee is on paid leave under this law. Please note: You cannot utilize Unemployment Benefits and other wage replacement benefits for the same weeks. <i>This information is provided for guidance only. Please review all program and benefit rules to determine eligibility and actual benefit amounts.</i>				

Ver. 83120

- Unemployment benefits eligibility is narrowing related to the “because of COVID” criteria.
- Some unions have specific benefits available to members that are not on this chart.

Member Benefits – Unemployment



- **Lost Wages Assistance (LWA).** \$300 additional unemployment benefits for workers unemployed due to COVID-19 pandemic from August 1 through mid-September.
- **Up to 52 weeks of Unemployment Insurance available.** Building Trades members who are unemployed should continue to apply for Unemployment Benefits regardless of the number of weeks they have already received benefits. Based on special state and federal unemployment extensions, we do not anticipate that members will “run out” of benefits before late December.

THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT UPDATE

***These materials are for educational purposes only and do not constitute specific legal advice. For legal advice about a particular issue contact legal counsel.**

Emergency Paid Leave Due to The Pandemic (“COVID Leave”)

- The Families First Coronavirus Response Act (“FFCRA”) provides for two kinds of emergency paid leave because of the coronavirus pandemic:
 - (1) Emergency Paid Sick Leave (EPSL)
 - (2) Emergency Paid Family and Medical Leave (EFMLA)

This law applies to employers with **fewer than 500 employees**, in other words, small to medium size businesses.

Paid leave benefits **expire December 31, 2020**. Legislation has been proposed to extend the benefit, but it has not passed.

Emergency Paid Sick Leave (“EPSL”)

- 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 fringes, and capped at \$511 per day and \$5,110 total.
- If the leave is taken for the care of others or school closures/child care, the benefit is paid at 2/3 of the regular rate, not including fringes, and capped at \$200 per day and \$2,000 aggregate.
- This leave benefit must be used prior to December 31, 2020

Reasons to Use Emergency Paid Sick Leave

- (1) The employee has been advised by a medical provider to self-quarantine.
- (2) The employee has coronavirus symptoms (e.g., cough, fever, difficulty breathing) and is seeking a medical diagnosis.
- (3) The employee is caring for someone else who has been advised to, or is required to, self-quarantine.
- (4) The employee is under a federal, state, or local quarantine or isolation order.
- (5) The employee needs leave to care for a child due to school closure or unavailability of a child care provider.
- (6) Catch-all: The employee experiences “substantially similar” conditions as determined by the agencies. The DOL has not identified any such conditions so far.

Emergency Paid Family and Medical Leave for Child Care

- Emergency FMLA can be taken only if the employee is unable to work due to a need for leave arising from the closure of a school or day care or unavailability of childcare provider resulting from COVID-19.
- The first 10 days of such leave is unpaid, but an employee may choose to use EPSL, vacation, sick leave, or PTO during that time period.
- The remainder of the 12-weeks of emergency FMLA leave is paid at 2/3 of the employee's regular rate of pay. An employee's payout for emergency FMLA is capped at \$200 per day or \$10,000 total per employee.
- This leave benefit must be used prior to December 31, 2020

Eligibility for Emergency FMLA Leave

- Applies to all employers with fewer than 500 employees, even if they are not subject to the Family and Medical Leave Act, which requires a minimum of 50 employees within a 75 mile radius.
- Applies to all employees who have worked at least 30 calendar days for the employer.
- Employees are entitled to a total of 12 weeks of FMLA leave, including EFMLA leave, per year. If an employee has already used FMLA for other purposes, that will reduce the amount of EFMLA leave available.

Relationship to Existing Benefits

- Emergency paid sick leave and emergency FMLA benefits are intended to be in addition to existing benefits that are required under a collective bargaining agreement.
- The Employer must continue health and welfare contributions while the employee is receiving paid leave under the FFCRA.
- Other benefits contributions do not need to be paid for hours of Emergency Paid Sick Leave or Emergency FMLA, unless the collective bargaining agreement requires fringe benefits contributions for all “hours paid” rather than “hours worked.”

Paying for the Benefits – Payroll Tax Credit

- Federal law provides for immediate dollar-for-dollar reimbursement for the costs of the benefits. Eligible employers who pay qualifying sick or child-care leave will be able to retain an amount of their payroll taxes equal to the amount of qualifying sick and child-care leave that they paid, rather than deposit them with the IRS.
- The payroll taxes that are available for offset include federal income tax withholdings, the employee share of Social Security and Medicare taxes and the employer share of Social Security and Medicare taxes with respect to all employees.
- If there are not sufficient payroll taxes to cover the cost of qualified sick and child care leave paid, employers will be able file a request for an accelerated payment from the IRS. The IRS expects to process these requests in two weeks or less.

Paying for the Benefits

- Example: If an eligible employer paid \$5,000 in sick leave and is otherwise required to deposit \$8,000 in payroll taxes, including taxes withheld from all its employees, the employer could use up to \$5,000 of the \$8,000 of taxes it was going to deposit for making qualified leave payments. The employer would only be required under the law to deposit the remaining \$3,000 on its next regular deposit date.

Paying for the Benefits – Multiemployer Plans

- The new law allows employers who are parties to multiemployer collective bargaining agreements – like most construction industry employers – to pay for the required leave by contributing the necessary amounts to the applicable multiemployer plan.
- The multiemployer plan, which would typically be the health and welfare fund, would then be required to pay the employee the leave benefits.
- The Fund Administrator can assist the employer in complying with its paid leave obligations.
- The Employer would be required to make additional contributions to pay for the benefits. It cannot simply demand that the Fund pay for the leave benefits.

Layoffs

- An employer may lay off employees for lack of work if work is not available due to the coronavirus pandemic. The FFCRA does not prohibit such layoffs.
- However, an employer cannot lawfully terminate employees for asserting their rights to paid leave under the law. Employers may not discharge, discipline, or otherwise discriminate against any employee who takes paid leave under the FFCRA or files a complaint under the FFCRA.

Enforcement

- Each covered employer must post a notice of rights FFCRA rights in a conspicuous place on its premises.
- Employees may file complaints of violations of their right to paid leave or their right against retaliation with the federal Department of Labor, Wage and Hour Division.
- Employers who violate the paid leave or unlawful termination provisions of the FFCRA may be sued in federal court for double damages and attorney's fees.

FAQs – Lay-Offs and Access



What should I do if the employer says it is “laying off” one or more workers because a worker has reported COVID symptoms?

- Investigate to make sure that the Employer is not discriminating against any employees to avoid paying FFCRA benefits.
- If there is evidence of discrimination, the affected employees can file a DOL complaint.
- If the layoffs are legitimate, advise employees to apply for unemployment benefits.

Can an Owner or General Contractor restrict my jobsite access due to COVID-19?

- No. The Owner or General Contractor cannot bar union representatives from the jobsite or insist on seeing a copy of the Union’s COVID-19 Preparedness Plan as a condition of jobsite access.
- However, the Owner/GC can require union representatives to abide by safety screening protocols such as temperature checks and health questionnaires that it imposes on all visitors to the jobsite.

FAQs - General



Do workers need to get “papers” to travel from other States to work in Minnesota?

- No.
- Minnesota does not have a no-travel rule in place.
- People coming to Minnesota from other states must follow Minnesota Executive Orders.

Can anyone get tested for COVID-19? How long does it take to get results?

- There are test sites all over the state.
- Asymptomatic people can be tested at specific sites.
- Test results generally take 2 days, however some have waited for up to two weeks.

FAQs - Reminders



What if one of my members has COVID-19 symptoms (cough, fever, respiratory issues) or reports to work with symptoms?

- The employer should ask the member not to enter the jobsite or to leave the job site
- The employer should call the union to discuss potential safety measures and protection of the workforce.
- The employer should keep the employee's health information confidential to the extent possible.

What do I do when a member tells me that they may have been exposed to COVID-19, or tests positive for COVID-19?

- Keep their information confidential to the extent possible.
- Encourage them to seek medical assistance.
- Recommend that the member self-quarantine for 14 days.
- Work with the member's employer to determine if anyone else was potentially exposed.

FAQs - Reminders



Can employers perform any health checks of members during the COVID-19 Pandemic?

- Yes, Employers can do health checks reasonably related to COVID-19 exposure.
- Employers cannot ask questions about underlying health conditions or disabilities.
- Employers can take employees' temperature if:
 - Uniform (fever is defined at 100.4 degrees)
 - Non-Discriminatory
 - Confidential

Several members have expressed that they are “high risk” —what should I do?

- Do not inquire as to underlying health conditions.
- Keep private medical information confidential.
- If the member can continue work with a reasonable accommodation, assist the member in requesting a reasonable accommodation
- Encourage the member to stay at home if there is no reasonable accommodation available.

FAQs - Reminders



If an employee is exposed to COVID-19 in the workplace, does the employer need to report it to OSHA? Does the employer need to tell the union?

- Generally, yes.

Can a member get workers' compensation if they contract COVID-19 from work?

- Generally, no.
- Workers compensation would only apply if the worker can demonstrate that they contracted COVID-19 in the course and scope of their employment and if it was caused by the work.

Discussion & Questions



Building Trades COVID-19 Resources:
<https://mntrades.org/covid-19-resources/>