

QUESTIONS AND ANSWERS REGARDING THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

1. Q: How does the Families First Coronavirus Response Act Apply to Me?

A: The Families First Coronavirus Response Act (“Response Act”) was signed by President Trump on March 18, 2020. The Response Act contains a number of provisions that address benefits that may be available to you:

i. Expanded Unemployment Insurance

The Response Act increases federal funding for state-administered unemployment insurance programs. You may be eligible for unemployment insurance benefits under Maryland, DC, and Virginia’s expanded unemployment insurance laws. Additional information concerning unemployment insurance benefits and how you may be eligible for those benefits in light of the current public health crisis are available at these websites:

District of Columbia: <https://does.dc.gov/service/unemployment-compensation-process>

Maryland: <https://www.dlr.state.md.us/employment/uicovidfaqs.shtml>

Virginia: <http://www.vec.virginia.gov/qa-coronavirus>

As I speak, Congress is working on the details of an expanded unemployment compensation benefits. We’ll get you more information on that once it is law.

ii. Emergency Paid Sick Time

The Response Act requires certain employers to provide their employees with up to 80 hours of paid sick time. The law applies to employers with fewer than 500 employees. Employees of covered employers can use paid sick time if they are unable to work because they are:

- subject to a governmental quarantine order;
- advised by a health professional to self-quarantine;
- experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- experiencing a substantially similar condition as designated by HHS;
- caring for another person who is quarantined; or
- needing to stay home to care for a child whose schools or daycare facility has closed.

Employers with fewer than 50 employees may qualify for an exemption from the requirement to provide paid sick time due to school closings or child care unavailability, if providing leave will jeopardize the employer’s business.

Employees become eligible for paid sick time on day one of employment. Full-time employees are entitled to up to 80 hours of paid sick time. Part-time employees are entitled to paid sick time equal to the number of hours the employee works, on average, over a 2-week period.

Employees who cannot work because they are quarantined or who have symptoms of COVID-19 must be paid their regular rate of pay, up to \$511.00 per day (and up to \$5,110.00 total payment per employee). Employees who are unable to work because they are caring for another person or staying home with their children because their school or daycare is closed are entitled to paid sick time in amount of two-thirds their regular rate of pay, up to \$200.00 per day (and up to \$2,000.00 total). Employees may, but are not required, to use their emergency paid sick time before using other leave available to them.

If you are eligible for paid sick time, you will receive emergency paid sick time from your current employer. Where the leave is foreseeable, you should provide notice to your employer as soon as practicable. After the first day of paid sick time, your employer may require you to follow reasonable notice procedures in order to continue receiving paid sick time.

iii. Expansion of Family and Medical Leave

Employees who have worked for their employer for at least 30 calendar days may be eligible to take “public health emergency leave” in order to care for children whose schools or daycare facilities have closed due to the current public health emergency. This expanded family and medical leave applies to private employers with fewer than 500 employees. In addition, small businesses with fewer than 50 employees may qualify for an exemption to provide public health emergency leave if the leave requirements jeopardize the viability of the employer’s business.

Employees may take a total of 12 weeks of public health emergency leave. The first two weeks (10 days) of public health emergency leave may be unpaid, but employees may elect to substitute accrued vacation, personal, or sick leave for this unpaid leave. Employees may also substitute the “paid sick time” described above for the first two weeks (10 days) of unpaid public health emergency leave. After the first 10 days, employees must be paid two-thirds their regular rate of pay, capped at \$200 per day and \$10,000 in the aggregate per employee.

You receive public health emergency leave from your current employer. Where the leave is foreseeable, you should provide notice of leave to your employer as soon as practicable.

iv. Health Provisions

Group health plans must cover services related to coronavirus testing and diagnosis without any cost-sharing, including deductibles, copayments, and coinsurance, and without requiring prior authorization or other medical management requirements.

2. Q: What do I do if my child is home due to school or child care closures?

A: As discussed in Q&A #1, If you work for a private employer with fewer than 500 employees, you may be entitled to paid sick time and public health emergency leave to care

for your child if your child's school or daycare is closed due to the current public health emergency. However, these provisions may not apply to certain employers with fewer than 50 employees if providing this leave will jeopardize the viability of the employer's business.

3. Q: Am I required to use employer-provided sick leave or PTO that I have available before using paid sick time or public health emergency leave under the Response Act?

A: No. You are not required to use your employer-provided sick leave or other PTO before using paid sick time under the Response Act. In addition, if you are eligible to take 12 weeks of public health emergency leave to care for a child whose school or daycare is closed, you may use 80 hours of paid sick time provided by the Response Act during the first 10 days of public health emergency leave that are unpaid.

4. Q: What do I do if my job shuts down and I am: 1) subject to a reduction in force; 2) furloughed; or 3) I am sent home from my job with no information?

A: You may be eligible for unemployment benefits:

If you are employed in the **District of Columbia**, you may be eligible for unemployment benefits if:

- your employer is required to shut down due to a quarantine imposed by a public official;
- your employer shuts down due to business slowdown; or
- if your hours are reduced due to a business slowdown.

If you are employed in **Maryland**, you may be eligible for unemployment benefits if:

- you are laid off temporarily due to a business shutdown as a result of COVID-19
- you are laid off or your hours are reduced due to loss of production caused by COVID-19
- your employer goes out of business

If you are employed in **Virginia**, you may be eligible for unemployment benefits if:

- your employer has temporarily closed or your hours have been cut as a result of COVID-19

Please note that state unemployment insurance laws are rapidly changing. We encourage you to visit your state's unemployment insurance website for up-to-date information.

5. Q: What should I do if I'm not sick with COVID-19, but I'm afraid to go to work because I have at-risk family members at home, or I have an underlying health condition that puts me at greater risk for contracting COVID-19?

A: If you have an underlying medical condition and are concerned about contracting COVID-19, speak with your healthcare provider. If you are advised by a health professional to self-quarantine, you may be eligible for paid sick time under the Response Act, and/or unemployment insurance benefits.

If you decide to leave employment because you have a reasonable risk of exposure or infection to COVID-19, you may be eligible for unemployment benefits if you work in Maryland.

6. Q: What should I do if I am on a job that has a confirmed case of COVID-19?

A: If you are on a job that has a confirmed case of COVID-19, contact Local 26 immediately. We will then be in touch with your employer about the steps the employer is taking to ensure a safe working environment.

If your job is shut down as a result of COVID-19, you may be eligible for unemployment benefits.

7. Q: Can Local 26 tell employees to stay home from a specific job?

A: No. Local 26 cannot tell employees to stay home from a job. If you believe a job is not safe, contact your employer and Local 26.

8. Q: What should I do if businesses in my state have been ordered to close, but my job in another state is still open?

A: As of now, DC, Maryland, and Virginia **have not** issued “shelter in place orders.” If you are working at a job in another state and your job is still open, you may go to work. In addition, although Governor Larry Hogan has ordered all non-essential businesses in Maryland to close, if you are working in Maryland, your particular job may not be affected by this order. This is because businesses and facilities that are considered to be “critical infrastructure” jobs may remain open. This includes, but is not limited to, commercial and residential construction companies, building maintenance companies, and companies engaged in the energy sector. You should check with your employer regarding whether your services are deemed essential.

9. Q: What if I ask my employer for a reduction-in-force or furlough, but my employer says no?

A: If you work in Maryland and you voluntarily decide to leave your employment because of a reasonable risk of exposure or infection to COVID-19 or to care for a family member due to COVID-19, you may be eligible for unemployment benefits. If your employer refuses to give you a RIF or furlough in these circumstances, you should contact Local 26.

10. Q: If my job remains open and I continue to work, am I eligible for hazard pay?

A: No. The Inside Wireman Agreement contains provisions for extra pay for performing hazardous work; however, those provisions do not apply in these circumstances.

11. Has the IBEW issued any directives regarding work under the Inside Wireman or Residential Agreements?

The IBEW and NECA have entered into a National Disease Emergency Response Agreement. This agreement is applicable to Local 26 and any contractors who are bound to a collective bargaining agreement negotiated between Local 26 and NECA, including the Inside Wireman Agreement and the Residential Agreement. The National Disease Emergency Response Agreement provides:

- If an employee reports having contact with someone who is reasonably believed to have contracted COVID-19, or the employee presents symptoms of coronavirus, the employer is permitted to remove the employee from the jobsite and require the employee to obtain a doctor's certification that the employee is able to return to work.
- If an employee has COVID-19, the employer shall notify all employees who are believed to have been in contact with the employee.
- If an employee believes another employee has had contact with someone with COVID-19 or has symptoms of COVID-19, the employee should report this to their employer as soon as reasonably possible.
- No adverse action shall be taken against an employee who refuses to be present at a jobsite if the employee genuinely believes there is imminent danger, and a reasonable person would agree there is a real danger of contracting COVID-19 at the jobsite.
- No adverse action will be taken against an employee who has been quarantined or advised to self-quarantine due to possible exposure to the coronavirus.
- If access to a jobsite is restricted or denied by an employer or another authority, the employer shall be allowed to temporarily furlough the employees assigned to the jobsite. The employer will not contest any unemployment claims filed by employees in these instances. Employees shall be permitted to return to their original positions with their employer upon resumption of work on the jobsite, without the need to go through the referral process.

This Q&A is intended to provide general information. Because laws and regulations frequently change, IBEW Local 26 cannot ensure that the information in this Q&A is current. Be aware that the laws are changing daily. We will do our best to keep you updated.