

International Union of Operating Engineers

Local Union No. 94 94A, 94B



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Covid-19 Questions and Answers Update

If a member becomes ill or tests positive for Covid-19 and not able to work, what are his options?

Under RAB Agreement:

1. Entitlement to Benefits –If illness is not work-related Participant must notify employer they are out ill and is entitled to file for New York State Disability with their employer
2. Participant can withdraw Sick Fund money from their individual Sick Fund account
3. Employer must pay the required contributions when a participant is on disability or worker's compensation, based on Art. XI, sec. 5 of RAB Agreement.
4. Entitlement to Wages – Participant can file for the weekly Loss of Time benefit with the Health & Benefit Fund if the illness is not contracted on the job
5. If the illness is contracted on the job the participant must file for Worker's Compensation with their Employer, the participant is not entitled to the Loss of Time benefit with the Health & Benefit Fund
6. Floaters (By Request of Employee)
7. Vacation (By Request of Employee)

Under State and Federal Guidelines:

1. Eligible for Unemployment (UI) – No, not while he/she is unable and unavailable for work due to Covid-19 illness. If after recovery, he/she is laid off or told not to come to work, he/she should file a claim for UI. Individuals will receive the regular weekly UI benefit they are entitled to. An additional 13 weeks of benefits are provided for a total of 39 weeks in New York State. In addition, for weeks of unemployment from March 27 through July 31, they will receive the Federal Pandemic Unemployment Compensation ("PUC") which is an additional \$600 per week.
2. FMLA – Yes, the RAB agreement provides a better benefit in Article XII, sec. 5 for unpaid leave of absence for illness and injury. Check provision for requirements.
3. Worker's Compensation: Possibly. If worker knows or has reason to believe that he was exposed to Covid-19 at work or was infected with Covid-19 in the course of his job, he should keep record of

exposure or the facts that are relevant to his possible exposure and notify employer of it. Refer case to Worker's Compensation attorney regarding filing a C-3 claim form.

4. Disability Benefits: Yes. File with employer's insurance carrier.
5. NYS COVID-19 Paid Sick Leave: Yes, available if worker is under a precautionary or mandatory quarantine order but *only to extent it exceeds federal emergency paid sick leave*. (See number 6 below) . Member must get an order of quarantine or isolation order from local health department or, pending that, from a medical provider who is treating. Paid Sick Leave request forms are available through their employer, employer's insurance carrier, or at www.paidfamilyleave.ny.gov. The amount of leave and paid leave depends on size of employer. File application through your employer's insurance carrier.
6. Federal emergency paid sick leave (EPSLA): Yes, federal law provides 80 hours of paid sick leave for a worker who has Covid-19 symptoms *and* is seeking medical diagnosis or who has been advised to self-quarantine or is subject to quarantine order. This paid leave is *in addition* to any other paid leave. Applies to employers with fewer than 500 employees. **Member must apply directly to the employer and provide basic info as to reason for leave.** There is a cap of \$510 per day and \$5100 for 80 hours.

If a family member becomes ill or tests positive with Covid-19 and employee is quarantined?

Under RAB Agreement:

1. Entitlement to Benefits – No, unless employer is paying employee to stay home, then benefits will continue to be paid.
2. Entitlement to Wages – No, unless employer is paying employee to stay home.
3. Floaters (By Request of Employee)
4. Vacation (By Request of Employee)

Under State and Federal Guidelines:

1. Eligible for Unemployment: No.
2. FMLA: Yes, the RAB agreement provides a better benefit in Article XII, sec. 5 for unpaid leave of absence for illness and injury. Check provision for requirements.
3. Worker's Compensation: No
4. Disability: No

5. NYS COVID-19 Paid Sick Leave: Yes, available if worker is under a precautionary or mandatory quarantine order but only to the extent it exceeds federal emergency paid sick leave (See number 7 below). Member must get an order of quarantine or isolation order from local health department or, pending that, from a medical provider who is treating. Leave request forms available through your employer, employer's insurance carrier, or at www.paidfamilyleave.ny.gov. The amount of leave and paid leave depends on the size of your employer. You should file your application through your employer's insurance carrier.
6. NYS Paid Family Leave: Possibly, if member is taking care of close family member (spouse, domestic partner, child, stepchild, parent, stepparent, parent-in-law, grandparent, grandchild) with a serious health condition (likely to include Covid-19). Doctor must provide certification of health condition. Leave request forms are available through your employer, employer's insurance carrier, or at www.paidfamilyleave.ny.gov. Benefit amount is 60% of average weekly wage, maximum of \$847.70 per week, for up to 10 weeks.
7. Federal emergency paid sick leave (EPSLA): Yes, federal law provides 80 hours of paid sick leave for a worker has been advised to self-quarantine or is subject to quarantine order. This paid leave is *in addition* to any other paid leave. Applies to employers with fewer than 500 employees. **Member must apply directly to the employer and provide basic info as to reason for leave.** There is a cap of \$510 per day and \$5,100 for 80 hours.

If member has underlying condition and stays home with doctor's note, what are his options?

Under RAB Agreement:

1. Entitlement to Benefits – No
2. Entitlement to Wages – No
3. Floaters (By Request of Employee)
4. Vacation (By Request of Employee)

Under State and Federal Guidelines:

1. Eligible for Unemployment: No, unless member is laid off or terminated by employer. If he/she is laid off or told not to come to work, he/she should file a claim for UI. Individuals will receive the regular weekly UI benefit they are entitled to. An additional 13 weeks of benefits are provided for a total of 39 weeks in New York State. In addition, for weeks of unemployment from March 27 through July 31, they will receive the Federal Pandemic Unemployment Compensation ("PUC") which is an additional \$600 per week.
2. FMLA: Possibly, depending on your underlying condition, contact your physician.

3. Worker's Compensation: No
4. Disability: Maybe, if according to your doctor you are not able to work due to illness or injury. If so, file for disability benefits with the employer's insurance carrier and the Loss of Time benefit with the Health & Benefit Fund.
5. NYS COVID-19 Paid Sick Leave Member may be eligible if he/she gets an order of quarantine or isolation due to his underlying condition order but only to the extent it exceeds federal emergency paid sick leave (See number 6 below). Member must get the order from local health department or, pending that, from a medical provider who is treating. Forms are available at www.paidfamilyleave.ny.gov. The amount of leave and paid leave depends on size of employer. Apply through employer's insurance carrier.
6. Federal emergency paid sick leave (EPSLA): May be eligible if advised to quarantine to avoid exposure per doctor's order. Federal law provides 80 hours of paid sick leave for a worker who has Covid-19 symptoms and is seeking medical diagnosis or worker has been advised to self-quarantine or is subject to quarantine order. This paid leave is in addition to any other paid leave. Applies to employers with fewer than 500 employees. **Member must apply directly to the employer and provide basic info as to reason for leave.** There is a cap of \$510 per day and \$5100 for 80 hours.

If member has underlying condition and stays home with no doctor's note, what are his options?

Under RAB Agreement:

1. Entitlement to Benefits – No
2. Entitlement to Wages – No
3. Floaters (By Request of Employee)
4. Vacation (By Request of Employee)

Under State and Federal Guidelines:

1. Eligible for Unemployment: No, unless member is laid off or terminated by employer. If he is laid off or told not to come to work, he should file a claim for UI. Individuals will receive the regular weekly UI benefit they are entitled to. An additional 13 weeks of benefits are provided for a total of 39 weeks in New York State. In addition, for weeks of unemployment from March 27 through July 31, they will receive the Federal Pandemic Unemployment Compensation ("PUC") which is an additional \$600 per week.
2. FMLA: No
3. Worker's Comp.: No

4. Disability: No, unless member not able to work due to underlying illness or injury. If so, file for disability benefits.
5. NYS COVID-19 Paid Sick Leave: Member may be eligible if he gets an order of quarantine or isolation due to his underlying condition order but only to the extent it exceeds federal emergency paid sick leave (See number 6 below). Must get order from local health department or, pending that, from a medical provider who is treating. Forms available at www.paidfamilyleave.ny.gov. Amount of leave and paid leave depends on size of employer. Apply through employer's insurance carrier.
6. Federal emergency paid sick leave (EPSLA): May be eligible if advised to quarantine to avoid exposure per doctor's order. Federal law provides 80 hours of paid sick leave for a worker who has been advised to self-quarantine or is subject to quarantine order. This paid leave is in addition to any other paid leave. Applies to employers with fewer than 500 employees. **Member must apply directly to the employer and provide basic info as to reason for leave.** There is a cap of \$510 per day and \$5100 for 80 hours.

If member has to care for children during school closure, what are his options:

Under RAB Agreement

1. Entitlement to Benefits – No
2. Entitlement to Wages – No
3. Floaters (By Request of Employee)
4. Vacation (By Request of Employee)

Under State and Federal Guidelines

1. Eligible for Unemployment: No, unless laid off or terminated by employer. If he is laid off or told not to come to work, he should file a claim for UI. Individuals will receive the regular weekly UI benefit they are entitled to. An additional 13 weeks of benefits are provided for a total of 39 weeks in New York State. In addition, for weeks of unemployment from March 27 through July 31, they will receive the Federal Pandemic Unemployment Compensation ("PUC") which is an additional \$600 per week.
2. FMLA: No.
3. Worker's Comp.: No
4. Disability: No
5. NYS COVID-19 Paid Sick Leave: Yes, available if school is closed due to order of State, local health department or other governmental entity. Available to the extent it exceeds what federal law

requires. Member must get a copy of order of quarantine or isolation. Forms available at www.paidfamilyleave.ny.gov. Amount of leave and paid leave depends on size of employer

6. Federal emergency sick leave (EPSLA): Yes, federal law provides 80 hours of paid sick leave for an employee who must take care of child due to school closure. Applies to employers with fewer than 500 employees. This paid leave is in addition to other paid leave. **Member must apply directly to the employer and provide basic info as to reason for leave.** There is a cap of \$510 per day and \$5100 for 80 hours.
7. Federal emergency family medical leave (EFMLEA): Yes, federal law expanded the reasons for FMLA to include the need to leave work to care for a child who school is closed or child care provider unavailable and requires that it be paid for 10 weeks at 2/3rds regular pay. Applies if employee has been employed by that employer for 30 days and employer has fewer than 500 employees. An employer with fewer than 50 employees can claim a small business exemption for this benefit. **Member must apply directly to your employer and provide basic info as to reason for leave.** There is a cap of \$200 per day because or \$2,000 over a two-week period.

If member is laid-off, what are his options:

1. Eligible for unemployment: Yes, if he is laid off, he should file a claim for UI. Individuals will receive the regular weekly UI benefit they are entitled to. An additional 13 weeks of benefits are provided for a total of 39 weeks in New York State. In addition, for weeks of unemployment from March 27 through July 31, they will receive the Federal Pandemic Unemployment Compensation ("PUC") which is an additional \$600 per week.

If member is on reduced work schedule or a modified schedule like one week on and one week off:

1. Eligible for unemployment: Yes, if members work less than 4 days per week or on a modified schedule such that they are not working at least four days each week, members are eligible for partial unemployment benefits, which will include the additional \$600 per week for Pandemic Unemployment Compensation for the weeks of unemployment from March 27 through July 31.

Once the member has filed a claim, he must claim weekly benefits for each week he is unemployed or employed less than 4 days per week and must report all work including part-time work. If the member does not claim benefits for a particular week, the next week he claims benefits, he will be asked on the online questionnaire, why he did not claim the last week.

IF YOU HAVE ANY BENEFIT-RELATED QUESTIONS, CONTACT THE HEALTH AND BENEFIT FUND

**IF YOU HAVE ANY QUESTIONS ABOUT COLLECTIVE BARGAINING
ISSUES, CONTACT YOUR BUSINESS AGENT**