

FAQs about Illinois Construction Employment during COVID-19 Based on information available as of March 23, 2020

1. **Does Illinois's Stay at Home Order mean construction sites must be shut down?**

No, the Order permits construction sites in Illinois to stay open, provided they satisfy some basic safety precautions, including six-foot spacing for employees and providing hand sanitizer and sanitizing products. Contact your Union if your employer is failing to do either of those things.

2. **Will I be eligible for unemployment on the day my employer shuts down due to the Stay at Home Order?**

Yes, an individual temporarily laid off in this situation could qualify for benefits as long as he or she was able and available for and actively seeking work. Under the emergency rules IDES (Illinois Department of Employment Security) recently adopted, an individual would be considered to be actively seeking work as long as the individual was prepared to return to his or her job as soon the employer reopened. As of now, the Stay at Home Order is in effect through April 7, 2020.

3. **Can I self-quarantine if I am fearful of getting COVID-19 at work and collect unemployment?**

Most likely no, you cannot collect unemployment if your employer has work for you to perform but you do not want to go work, for safety, sickness or other reasons. While generally disqualified, the eligibility of an individual in this situation will depend on whether the facts of the case demonstrate you had a good reason for not working and that reason was attributable to the employer.

4. **Does my employer have to give me the Emergency Paid Sick Leave that Congress approved?**

Yes, if the employer is still operating, if the employer has fewer than 500 employees, and if you fall into any of the categories below:

- You are subject to a federal, state, or local quarantine or isolation order (which is not the Stay at Home order itself since construction sites are exempt);
- You have been advised by a health care provider to self-quarantine;
- You are experiencing symptoms of coronavirus and seeking a medical diagnosis;
- You are caring for a person subject to a federal, state, or local quarantine or isolation order or who has been advised by a health care provider to self-quarantine (the person can be a child, adult or anyone who is self-quarantined for some medical condition like a compromised immune system);
- You are caring for a son or daughter whose school or day care is closed; or
- You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, the Secretary of the Treasury, and/or the Secretary of Labor.

Leave taken for first three bullet points is paid at your regular rate of pay subject to a limit of \$511 per day and \$5,110 total, and leave taken for the last three bullet points is two-thirds of the employee's regular rate of pay subject to a limit of \$200 per day and \$2,000 total.

This is in addition to whatever paid leave time your employer otherwise offers you. Furthermore, your employer cannot require you to use other paid leave first, you can take the Emergency Paid Sick Leave first and save your other paid leave.

Contact your Union if your employer denies you leave or pay, or if you believe you have been improperly denied either.

5. I have kids who cannot go to school or daycare, because of the State's orders. Is my job protected if I cannot to go work because I need to be home with them?

Yes, if your employer has fewer than 500 employees and you have worked for the employer for at least 30 calendar days. You are able to take FMLA leave with some pay under the Emergency Family and Medical Leave Expansion Act, and you should ask your employer to put you on that kind of leave. The first 10 days you take such a leave may not be paid, depending on different variables.

6. What if I am sick or concerned that I have coronavirus symptoms, will I lose my job?

If your employer offers, or your CBA requires, FMLA leave, you are eligible to take FMLA leave for COVID-19 treatment or quarantine where you have medical documentation to establish your condition. Additionally, if you have a compromised immune system and are ill but not sure you have COVID-19, your health care provider should provide you with a written excuse from work due to your immune system. FMLA generally allows an eligible employee 12 weeks unpaid leave and the right to return to your job after that, or whenever your physical conditions allow before then. Contact your Union if you believe you are being denied FMLA leave or if you have questions about whether you could take FMLA leave.

If your employer does not provide FMLA, or if you are ineligible for FMLA for any reason, you may be eligible for Emergency Paid Sick Leave, see No. 4 above, and your employer cannot retaliate against you (*e.g.* fire you) for taking the leave.

If you have concerns about job-site safety, please contact your Union. Also, if you believe you are being denied sick leave or FMLA or other benefits under your CBA, please notify your Union.

Every employer will respond differently to the COVID-19 situation, and the Union will do everything it can to make sure employees are given every appropriate benefit provided under the CBA and state and federal law.