

FAQs about Michigan Construction Employment during COVID-19

Based on information available as of March 23, 2020

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

Yes, unless the work being done is necessary to sustain or protect life, which is defined as work being performed by Essential Critical Infrastructure Workers. Guidance on who is considered Essential Critical Infrastructure Workers has been issued by the Cybersecurity and Infrastructure Security Agency and can be found at the following web address: <https://www.americanchemistry.com/Guidance-on-the-Essential-Critical-Infrastructure-Workforce.pdf>.

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

Yes, if your employer does not let you work because it is shutting down for the Stay at Home Order, you are eligible for unemployment. You will not have to look for work during this particular type of unemployment. As of now, the Stay at Home Order is in effect through April 13, 2020.

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

Maybe. Executive Order 2020-10 expands unemployment benefits to workers who are sick, quarantined, or immunocompromised and who do not have access to paid family medical leave. So, if you are immunocompromised and fear getting COVID-19 at work, you can collect unemployment if you do not have access to paid family medical leave.

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

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

- You are subject to a federal, state, or local quarantine or isolation order (which does not include closures and shutdowns as a result of the Order);
- 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;
- You are caring for a son or daughter of the employee 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. If you are not eligible for the expanded FMLA leave, but cannot work because you need to care for a child whose school or daycare has closed, you are eligible for unemployment.

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.