

# FAQs about Tennessee Construction Employment during COVID-19

## Based on information available as of March 23, 2020

**1. Do any of the “Safer at Home” Orders mean construction sites must be shut down?**

No, the Orders permit construction sites to stay open. Employers have been encouraged to 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 COVID-19?**

Yes, if your employer does not let you work because it is shutting down because of COVID-19, you are eligible for unemployment. All eligibility and job search requirements are still in place, although the State is looking at relaxing some of these requirements. Your employer may have filed a claim for you if it does a mass layoff. You should check with your employer first to see if it has because then you will not need to.

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

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.

**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 Safer at Home Orders themselves 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;
- 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.

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

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.

If your employer denies you paid leave, you may qualify for unemployment benefits under Tennessee Governor's executive order. If leave is denied, you should also apply for benefits and the Department of Labor and Workforce Development will make a determination if you should get unemployment.

**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.**