



AGC
THE CONSTRUCTION
ASSOCIATION

**Ogletree
Deakins**

April 3, 2020

Ask the Experts:

Impact of Coronavirus on Union Contractors

**A Conversation with Experts on the
Labor and Employment Law Considerations
for Union Construction Contractors**

Today's Panel



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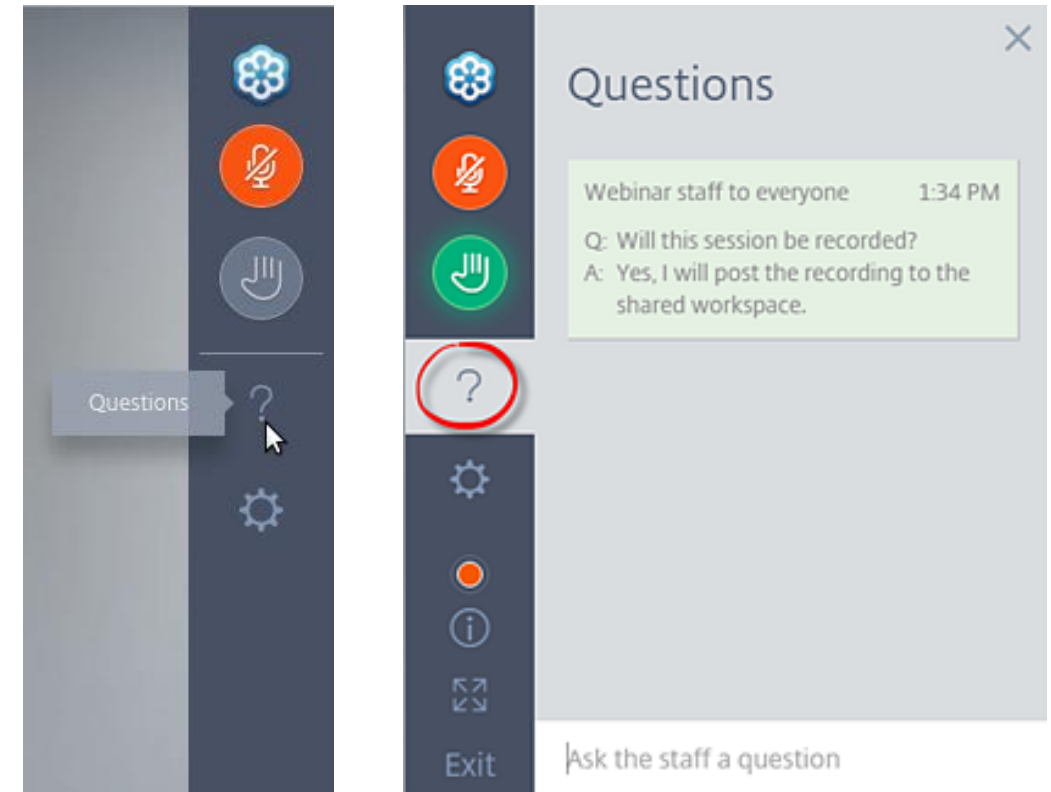
Grace H. Ristuccia
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Today's Format



Ask the Experts:

- Interview and moderated conversation
- Live questions encouraged (may not have time to get to all)
- Webinar recording to be emailed to all registrants soon



LEGAL DISCLAIMER



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Considerations for Union Contractors



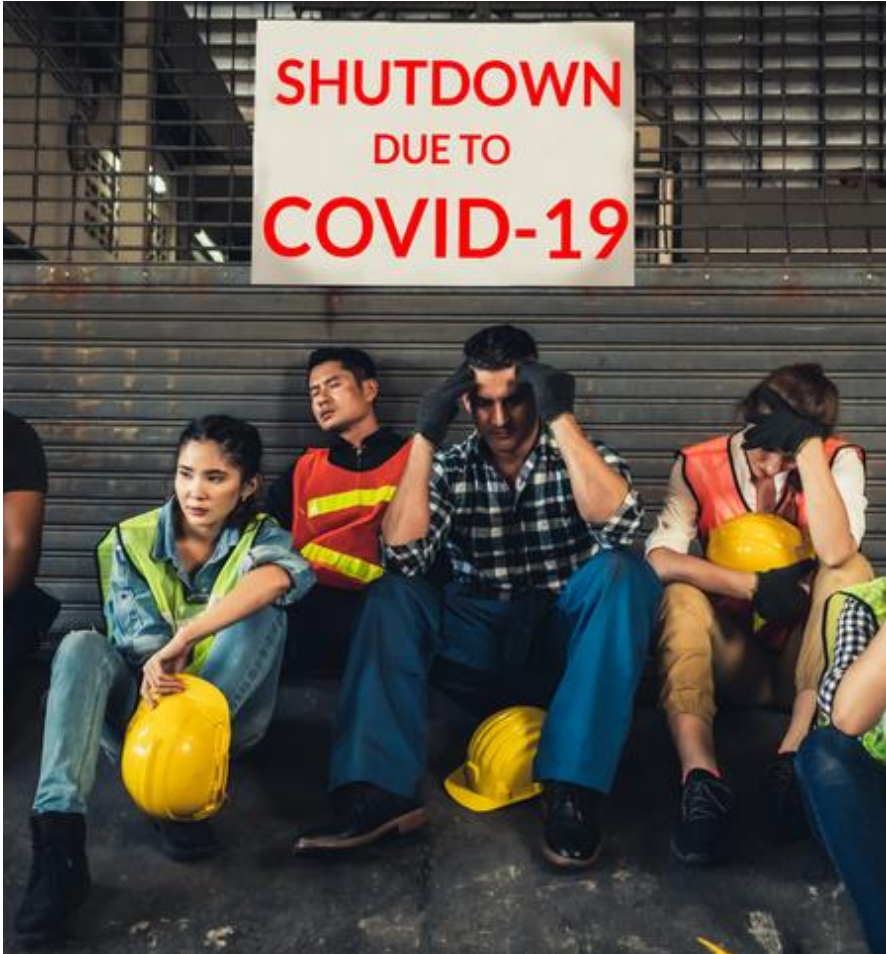
Families First Coronavirus Response Act

	Family leave	Sick leave
When?	Effective April 1 through 12/31	
Who's covered?	Employed at least 30 days prior	Day 1
Which employers?	Employers with less than 500 employees	
Who qualifies?	Caring for child who's day care/school is closed	Quarantined, medical diagnosis, caring for a quarantined child
How long?	Up to 12 weeks	Up to 2 weeks
How much? (offset through employer tax credit)	Unpaid for first 10 days, then 2/3 of pay (capped at \$200/day and \$10,000 in total)	Quarantined workers: Reg. wage capped at \$511/day \$5,111 total Caregivers: 2/3 of pay (capped at \$200/day and \$2,000 in total)
Exemptions?	Some exemptions under 50 employees	

Paid Leave

- Compliance with CBA
- Compliance with FFCRA and other leave laws
 - FMLA
 - State/local laws
 - Federal contractor paid sick leave rule
- Compliance with NLRA duty to bargain

Considerations for Union Contractors



Layoffs and Furloughs

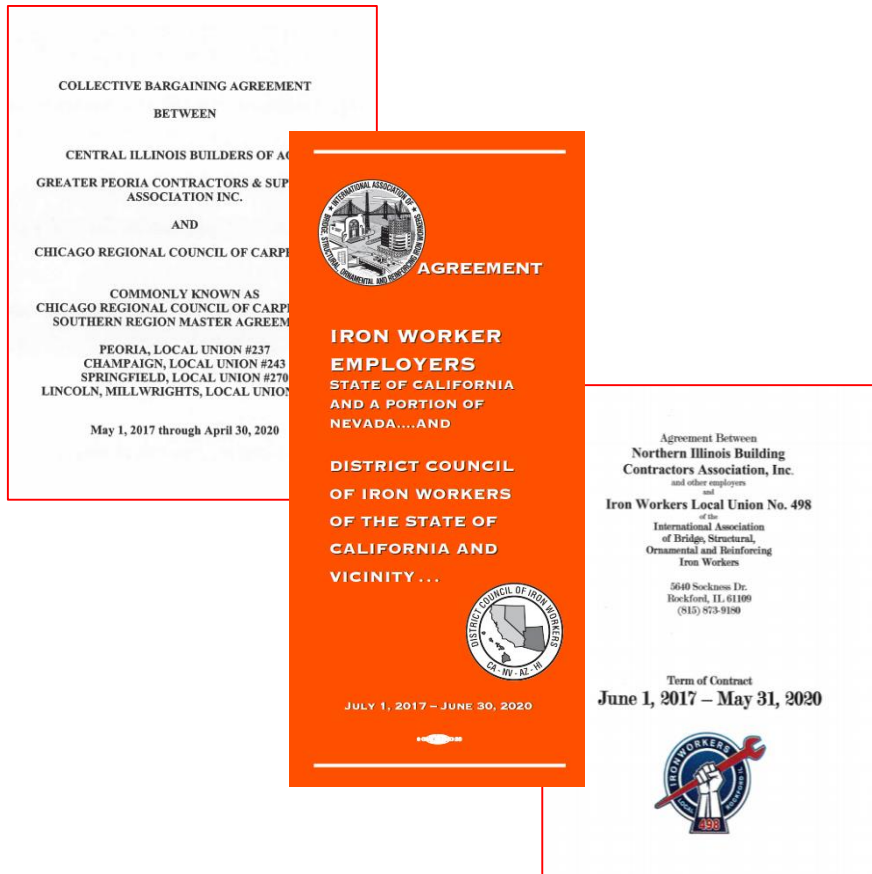
- Compliance with WARN Act and state law counterparts
- Compliance with CBA, benefit plans
- Compliance with COBRA
- Potential withdrawal liability

Considerations for Union Contractors



Expiring CBAs

- Duty to bargain
- Right to make unilateral changes
- Clauses that expire with CBA



Considerations for Union Contractors



Other Issues

- Employee walk-offs
- Responsibility for screening
- Duty to disclose

What's Next?



Phase I

- \$8 billion package provided funding for medical treatments and testing. 3/6

Phase II (FFCRA)

- \$104 billion response package intended to expand benefits for workers and provide assistance to families. (3/18)

Phase III (CARES Act)

- \$2 trillion economic relief package to individuals, families, small businesses, and hard-hit sectors of the economy. (3/25)

Phase IV, ???

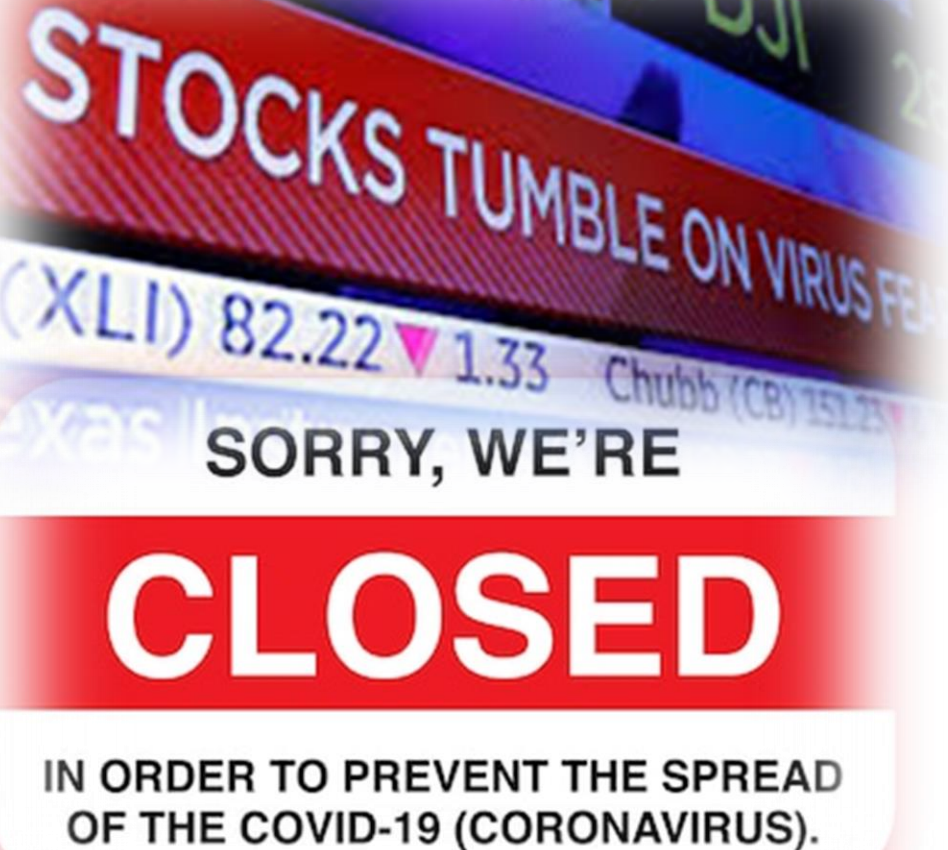
- Expand family & medical leave?
- Health care & pension protections?
- \$2T infrastructure bill!?
- ?????



Donald J. Trump
@realDonaldTrump

With interest rates for the United States being at ZERO, this is the time to do our decades long awaited Infrastructure Bill. It should be VERY BIG & BOLD, Two Trillion Dollars, and be focused solely on jobs and rebuilding the once great infrastructure of our Country! Phase 4

COVID-19 Wreaking Havoc on Benefit Plans



Pension policies being pursued:

- Smoothing of investment & contribution losses
- Funding to avert plan failures
- Authorization of new plan design
- Are structural reforms prerequisite for relief?

Health & Welfare plan relief sought:

- COBRA premium assistance
- Reinsure claims for COVID-19 and prescription drug coverage

Questions?



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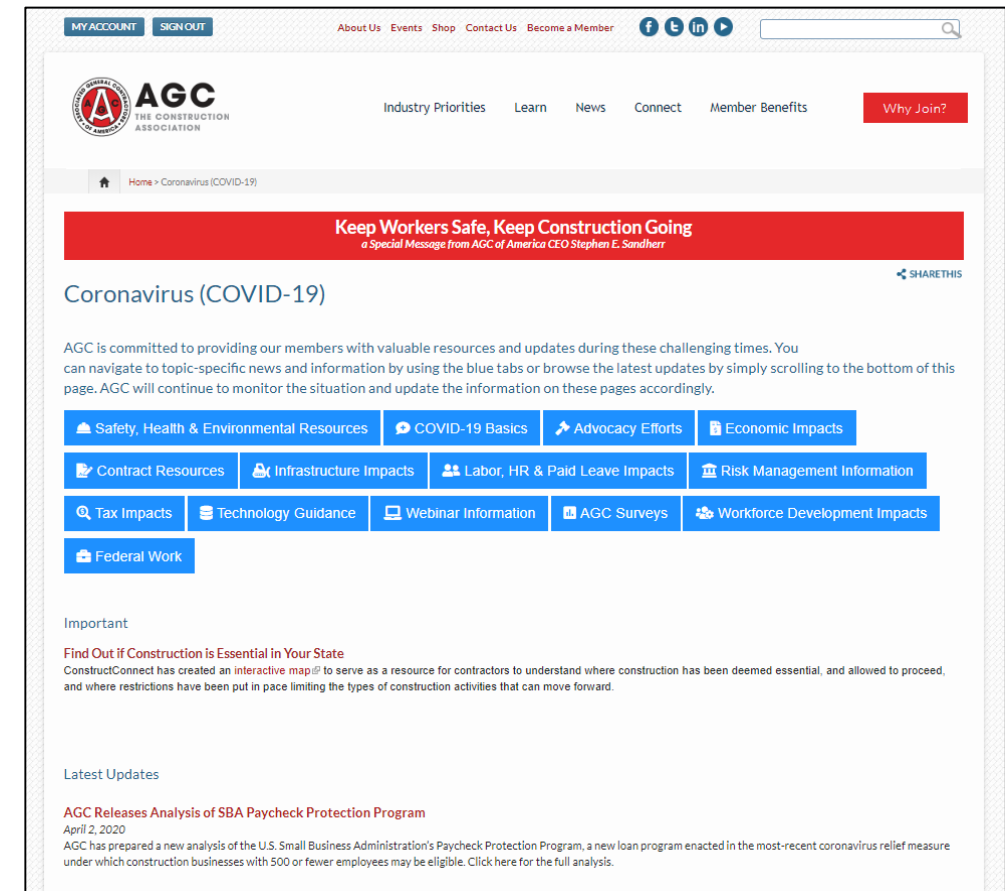
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For more
coronavirus resources,
please visit:
www.agc.org/coronavirus



The screenshot shows the AGC website's coronavirus resources page. At the top, there are navigation links for 'MY ACCOUNT', 'SIGN OUT', and social media icons. The main header includes the AGC logo and navigation links for 'Industry Priorities', 'Learn', 'News', 'Connect', 'Member Benefits', and a 'Why Join?' button. Below the header, a red banner reads 'Keep Workers Safe, Keep Construction Going' with a sub-headline 'a Special Message from AGC of America CEO Stephen E. Sandherr'. The main heading is 'Coronavirus (COVID-19)'. The text states: 'AGC is committed to providing our members with valuable resources and updates during these challenging times. You can navigate to topic-specific news and information by using the blue tabs or browse the latest updates by simply scrolling to the bottom of this page. AGC will continue to monitor the situation and update the information on these pages accordingly.' Below this is a grid of blue tabs with icons and text: 'Safety, Health & Environmental Resources', 'COVID-19 Basics', 'Advocacy Efforts', 'Economic Impacts', 'Contract Resources', 'Infrastructure Impacts', 'Labor, HR & Paid Leave Impacts', 'Risk Management Information', 'Tax Impacts', 'Technology Guidance', 'Webinar Information', 'AGC Surveys', 'Workforce Development Impacts', and 'Federal Work'. Under the 'Important' section, there is a link 'Find Out if Construction is Essential in Your State' and a paragraph: 'ConstructConnect has created an interactive map to serve as a resource for contractors to understand where construction has been deemed essential, and allowed to proceed, and where restrictions have been put in place limiting the types of construction activities that can move forward.' The 'Latest Updates' section features a link 'AGC Releases Analysis of SBA Paycheck Protection Program' dated April 2, 2020, with a paragraph: 'AGC has prepared a new analysis of the U.S. Small Business Administration's Paycheck Protection Program, a new loan program enacted in the most-recent coronavirus relief measure under which construction businesses with 500 or fewer employees may be eligible. Click here for the full analysis.'