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**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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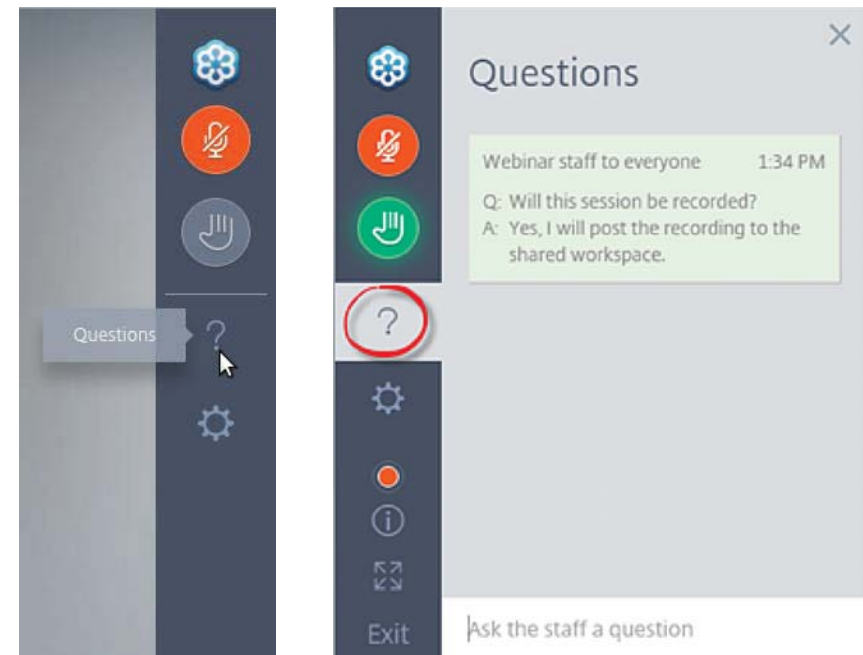
Grace H. Ristuccia
Shareholder
Ogletree Deakins

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



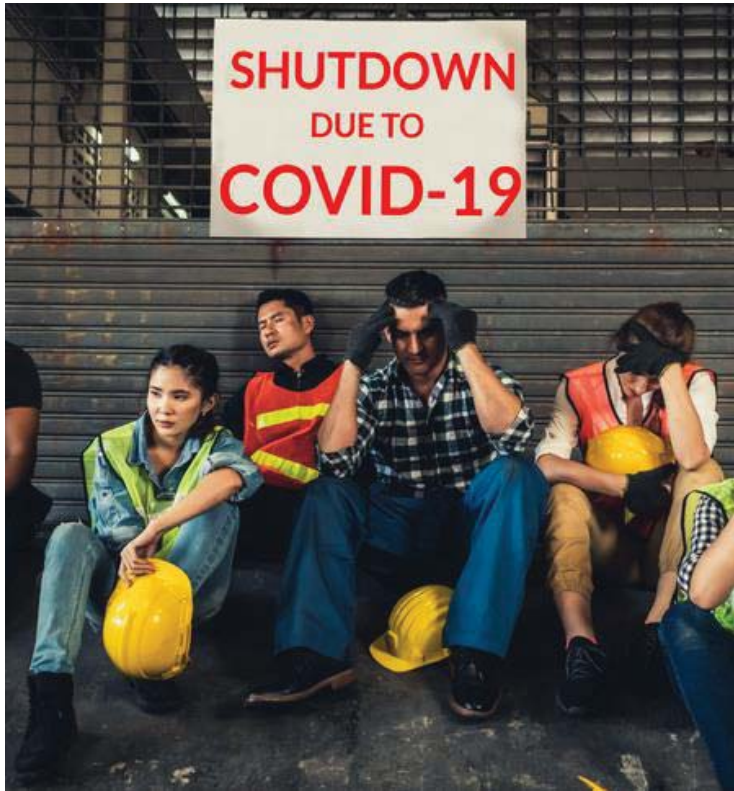
Families First Coronavirus Response Act

	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)

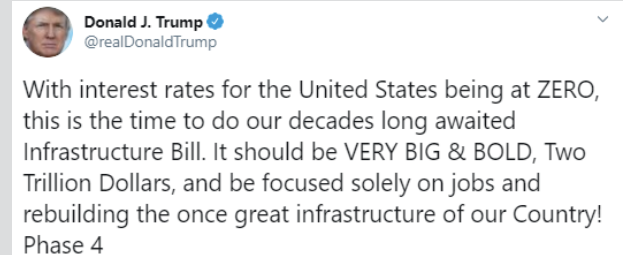
- \$104 billion response package intended to expand benefits for workers and provide assistance to families. (3/18)

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!?
- ????



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

