



# CORONAVIRUS INDUSTRY ALERT

Learn more at [UnitedContractors.org/COVID19](http://UnitedContractors.org/COVID19)

## UNION COVID-19 LEAVE PAY

*Union/Trust Provisions as of May 14, 2021*

This chart contains union/trust provisions and agreements on COVID-19 related paid leave under SB 95 (California Supplemental Paid Sick Leave [SPSL]), the American Rescue Plan Act (ARPA) provisions for extending voluntary FFCRA leave, and Cal/OSHA “exclusion pay” requirements under the Emergency Temporary Standards.

**Unless otherwise specified and/or paid to the Trust Funds, wage payments include the amounts for Vacation/Holiday/Sick Pay and Supplemental Dues/Work Fee.**

**Local COVID-19 Paid Sick Leave Ordinances: UCON has CBA waivers for most of these. See our [Paid Sick Leave CBA Waivers Chart](#) for details.**

### **EFFECTIVE DATES:**

**SB 95** – From March 29, 2021 (retroactive to January 1, 2021) through September 30, 2021

**Voluntary FFCRA Leave Under ARPA** – From April 1, 2021 through September 30, 2021

**Cal/OSHA Emergency Temporary Standards** – From November 30, 2020

### **NORTHERN CALIFORNIA**

<b>UNION</b>	<b>CA COVID-19 SPSL (SB 95)</b>	<b>VOLUNTARY FFCRA LEAVE (ARPA)</b>	<b>CAL/OSHA EXCLUSION PAY*</b>
<b>Carpenters/ Pile Drivers (NorCal)</b>	Wages – normal hourly wage Fringe Benefits – H&W, Vacation, Work Fee	Wages – normal hourly wage Fringe Benefits – H&W, Vacation, Work Fee	Wages – normal hourly wage Fringe Benefits – H&W, Vacation, Work Fee, Pension, Annuity
<b>Carpenters/ Pile Drivers (SoCal)</b>	No fringe benefits required	Extension on original MOU: No fringe benefits required unless required by law – H&W only	<i>Not specified</i>
<b>Cement Masons (NorCal)</b>	Wages – normal hourly wage Fringe Benefits – H&W, Vacation, Supplemental Dues	Extension on original MOU: Wages – normal hourly wage Fringe Benefits – H&W, Vacation, Supplemental Dues	<i>Not specified</i>
<b>Cement Masons (SoCal)</b>	No fringe benefits required, but full fringes may be paid voluntarily.	Extension on original MOU: No fringe benefits required unless required by law – H&W only	<i>Not specified</i>
<b>Iron Workers</b>	<b><i>PENDING</i></b>	<b><i>PENDING</i></b>	<i>Not specified</i>

UNION	CA COVID-19 SPSL (SB 95)	VOLUNTARY FFCRA LEAVE (ARPA)	CAL/OSHA EXCLUSION PAY*
<b>Laborers (NorCal)</b>	No fringe benefits required, but full fringes may be paid voluntarily.	H&W only	<i>Not specified</i>
<b>Laborers (SoCal)</b>	<b>PENDING</b> – Union wants H&W required	<i>Extension expected on original MOU: H&amp;W only</i>	<i>Not specified</i>
<b>Operating Engineers Local No. 3</b>	No fringe benefits required, but full fringes may be paid voluntarily.	Extension on original MOU: No fringe benefits required unless required by law – H&W only	<i>Not specified</i>
<b>Operating Engineers Local No. 12</b>	<b>PENDING</b>	<i>Extension expected on original policy: H&amp;W only</i>	<i>Not specified</i>
<b>Teamsters (NorCal)</b>	No fringe benefits required	Extension on original MOU: No fringe benefits required unless required by law – H&W only	<i>Not specified</i>

**\*Cal/OSHA Exclusion Pay**

The [Cal/OSHA Emergency Temporary Standards \(ETS\)](#) require employers to provide “exclusion pay.” [Title 8, Division 1, Chapter 4 (10)] This applies when an employee must quarantine in order to prevent the spread of COVID-19 at the workplace. Note that this does NOT apply if:

- A. The employee’s exposure to COVID-19 can be clearly linked to a situation not on the jobsite;
- B. No work would have been available for that employee on one or more days that they are quarantining (i.e., holiday, rain day); or
- C. The employee is sick and could not have performed any work, or is staying home for reasons not connected to preventing the spread of COVID-19 in the workplace.

Cal/OSHA has not provided sufficient guidance on exactly what is acceptable to meet their “exclusion pay” requirements. UCON has been advising members that they have the following options, in order of safest to most risky. Absent any specific direction from the Union/Trust Funds, each employer needs to make their own decision on how they want to handle it:

1. Pay the employee full wages and fringes for hours they would normally have worked.
2. Pay the employee under voluntary FFCRA rules and seek a tax credit (consult with a tax professional).
3. Advise the employee to use their vacation/sick pay for that time; you could also pay full fringes for hours they would have normally worked, which would require you to report those hours.
4. Advise the employee to apply for unemployment, workers’ compensation or state disability, depending on the situation. Fringe benefits are not owed for payments made to the employee from a state agency (not through your payroll), but this is not a guarantee that the Trust Funds will not make claims later.

**NOTE: SB 95 allows you to require employees to exhaust their California SPSL first when exclusion pay is required.**

***For more information on SB 95 and voluntary FFCRA procedures, refer to UCON’s guides:***

***[SB 95 Construction Industry FAQ](#) | [FFCRA Guide – Voluntary Employer Payments for 2021](#)***

***For access to copies of the relevant MOUs, refer to UCON’s [Union COVID-19 Relief & Procedures Chart](#) and the union sections of our [COVID-19 Resources page](#).***