
Dear,

This is a follow up to our technical bulletin sent by our Labor and Member Services yesterday and is being sent to all UCON members in order to create the broadest coverage of this important content. Please share this information with relevant parties across the industry as necessary.

As the center-point of the industry, UCON has gathered vital information and best practices from a diverse cross-section of firms across California. Below please find a summary of this information as well as what actions UCON is urging for the industry at this time.

UCON COORDINATION WITH UNION PARTNERS
A Unified Focus on Health & Safety

The Union partners with which UCON maintains collective bargaining agreements cover in excess of 100,000 workers in the state. I have personally discussed the current health crisis with all of the Business Managers of the respective organizations – some several times. I can say that they are all working on protecting their members and indicating a willingness to coordinate in any manner needed. The key here is to maintain close coordination with the labor leadership on rapidly changing circumstances, which are starting to occur this week.

Most importantly, we must have a strong and unified message coming from both the unions and the employers related to not coming to work sick.
Our industry culture is one where coming to work ill is not only tolerated but often expected. In order to change this long standing behavior, we need to drive the message home immediately that the safety and health of the individual, the team, and the community come first.

Further, many field workers do not have the economic cushion to miss multiple days of work. We do not want to have workers choose to attend work while symptomatic because they cannot miss a paycheck.

**We strongly advise that you make this issue the topic of your next Safety Tailgate.** I have asked the union leadership to emphasize this in the best ways they can as well. **Please make sure that your safety director, foremen and superintendents are proactive on this issue. They will be the first line of observation for evaluating employees who may be ill. This is not a role they have ever had to embrace, so your direct support and the union’s encouragement will go a long way to implementing consistent and fair best-practices.**

Beyond working to protect health and safety, other issues are arising on job sites as well. These include new owner mandates (which may or may not comply with HIPAA); workers expressing concerns and or refusing to work in various environments and how any or all of these relate to the collective bargaining agreements. You can call UCON for assistance, and the union leaders encouraged outreach to their Managers and Business Agents to facilitate any important discussions if required.

**UCON COORDINATION WITH Cal/OSHA:**

UCON has been in communication with the offices of the Chief and Senior Deputy of Cal/OSHA seeking clarification of regulatory policies related to the health crisis. Specifically, we are seeking clarification on where and when virus related illnesses become recordable events for our employers. In addition, we want to be certain that days away from the job related to any self-quarantines are not counted against an employer. We are working to be sure that any action or policies developed in a reactive mode would not impact contractor safety.
records, pre-qualifications or workers compensation policies / mod rates. We continue this dialogue and will update you upon their response.

**UCON EVENTS, PROGRAMS AND MEETINGS**

**IMPORTANT POSTPONEMENT UPDATES:**

The health of our members and your teams is our number one priority. As concerns surrounding travel and group meetings intensifies, and out of an abundance of caution for our members' health and safety, **UCON has decided to postpone our Annual Scholarship Cornhole Tournament, our Annual Legislative Summit and our Fearless Foreman program in Southern California.**

This decision comes as a growing number of employers as well as our members across the region are deciding to cancel or postpone major events and convenings, as well as restrict employee travel and event attendance.

Hopefully in the near future most of these concerns will be alleviated, but for now this seems the safest and most prudent course of action. We apologize for any inconvenience this may cause, and we are working to identify new dates for these events in the coming months. We will notify you immediately of any other changes.

To receive a refund for these events please contact our events team at 925-855-7900.

**BUSINESS IMPACTS, LIABILITY AND CONTRACTUAL ISSUES:**

UCON has spent this week working with Counsel to analyze issues related to contract requirements, delays and schedule, liabilities and related business impacts. This analysis, which will contain additional recommendations and best practices will be distributed to the membership next week.

**UCON SAFETY TIPS & COMPLIANCE RECOMMENDATIONS FOR EMPLOYERS:**

In addition to the content provided in our previous
bulletin (sent 3/12/20) UCON counsel has reviewed and recommends the following steps for best practices:

1. Require sick employees to stay home until their symptoms subside. This needs to be communicated to field leaders and applied in a consistent and firm manner.
2. Issue a memo to employees covering the following topics:
   - The coronavirus that causes COVID-19 (as the disease is called) is thought to spread largely through respiratory droplets from coughing and sneezing, and it seems to spread easily. It may also be possible to become infected by touching a contaminated surface or object and then touching one’s nose or mouth.
   - Accordingly, follow CDC recommendations for preventative actions to help prevent the spread of respiratory viruses, including COVID-19:
     - **Stay home when you are sick.**
     - Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
     - If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.
     - Avoid touching your eyes, nose, and mouth with unwashed hands.
     - Avoid close contact with people who are sick.
     - Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
     - Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
     - Do not use facemasks to prevent being exposed to COVID-19. CDC does not recommend the use of facemasks for the general public to prevent the spread of COVID-19. Facemasks are recommended for persons who have COVID-19 and persons caring for someone with COVID-19.
3. Employers have the ability to (and are in fact required to) keep their workplaces safe and healthy by sending apparently sick or contagious employees home or
asking them not to report to work in the first place. **If someone does come to work sick, you can send them home.** Be consistent in your enforcement and use reasonable judgment as to the level of severity before you will send someone home. Review Cal/OSHA's Guidelines for dealing with COVID-19 [https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html](https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html).

4. Encourage sick employees to stay home. California has paid sick leave for a reason. Remind employees of your policy, don't discourage them from using paid sick days, and don't count paid sick leave absences as a violation of your attendance policy (as doing so violates California law).

5. The following link is to the DIR's FAQs dealing with leaves of absence and pay for exempt employees: [https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm](https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm).

6. As of right now, temperature checks likely constitute an impermissible invasion of employee privacy, as it is collecting health information that may or may not be relevant. Although it is one of the indicators of COVID-19, until the EEOC and/or the DFEH approves them, as well as having coordination / approval with the unions that represent the employees, hold off on temperature checks. We have had reports of project owners wanting this done for all employees on the job and recording the results. This is very likely a violation of the HIPAA laws. Tell any owners that begin implementing health protocols that you will comply with California law – and that is it.

7. The CDC does not currently recommend the use of masks by healthy people to protect against infection and if an employee is sick enough to warrant you requiring the use of a mask, a better practice would be to send him or her home.

8. Make sure you are stocked up on soap and paper towels to encourage handwashing. Sanitizing wipes and alcohol-based hand sanitizers can be distributed as well.

Again, please click here to review our Member Services Bulletin (sent 3/12/20) on Coronavirus, providing valuable information to help guide members through the safety and compliance issues related to this matter.
SAFETY & COMPLIANCE RESOURCES:

Click here for a PDF of the UCON Safety Tips & Compliance Recommendations for Employers.

The construction industry is one that is strongly centered on safety as a value system. In this unprecedented challenge, the same tools apply: good communication; reinforcement of key themes; proactive Executive and field leadership, and collaboration. Let's all do our part.

Sincerely,

[Signature]

Mark Breslin | CEO

United Contractors
17 Crow Canyon Court, Suite 100, San Ramon, CA 94583

Unsubscribe