

# **SUMMARY OF BENEFITS AND ELIGIBILITY REQUIREMENTS FOR VARIOUS PROGRAMS TO ADDRESS COVID-19 PANDEMIC ISSUES**

## **IBEW Local 1 Health and Welfare Fund**

### **A. Disability/Accident and Sickness Weekly Income Benefit (A&S Benefit)**

The Trustees of the Local 1 Health and Welfare Fund have modified A&S Benefit restrictions to increase flexibility for participants coping with Coronavirus illness, exposure or quarantine. These benefit modifications include:

1. In addition to an active participant receiving treatment for COVID-19, an “**Exposed Participant**”, a participant in quarantine, because of their possible exposure or the possible exposure of family with whom the participant resides, will be deemed to have an illness for purposes of qualification for the A&S Benefit (currently \$455 per week). An “**At Risk Participant**”, a participant with an underlying medical condition, or with a family member with whom they reside with an underlying medical condition that puts them at heightened risk if exposed to COVID-19 (for example, a person who is immunocompromised) is also eligible for the A&S Benefit. These participants are only eligible for the A&S Benefit if that person is ineligible for State Unemployment Benefits or the enhanced unemployment benefits, under the Federal CARES Act because of an inability to work, due to COVID-19 related illness.
2. The seven-day waiting period for A&S Benefits will not apply to active participants in connection with the Coronavirus or quarantine related to the Coronavirus.
3. To be eligible for any of the temporary modifications, an active participant must present a statement from a medical professional (physician or public health official) indicating that the participant has tested positive for the Coronavirus or should be in quarantine.
4. It is important to note that participants receiving the A&S Benefit are not eligible for Unemployment Insurance Benefits.

### **B. COVID-19 Related Health Benefits**

The plan will cover all items and services administered during a visit that result in an order for, or administration of COVID-19 diagnostic test without any deductible or co-payment. In addition, for all participants and qualifying dependents, a diagnosis of COVID-19, in-network and certain out-of-network benefits will be paid at 100%, waiving deductibles and copay requirements.

### **C. Remote Medical Care**

Doctors, clinics, and hospitals are asking patients not to come in unless instructed to do so. Care is being provided by phone, facetime and other video services. This is to protect the patients and the providers and because some of the providers are in quarantine. The CARES Act provides that Medicare and other federally funded health centers will cover telehealth and other remote care services the same as an office visit with that provider.

The Health and Welfare Trustees have adopted a similar approach for care provided by network providers. Effective March 15, 2020 all remote office visit (including Primary Care, Therapy Visits, Managed Behavior Health) will be covered as regular benefits. Please note, precertification requirements for certain services remain unchanged. This temporary response by the Board of Trustees will continue for the duration of the COVID-19 emergency.

**Income Security Fund Temporary Extended SUB Benefit (TES) (This benefit is applicable to Workers working under the Inside Agreement and the Local 1 Addendum to the Missouri Voice, Data, Video/Security Agreement).**

Two Local Union No. 1, IBEW/St. Louis Chapter, NECA Agreements include the Income Security Fund to provide supplemental unemployment benefits. One of those benefits is the Temporary Extended SUB Benefit (TES), which was created to provide funds to unemployed Local 1 workers during times of significant industry unemployment. The Trustees of the Income Security Fund have implemented a joint temporary resolution to make TES benefits (currently \$325 per week) available to our workforce under various distinct circumstances that may arise, due to the pandemic.

There are four types of participants impacted by COVID-19 who may be eligible for benefits.

**1. Exposed Participant**

An Exposed Participant is a participant who is being treated for COVID-19 or is in quarantine because of their possible exposure to the Coronavirus or the possible exposure to the Coronavirus of a family member with whom the participant resides.

**2. At Risk Participant**

An At Risk Participant is a participant with an underlying medical condition or with a family member with whom they reside with an underlying medical condition that puts them at heightened risk if exposed to COVID-19 (Examples would include an immunocompromised person or an individual under treatment for lung disease).

**3. A Caregiver Participant**

A Caregiver Participant is a participant providing care to a family member of the same household diagnosed with COVID-19 or is the primary caregiver for a child or other person in their household who is unable to attend school or another facility due to the COVID-19 emergency and the individual relies on that coverage in order to work.

**4. Displaced Participant**

A Displaced Participant is a participant whose employer certifies that the participant was denied work due to project closure, employment reduction or other customer reaction to the pandemic. A Displaced Participant could also be an individual honoring a "Shelter at Home" order whose employer certifies that no work is available to that individual.

The Trustees of the Income Security Fund have designated that TES benefits will be made available to the four types of participants impacted by COVID-19, as follows:

- A. “Exposed Active Participants, At Risk Participants and Caregiver Participants”** will have access to the TES benefit, during the period of quarantine, without being required to be laid off by the Employer, register at the Hiring Hall or sign up for State Unemployment Benefits.
  
- B. “Displaced Participants”** – The Trustees have resolved to make available TES weekly benefits to Displaced Participants when the Employer certifies that the participant is eligible for the benefit, due to the pandemic. Requirements that the displaced participant be laid off, demonstrate unemployment by registering at the Hiring Hall and applying for State Unemployment Benefits (normally applicable to TES) have been waived for participants displaced from work, due to the pandemic. In order to receive TES Benefits, the employer must notify the IBEW-NECA Service Center that the participant has been displaced. A form (available on the IBEW-NECA Service Center website – [www.svcctr.org](http://www.svcctr.org)) has been created to facilitate employer verification.

### **Vacation Benefits**

Benefits available to participants in the Local 1, IBEW Vacation Fund may be utilized during any period of unemployment caused by the pandemic. Participants may take vacation while drawing these special benefits. Vacations must be approved by the Employer during times of inactivity caused by the Coronavirus. It is clear that during this unpredictable time, our industry should maximize our ability to assign qualified workers to projects when our customers make that work available.

### **Required Minimum Distributions (RMD’s) for Local 1 Pension and 401(k) Participants**

Retirement plan withdrawals generally are required annually for those who reached age 70½ in 2019 or a prior year, or who reach age 72 in 2020 or a later year. Participants who are still employed after these ages can further delay withdrawals.

Due to the recent drop in market valuations and the concern of liquidating assets in a down market, the CARES Act has waived RMD’s for 2020. This waiver also applies to participants who first attained age 70½ in 2019 and delayed taking their first RMD until 2020 (which, under normal circumstances, must be withdrawn by April 1, 2020). Finally, the waiver also applies to individuals who have an RMD requirement for 2020 and are beneficiaries: under an inherited IRA or of a deceased participant who maintained a retirement plan account.

### **Projects Requiring Cloth Face Masks**

Cloth masks are being required on many job sites to make social distancing more effective during the COVID-19 crisis. When cloth masks are required; each worker shall report to the job with their mask, be responsible for any necessary cleaning of the mask and wear it as specified. The IBEW and NECA have entered into an agreement that when such masks are mandated by a contractor, general contractor or customer, and no masks can be provided because of availability; Local #1 members will be paid a one-time \$40 non-taxed stipend to make a cloth mask or purchase some type of cloth mask. These cloth masks will not be used for any type of work where a certified mask or respiratory protection is required.

## **State and Federal Unemployment Insurance Benefits**

The State of Missouri has eliminated the requirement for claimants to actively seek employment in order to secure State Unemployment Benefits. The State of Illinois has made a similar modification.

COVID-19 modifications to the standard Unemployment Insurance process include:

- All applications for unemployment and employer responses are available online.
- Most workers on furlough or otherwise displaced due to COVID-19 concerns are eligible for unemployment insurance benefits.
- The waiting week requirement for UI has been waived for all claims filed as a result of the Coronavirus Pandemic.
- Employers will not be charged for UI claims paid as a result of a loss of work due to the Coronavirus.
- In most circumstances, an individual is ineligible for UI benefits if receiving disability pay, paid sick leave, vacation pay, or family medical leave.
- According to current Missouri regulations, many individuals who voluntarily elect to honor “Stay at Home Orders” when “essential work” is assigned by their employer, may not be considered eligible for UI Benefits by the Missouri Division of Employment Security.

The IBEW-NECA National Disease Emergency Response Agreement (NDERA) specifies that the “Employer shall not contest any unemployment claim...” for a variety of COVID-19 related reasons. Members should be aware that NDERA compliance does not guarantee unemployment benefits, under the Missouri Statutes, when work is available to an individual.

- The current Missouri weekly unemployment benefit is capped at \$320 per week.
- The Federal Government has authorized an additional program, The Pandemic Unemployment Assistance program (PUA). Under this program, an additional amount of \$600 per week may be paid on top of State Unemployment Benefits. This benefit may be paid for up to four months, not to exceed July 31, 2020, at the current time.

## **Summary of Families First Coronavirus Response Act and Regulations (FFCRA)**

### **1. Sick Leave Required by FFCRA**

Employers under 500 employees nationwide are required to pay non-essential employees up to 10 days (80 hours) of Sick Leave in connection with quarantine or isolation order, testing for illness, illness, child out of school/daycare. If the employee is out because they are under a quarantine order, a medical order, or have symptoms wages are paid at 100%, up to a cap of \$511 per day. If the employee is in quarantine, because a family member is sick or because a child is out of school/daycare, the employee is compensated at 2/3 of wages, up to a cap of \$200 per day, which could continue with extended FMLA (see Item 2 below).

- A state shelter at home order alone is not a basis for the benefit. The regulation clarifies, that unless the employee would have work but for the fact that they are staying home (if business/job site closed or they can work at home) then the benefit is not available.
- The Act says loss of childcare for which the care giver was compensated but the regulations expand that to apply to an unpaid family member or friend who was the caregiver and no longer can provide that service. However, the benefit is only payable if, but for the childcare, the employee would have work, the child needs to need care and there cannot be another suitable person who could provide the care (a stay at home parent).
- The Act and regulation are clear that covered employers must pay wages and Health and Welfare contributions. The Federal Government indicates that additional clarifications will be issued but it appears that Trust Fund language will determine the obligation for contributions to other Trust Funds. Under the Local 1 Agreements, contributions would only be required for NEBF and the Health and Welfare Fund. No Medicare or SS taxes are due on these wages.
- The employer is eligible to get these wages and benefits back from the Federal Government as a credit against Medicare/SS taxes or a refund (or advance of a refund) of an overpayment, if the wages are more than the quarterly taxes.
- There is a way for employers with less than 50 employees to seek exemption:
  - The preamble to the regulations state that the exemption only applies to leave for childcare.
  - The standard for the small employer exemption is that paying the leave payment would jeopardize the viability of the business as a going concern described as causing expenses to exceed revenues, risking operational capacity, or inability to hire replacements.

## 2. Extended Family Medical Leave under FFCRA

Employers under 500 need to provide 12 weeks of FMLA. First 2 weeks may be unpaid, but can overlap with Sick Leave benefit above, and 10 weeks paid at 2/3 wages, up to a cap of \$200 per day, for care of a child whose school/childcare has stopped due to Coronavirus (see notes above).

- The extended family leave applies only to loss of childcare.
- For employers of between 50 & 500 covered by regular FMLA, these weeks count towards regular FMLA weeks and if the employee already had FMLA, that reduces the weeks available under this provision.

## **Coronavirus Aid, Relief, and Economic Security Act (CARES) Unemployment Enhancements**

Missouri and Illinois have joined most other states and have signed an agreement with the federal government to enhance unemployment as follows for eligible workers:

- no waiting week
- no requirement that the claimant actively seek new employment
- up to an additional \$600 week (state and enhanced unemployment cannot exceed actual wages)
- additional weeks of benefits (max 39 weeks)

Eligible workers include: those eligible for state unemployment, those who have exhausted state benefits, self-employed workers, gig workers, those who would be entitled to be paid under the FFCRA, those whose jobs closed or hours reduced because of COVID-19, and those who quit their job as a direct result of COVID-19.

Eligible Workers do not include those who can telework, are voluntarily choosing to refuse work assignments or who are getting paid leave.

The CARES Act also includes several programs beneficial to employers. Contractors are encouraged to investigate the CARES Act Paycheck Protection Program, Emergency Economic Injury Grants, Small Business Debt Relief Program and Small Business Tax Provisions.

### **Mandatory Layoff Terms Not Applicable to Displaced Participants**

Some Agreements between Local Union No. 1, IBEW and the St. Louis Chapter, NECA contain requirements that employees not actively employed due to lack of work for a period of time be laid off. These mandatory layoff provisions are not applicable to workers displaced by customer reactions to the pandemic, as a result of adherence with government issued "Shelter in Place" orders or compliance with the National Disease Emergency Response Agreement, executed nationally by the IBEW and NECA.

### **Shift Work Modifications in Response to Coronavirus (COVID-19) Pandemic**

One solution to provide flexibility on jobsites is to make shift work more flexible, during this crisis. For this reason, we have mutually agreed to make the following adjustment to the shift work premiums, mandated by our various NECA-IBEW Agreements. This modification is applicable only to scheduled changes to assist contractors, workers and customers to implement shifts to make jobsites safer by reducing large crews, all working the same shift, in response to COVID-19 considerations.

For the duration of the pandemic, shift premiums will be waived for second and third shifts, scheduled to address ONLY the pandemic. Agreement shift premiums remain in effect for projects with currently scheduled shifts or projects originally specified to be worked outside of the normal workday.

Local #1 workers are encouraged to accept these special shift assignments, which will allow our industry to maximize more safe work opportunities, while they are available. Unlike standard shift assignments (which include a wage premium), it is not mandatory for a Local #1 worker to accept assignment to a second or third shift that has been scheduled without premium.

To schedule a shift without premium, contractors must notify Local Union No. 1, IBEW and the St. Louis Chapter, NECA, in advance. We encourage contractors to utilize the Shift Modification Notice form to provide such advance notice. We suggest inserting the phrase “NO PREMIUM SHIFT DUE TO REDUCED CREW SIZE COVID-19” in the “Comments” line, near the bottom of that form.

April 17, 2020