

LABOR UNIONS AND THEIR MEMBERS

Overview

The Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act (“Families First”) provides specific protections for union members and their collective bargaining agreements due to the events of the COVID-19 outbreak and associated economic disruption.

Emergency Paid Sick Leave and Family and Medical Leave

Families First requires employers to provide two types of emergency paid leave to their employees who are directly affected by the COVID-19 outbreak. The first type, emergency paid sick leave, allows an individual to take time off if they are sick or due to changed familial circumstances. The second type, emergency family and medical leave, may be used to care for a child whose school or childcare provider has closed due to the outbreak.

Please be aware that the paid sick leave does not diminish existing rights to paid leave under a collective bargaining agreement or existing employer policy.

For more information on paid leave, please visit <http://www.schatz.senate.gov/coronavirus/paid-leave-employees>.

Labor Implications of Certain CARES Loans

A company with between 500 and 10,000 employees and that also accepts a direct loan under the emergency relief and taxpayer protections portion of the CARES Act must meet certain labor requirements:

- It must certify that it will remain neutral in any union organizing effort for the term of the loan; and
- It must certify that it will not break or seek concessions to the existing collective bargaining agreements for the term of the loan and 2 years after completing repayment of the loan.

If you have reason to believe an employer has accepted a qualifying loan and is violating the associated labor requirements, please consult your National Labor Relations Board regional office by calling (808) 541-2814.

More Information

For more information on the paid leave portions of the legislation, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>, or call the Department of Labor’s Wage and Hour Division at 1-866-4US-WAGE.

If you have questions or concerns regarding possible unfair labor practices by employers, please call the National Labor Relations Board at (808) 541-2814 or visit <https://www.nlr.gov/resources/faq/nlr>.