DATE: March 16, 2020

TO: ALL SMARCA CONTRACTORS

FROM: John Quarnstrom and Jim Bigham

RE: COVID-19 Virus

The COVID-19 virus is here in Minnesota and the Dakotas. There were 21 confirmed cases in Minnesota on Saturday and that jumped to 35 on Sunday morning. Governor Walz has closed public schools beginning Wednesday, March 18th and continuing through at least Friday, March 27th. We would not be surprised to see that closure date extended.

Yesterday the Centers for Disease Control and Prevention (CDC) changed its guidance to recommended postponing all gatherings or meetings of 50 or more people for the next 8 weeks. Some are predicting that will be extended to 12 weeks. The CDC further recommended meetings be limited to no more than 10 people when in the area of higher risk populations (older adults or people who have a serious chronic health condition such as heart disease, diabetes or lung disease). Below is additional information which may be helpful as you navigate your companies through these uncharted waters.

**Sick Employees:** If an employee shows up for work feeling sick, immediately separate them from other employees and send them home. The telltale symptoms for COVID-19 are a cough, fever and shortness of breath. *Encourage all employees to stay home if they are sick.*

**Prevention:** The virus is thought to spread mainly from person-to-person through respiratory droplets produced when an infected person coughs or sneezes. Employees should be reminded that:

1. Hands should be washed frequently with soap and water, preferably for at least 20 seconds. If soap and water are not available hand sanitizer that contains at least 60% alcohol may be used. Avoid touching your face, nose and eyes except immediately following hand washing.
2. Cover your coughs and sneezes with your elbow or a tissue.
3. Avoid close contact with others when possible. Six feet is the recommended social distancing.
4. Clean and disinfect frequently touched surfaces in the workplace.

**Construction Job Sites:** The same instructions for Prevention apply to a job site, including social distancing. Last week there were a few jobs shut down where higher risk individuals occupied part of the building where work was being performed. We are expecting owners and general contractors to begin shutting down more job sites this week and those calls have begun this morning.

**Paid-Time-Off:** Most of your trade workers do not have paid-time-off benefits. The current situation does not change that fact. Sheet Metal Workers may have a balance in their SAFE or SASMI Plans which would be available for supplemental income under the rules of those Plans. If construction jobs are shut down and employees told to stay home, this would likely be deemed to be a temporary lay-off and the normal
unemployment rules would apply. We do expect Minnesota to relax some of the waiting periods for receiving unemployment benefits.

**Salaried Workers:** Exempt salaried employees generally must receive their full salary in any week in which they perform any work. There is no similar requirement for non-exempt hourly employees. Exempt salaried employees are not required to be paid their salary in weeks in which they perform no work.

**Working from Home:** Many companies that have the ability to accommodate employees working from home are exploring those options. Some have also altered their scheduling so all of the employees are not present at the same time. For example, half of the office employees are in the office on Monday and the other half on Tuesday.

**OSHA:** The OSHA General Duty Clause requires employers to furnish to each worker “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.” While untested, this may mean employers need to take affirmative steps to prevent the spread of COVID-19 in the workplace. OSHA has issued Guidance on Preparing Workplaces for COVID-19 [https://www.osha.gov/Publications/OSHA3990.pdf](https://www.osha.gov/Publications/OSHA3990.pdf). SMARCA Safety Director Mark Walber is working on a model safety plan addressing this issue and you can expect more communication from Mark soon.

OSHA recordkeeping requirements at 29 CFR Part 1904 mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 log. COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

1. The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
2. The case is work-related, as defined by 29 CFR 1904.5; and
3. The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work).

**Apprenticeship Training:** The Sheet Metal and Roofing apprenticeship programs will be suspending classes consistent with the Governor’s direction for public schools.

We will do our best to keep you informed of new information as it becomes available. Please feel free to contact us with any additional questions.