

Union Rights and Strategies During the Coronavirus

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Presented by:



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UNION RIGHTS AND STRATEGIES DURING THE CORONAVIRUS

1. Enforcing Union Member Rights

- a. Rights Under the CBA (health and safety, discrimination, leaves, benefits, essential v. nonessential employees, LM)
- b. Federal Legislation
 - i. H.R. 6201 – Families First Coronavirus Response Act
 - ii. FMLA
 - iii. ADA
 - iv. OSHA
- c. State Actions
 - i. Emergency Declarations
 - ii. Constitutional Protections
 - iii. Safety Legislation
 - iv. Workers' Compensation
 - v. Unemployment Compensation
- d. Local Law
 - i. Leaves

2. Arbitration Proceedings During Crisis

- a. Strategy Going Forward
- b. Logistics
 - i. Backpay
 - ii. Utilizing Reporting Services

3. Negotiation Strategies

- a. Bargain Now or Not?
 - i. Successor Contracts
 - ii. Reopeners
- b. Impact Bargaining
- c. Employer Attempts to Ignore/Negate the Contract

RESOURCES

The below link discusses COVID-19 and labor issues including: Collective Bargaining; Workers' Compensation Issues; Local, State and Federal Leave Law Implications; and Local, State and Federal Anti-Discrimination Law Implications:

https://actionnetwork.org/user_files/user_files/000/040/192/original/LRIS.pdf

Families First Coronavirus Response Act Resources:

<https://www.congress.gov/bill/116th-congress/house-bill/6201/text>

<https://www.dol.gov/newsroom/releases/whd/whd20200324>

<https://www.law360.com/articles/1254617/virus-relief-expands-paid-leave-with-growing-calls-for-more>

[https://actionnetwork.org/user_files/user_files/000/040/109/original/Leave in the Families First Coronavirus Act 3.16.2020 UPDATED 3-18-2020 with Comments.pdf](https://actionnetwork.org/user_files/user_files/000/040/109/original/Leave_in_the_Families_First_Coronavirus_Act_3.16.2020_UPDATED_3-18-2020_with_Comments.pdf)

[https://actionnetwork.org/user_files/user_files/000/040/261/original/12 Fact-Sheet-on-Federal-Families-First-Coronavirus-Response-Act-That-Passed-House-3-18-2020-final.pdf](https://actionnetwork.org/user_files/user_files/000/040/261/original/12_Fact-Sheet-on-Federal-Families-First-Coronavirus-Response-Act-That-Passed-House-3-18-2020-final.pdf)

ADA Resources:

https://www.eeoc.gov/facts/pandemic_flu.html

[https://actionnetwork.org/user_files/user_files/000/040/236/original/What You Should Know About ADA.pdf](https://actionnetwork.org/user_files/user_files/000/040/236/original/What_You_Should_Know_About_ADA.pdf)

[https://actionnetwork.org/user_files/user_files/000/040/286/original/13_-_ADA Outline by Brian East.pdf](https://actionnetwork.org/user_files/user_files/000/040/286/original/13_-_ADA_Outline_by_Brian_East.pdf)

OSHA Resources:

<https://www.osha.gov/SLTC/covid-19/>

https://actionnetwork.org/user_files/user_files/000/040/182/original/OSHA3990.pdf

National Academy of Arbitrators – Videoconferencing Procedures:

[https://actionnetwork.org/user_files/user_files/000/040/180/original/Videoconferencing Procedures - A Primer - Final.pdf](https://actionnetwork.org/user_files/user_files/000/040/180/original/Videoconferencing_Procedures_-_A_Primer_-_Final.pdf)

Please send any questions via email to: aka@phillipsrichard.com.