



Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

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COVID-19 Questions and Answers

- Q 1. Is the Union working on hazardous pay through legislation?
A 1. BMWED National Division is working with Congress for legislation that protects the safety of BMWED Members who continue to work during the pandemic, as well as pay protection for BMWED Members that are off sick or furloughed because of the pandemic. Discussion continues with members of Congress regarding hazardous pay while we maintain focus on Members' safety, and the needs for Members that are sick and/or unemployed.
- Q 2. What is the course of action if the Carriers violate CDC guidelines on transport employees?
A 2. Several of the System Division/Federations, as well as various National Division representatives, have conducted and continue to conduct routine status calls with the rail carriers regarding Member safety and work-related issues during the pandemic. There are also status calls that are conducted on an "as needed" basis, particularly when issues regarding health and safety of employees develop. The System Divisions/Federations will continue to engage the Carriers about following CDC guidelines as much as possible and practicable.
- Q 3. How do we socially distance when working in a machine that requires two operators?
A 3. The CDC's recommended social distancing guidelines may not always be possible in cabs and machines, as well as other track and bridge maintenance, repair, construction and inspection work. However, other abatement methods should be observed to limit interactions if possible. For example, if two people must be in proximity, they should only stay in close proximity for the time necessary to complete their work. Additionally, they should wear a face covering as recommended by the CDC, along with their required personal protective equipment.
- Q 4. If I get COVID-19 while at work, do I have a lawsuit?
A 4. BMWED National Division continues to analyze this subject. However, as a threshold matter, every case/lawsuit is unique and will require a case by case analysis. Accordingly, if you feel you have a viable lawsuit, you should contact a BMWED-designated attorney. You can find a list of BMWED-designated attorneys at our website under the FELA section.

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Q 5. Do I have health insurance if I self-quarantine? If so, how long?

A 5. It depends on the Carrier you work for, as they have not adopted a “universal policy” for addressing this. Accordingly, extension of coverage will otherwise be governed by the National Plan requirements and will require a case by case analysis.

Q 6. What is the CARES Act?

A 6. The Coronavirus Aid, Relief, and Economic Security Act (CARES) is bipartisan legislation signed into law by President Trump on March 27, 2020. The CARES Act seeks to provide economic support to working Americans and businesses in the form of expanded paid leave, employer retention tax credits and business loans, personal stimulus checks, increased unemployment benefits, improved access to sickness benefits and the like. For example, under the CARES Act, railroad employees can receive an additional \$1,200 in unemployment benefits per two-week period. Additionally, railroad employees can receive an extension of unemployment benefits. Unfortunately, however, there are several provisions of the CARES Act that do not pertain to many railroad workers because of exclusions within the law that regard the size of the employer. For example, the expanded paid leave provisions of the CARES Act are not applicable to employers that have 500 or more employees.

Q 7. What is the total weekly amount members will receive on unemployment benefits and sick benefits?

A 7. Unemployment

The current biweekly maximum unemployment benefits for most eligible unemployed Railroad workers is \$733.98. Because of the CARES Act, *unemployed* Railroad workers are also eligible to receive an additional \$1,200 biweekly benefit. Therefore, eligible unemployed Railroad workers can receive up to \$1,933.98 in biweekly benefits through July 31, 2020, unless the funds providing the increased \$1,200 biweekly benefits are exhausted prior to said date.

Sickness

The current biweekly maximum sickness benefit for most eligible Railroad workers is \$733.98. *The additional \$1,200 biweekly benefit unfortunately does not apply to sickness benefits.* However, several BMWED members have access to the Maintenance of Way Employees Supplemental Sickness Benefit (SSB) Plan that is administrated by Aetna.

The amount of SSB you receive is based upon a schedule of benefits, which are currently:

CLASS	HOURLY RATE OF PAY	MONTHLY EARNINGS	DAILY RATE OF SSB W/ RUIA	DAILY RATE OF SSB W/O RUIA	MAX MONTHLY AMOUNT OF SSB W/RUIA
1	\$29.91 or More	\$5204.00 or More	\$63.72	\$116.92	\$3508.00
2	\$27.81-\$29.90	\$4839.00 - \$5203.00	\$57.15	\$110.35	\$3311.00
3	\$27.80 or Less	\$4838 or Less	\$49.85	\$103.07	\$3092.00

Please be certain to file your notice of claim for SSB within 60 days of the start of sickness/disability, or as soon as your serious mental or physical injury or illness permits you to do such. Failure to file your SSB notice of claim within the 60-day time period will likely result in your SSB claim being denied.

For more guidance and information regarding SSB, please review the SSB Summary Plan Description, which can be located at www.ytth.com.

- Q 8. Is there still a 7-day waiting period for unemployment and sickness benefits?
A 8. No. The CARES Act temporarily eliminated the one week waiting period before being eligible to receive unemployment and/or sickness benefits.

For more guidance and information regarding Railroad Unemployment Insurance Act (RUIA) Unemployment and Sickness Benefits during the COVID-19 Pandemic, please visit: <https://www.rrb.gov/Benefits/Coronavirus>