

ILWU-PMA JOINT COAST LABOR RELATIONS COMMITTEE

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QUESTIONS AND ANSWERS REGARDING APPLICATION OF COASTWISE COVID-19 PAID SICK AND FAMILY AND MEDICAL LEAVE AGREEMENT

The following questions and answers are designed to address questions we anticipate workers will have regarding the coastwise COVID-19 related leave program agreed to by the Coast Labor Relations Committee (CLRC) in CLRC Mtg. No. 29-20.

1) **How does a worker apply for paid sick and family and medical leave benefits?**

The worker applies online using their phone or computer at Pacific Maritime Association's (PMA) Web Portal at: <https://selfservice.pmanet.org>. The worker will complete the application for paid leave on-line and then select "submit" to process the application.

2) **If a worker has any questions regarding how to apply for paid sick and family and medical leave benefits, who does he/she contact?**

A worker may call his/her union representative or the PMA Payroll number, (888) PMA-1234 (888-762-1234), with questions. The PMA representative cannot complete the application on behalf of the worker but can assist in answering questions regarding the application process. The worker may also contact the local PMA representatives in Southern California at (562) 495-7661, in Northern California at (510) 891-4631, and in the Pacific Northwest (PNW) at (503) 827-4040.

3) **For what period of time may a worker receive paid sick and family and medical leave benefits?**

Benefits are available retroactively to April 1, 2020 and will terminate with the expiration of the Families First Coronavirus Response Act (FFCRA). As of this writing, the FFCRA is scheduled to end on December 31, 2020.

4) **Is any worker prohibited from submitting an application?**

No worker is prohibited from filing an application through PMA's Web Portal.

5) **How long will it take for the worker to receive an answer on the request for leave?**

A worker will have access through the PMA Web Portal to view the status of his/her request. In most circumstances, the status of the request will be updated within a week from the date of the application. Delays in the application review process may occur based upon the volume of applications received. Applications will be processed in priority order based on date submitted.

6) **Will a worker be able to track progress on his/her application for review?**

Yes, the worker will be able to log onto the PMA Web Portal and check their own request history. A worker will be able to check his/her request history in order to determine the application's status as in process, approved, or denied.

7) **Will workers receive sick and family and medical leave benefits based upon any hours and wages earned working for companies that are not members of PMA?**

No, the CLRC agreement in CLRC Mtg. No. 29-20 does not apply to companies that are not members of PMA.

8) **What are reasons for which a worker may be denied paid sick and family and medical leave?**

A worker will not receive sick leave if the worker has not worked for a PMA member company within the last six months preceding the date of the worker's application. A worker may also be denied sick leave if the worker was paid for work, or received Clerk Work Opportunity Guarantee (CWOG) benefits, or other guarantee on the same date that leave is requested, or received Pay Guarantee Plan (PGP) benefits in the same week that leave is requested, fails to provide requested supporting documentation, or if the requested information is not complete.

9) **How is eligibility determined for paid sick and family and medical leave based upon a worker's work history?**

For paid sick leave, PMA will look back to the worker's preceding six months of work history to determine how much sick leave for which the worker may be eligible. For example, if a worker submits an application for paid sick leave to begin on June 20, 2020, PMA will look back at the worker's work history from December 19, 2019 up to and including June 19, 2020.

For paid family and medical leave, PMA will look back to the worker's preceding 30 days of work history to determine how much family and medical leave for which the worker may be eligible. For example, if a worker submits an application for family and medical leave to begin on June 20, 2020, PMA will look back at the worker's work history from May 21, 2020 up to and including June 19, 2020.

10) What are the reasons for which a worker may receive paid leave?

There are six reasons for which a worker may receive paid sick leave, which are:

- i. You tested positive for COVID-19.
- ii. You are/were quarantined due to COVID-19.
- iii. You are/were caring for a family member with COVID-19.
- iv. You are/were experiencing symptoms of COVID-19.
- v. You are/were caring for someone quarantined due to diagnosis of COVID-19.
- vi. You are/were caring for a child whose school or place of care is closed for COVID-19.

11) Does a worker need to provide any documentation to request paid leave?

Yes, workers will be required to submit documentation in order to qualify for paid leave.

12) How does a worker provide documentation to support an application on PMA's Web Portal?

A worker may upload a document in the following formats: PDF, GIF, JPEG, DOC, DOCX.

13) How much in sick and family and medical leave benefits may a worker receive?

For reasons (i), (ii) and (iv) set forth in the answer to Question 10 above, a worker may receive an amount equal to the worker's regular rate of pay, up to \$511 per day and \$2,555 per week (with a maximum of up to two weeks). For reasons (iii) and (v) set forth in the answer to Question 10 above, a worker may receive sick leave benefits in the amount of two-thirds (2/3) of the worker's regular rate, up to \$200 per day and \$1,000 per week (with a maximum of up to two weeks). Workers who need leave for reason (vi) in Question 10 above, which is because the worker is caring for child if school or place of care is closed for COVID-19 related reasons, may receive leave benefits in the amount of two-thirds (2/3) of the worker's regular rate, up to \$200 per day and \$1,000 per week (up to \$12,000 in the

aggregate over a 12-week period – two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave).

14) **How is a worker's average daily wage rate calculated in order to determine the regular rate of pay?**

The daily average wage is calculated by dividing the gross wages by the number of calendar days in the preceding six months multiplied by five-sevenths (5/7), to represent five days in a seven-day payroll week.

The equation is:
$$\frac{\text{Gross Wages from last 6 months}}{\# \text{ of calendar days in last 6 months}} \times \frac{5}{7}$$

15) **Are workers required to apply for state or federal unemployment and paid family leave benefits?**

Yes, if a worker is applying for COVID-19 related leave under the CLRC Agreement for one of the following reasons:

- i. You are/were experiencing symptoms of COVID-19 and are seeking a healthcare provider's certificate.
- ii. You are/were caring for someone quarantined due to diagnosis of COVID-19.
- iii. You are/were caring for a child whose school or place of care is closed for COVID-19

In the case of these three reasons, the worker must apply for available state and federal unemployment and paid family leave benefits and the COVID-19 related leave benefits negotiated by the ILWU and the PMA and obtained through PMA's Web Portal will be reduced to reflect such state and federal benefits for which the worker is eligible.

16) **How does a worker file for unemployment benefits?**

Information on how to file for unemployment benefits may be obtained through the worker's local union representative or PMA representatives in Southern California at (562) 495-7661, in Northern California at (510) 891-4631, and in the PNW at (503) 827-4040.

- 17) **If a worker has previously taken leave for one of the six reasons in Question 10 above, is the worker eligible to receive any paid leave benefits now under this agreement?**

Yes, workers who took leave from work prior to the agreement reached by the ILWU and PMA in CLRC Mtg. No. 29-30 on June 8, 2020 for one of the six reasons listed in Question 10 above, and who, for categories iv, v, and vi in Question 10 above, could have applied during that leave period for state unemployment or disability insurance, or with Weekly Indemnity (WI) benefits, may apply through PMA's Web Portal for any additional payments they would have received under the ILWU and PMA's leave agreement had it then been operative. Note that the "make whole" payments for categories iv, v, and vi in Question 10 above will be provided to top up or bring the worker's benefits equal to their average daily wage, up to the maximum amounts listed above.

- 18) **Can workers receive Weekly Indemnity benefits or Weekly Supplemental benefits and paid sick leave at the same time?**

No, workers will not be eligible to receive ILWU-PMA Welfare Plan Weekly Indemnity (WI) or Weekly Supplemental benefits at the same time they are receiving COVID-19 leave benefits under the agreement reached in CLRC Mtg. No. 29-20.

- 19) **Is a worker's paid leave impacted if they are receiving WI benefits or state or federal benefits?**

If a worker received WI benefits or state or federal benefits on or any time after April 1, 2020, then the worker will receive a "top off" or any additional monies that would make them whole up to the applicable daily maximum amount as referenced in the answer to Question 13 above.

- 20) **Are workers who are jointly employed by and paid through local Joint Port Labor Relations Committees (JPLRC), such as dispatchers, eligible for COVID-19 related leave benefits?**

Yes.

- 21) **Will paid sick leave hours count as qualifying hours for benefits purposes?**

This is currently under negotiation by the ILWU and the PMA with the Union taking the position yes and the Employers taking the position no. At this time, there is no agreement to count paid sick leave hours as qualifying hours for benefits purposes.

22) **Will paid sick leave hours count towards the accumulation of vacation hours?**

No.

23) **Do PGP, CWOG, and training wages count in one's daily average wage?**

Yes, PGP, CWOG, and training wages are counted in determining the daily average wage.

24) **Do steady guarantee payments count towards the calculation of one's hours?**

Yes.

25) **Are these paid leave benefits taxable?**

Yes, paid leave benefits are treated like normal wages in withholdings and deductions.

26) **If a worker does not agree with the denial of a leave application, does the worker have any ability to grieve the decision?**

Yes, a worker may file a pay claim for review through the contract grievance machinery. Upon receipt of the pay claim, the local parties will schedule a JPLRC meeting and such meeting will occur within 24 hours of the filing of the pay claim, or the very next business day if a claim is received on a weekend or holiday, to determine the basis of the denial. Should the parties disagree on the denial after review of the basis for the decision, then the pay claim may be submitted to an industry arbitrator assigned on a random basis for determination. The hearing of the pay claim will be scheduled by the arbitrator within 14 days.

27) **When will the worker receive the paid leave benefits after the application is approved?**

The worker will receive the paid leave benefits in the payroll period immediately following the application's approval. For example, payroll runs each Tuesday for the prior Saturday to Friday work week. Payroll will process all requests received and approved before Monday from the week prior (Sunday is the review cutoff day); approved payments then will be issued on Friday and the worker will see the paid leave benefits in the worker's paycheck. Paid leave requested for future dates will be paid during the payroll cycle under which they fall.