

## **MEMORANDUM OF AGREEMENT PRE-EMPLOYMENT COVID-19 TESTING**

The Associated General Contractors, Inc., the Building Industry Association of Southern California, the Engineering Contractors Association, and the Southern California Contractors Association, Inc. (“Associations”) on behalf of their eligible members and the Southern California District Council of Laborers, on behalf of itself and its affiliated Local Unions (“Union”) are parties to a collective bargaining agreement known as the 2018-2022 Southern California Master Labor Agreement (“MLA”). In response to the COVID-19 pandemic and pursuant to the parties’ desire to maintain safe and healthy construction jobsites and avoid the dangers of the spread of the novel coronavirus, the parties further agree to this Memorandum of Agreement (“MOA”) for all Contractors bound to the MLA:

1. The Contractor shall follow the normal dispatch procedure in the MLA for obtaining employees from the Union. Subject to the terms of this MOA, the Contractor may test any newly dispatched Laborer for COVID-19 prior to the Laborer reporting to the jobsite. The dispatch of the Laborer to the Contractor shall constitute a conditional job offer.
2. The Contractor may screen the dispatched worker via a telephone call to inquire about COVID-19 exposure in conformance with rules, regulations and guidelines of the CDC, OSHA, Cal OSHA, EEOC and DFEH (“Government Rules”). Currently, the parties believe the following questions are permissible to ask:
  - a. Within the last 10 days have you been diagnosed with COVID-19 or had a test confirming you have the virus?
  - b. Do you live in the same household with, or have you had close contact with someone who in the past 14 days has been in isolation for COVID-19 or had a test confirming they have the virus?
  - c. Have you been medically directed to self-quarantine due to possible exposure to COVID-19?
  - d. Have you had any one or more of the following symptoms within the past 48 hours, including:

<ul style="list-style-type: none"><li>• Fever, Chills, or Repeated Shaking/Shivering</li><li>• Cough</li><li>• Sore Throat</li><li>• Shortness of Breath, Difficulty Breathing</li><li>• Feeling Unusually Weak or Fatigued</li></ul>	<ul style="list-style-type: none"><li>• Loss of Taste or Smell</li><li>• Muscle pain</li><li>• Headache</li><li>• Runny or congested nose</li><li>• Diarrhea</li></ul>
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The Contractor may not ask any questions regarding the individual’s health or medical conditions except as permitted by Government Rules.

3. If the dispatched worker's answers indicate exposure to COVID-19 and the Contractor rescinds the conditional offer of employment, the Contractor shall notify the Union that it is not hiring the dispatched individual, and shall request another dispatch. The Contractor shall not be required to disclose any information regarding the grounds for rescinding the offer of employment except as permitted by Government Rules.
4. If the dispatched worker's answers indicate no exposure to COVID-19, the Contractor may direct the dispatched worker to a medical facility for in-person COVID-19 swab test no later than the next day. The medical facility shall be no more than thirty (30) miles from the location of the jobsite to which the individual is dispatched. The Contractor shall be responsible for cost of swab test and shall reimburse the individual a lump sum in the equivalent of two (2) hours pay at the classification in which the individual was dispatched. This amount is reimbursement for the individual's expenses for travelling to and from the medical facility, and shall not be considered wages for hours worked or paid (and no contributions to Trust Funds are required).
5. A dispatched worker who is sent for a COVID-19 swab test shall be paid at the straight-time rate of pay in the classification in which he or she was dispatched for eight (8) hours on the day the test is administered, and shall be paid eight (8) hours of straight time pay in the classification in which he or she was dispatched for each day the individual waits for the test results, including the day the results are released. Trust Fund contributions shall be paid on these hours. During this paid wait period, the individual may be instructed to stay at home during working hours and follow *CDC How to Protect Yourself & Others* guidelines, as attached hereto as Attachment A, and as amended or revised from time to time.
6. The dispatched worker shall start work at the jobsite no later than the next scheduled work day after the test result is confirmed negative.
7. In the event the individual tests positive for COVID-19 and the Contractor does not employ the worker on the job to which he or she was dispatched. The amounts due to the individual, as described in sections 4 and 5, shall be mailed to person's home address by close of business on the day of discharge.
8. It is not the intent of either the Contractors or the Union to violate any laws, rulings or regulations of any Governmental authority or agency having jurisdiction of the subject matter of this MOA, and the Contractor and the Union agree that, in the event any provision of this Agreement is finally held or determined to be illegal or void, as being in contravention of any such laws, rulings, or regulations, the remainder of the MOA shall remain in full force and effect, unless the part so found to be void is wholly inseparable from the remaining portion of this MOA. The Contractors and the Union agree that if and when any provision of this MOA is held or determined to be illegal or void, they will then promptly enter into lawful negotiations concerning the substance thereof. In the event the parties are unable to reach agreement within sixty (60) days following the beginning of such negotiations, this MOA shall be deemed terminated as of that date.

9. This MOA shall be in effect until the State of Emergency re COVID-19 declared by the Governor of California on March 4, 2019 has been rescinded. Except as expressly provided herein, all other terms of the MLA shall continue to apply.

**Associated General Contractors of California, Inc.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Southern California District Council of Laborers**

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**Engineering Contractor's Association**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Building Industry Association of Southern California, Inc.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Southern California Contactors Association, Inc.**

By: \_\_\_\_\_

Date: \_\_\_\_\_



# Coronavirus Disease 2019 (COVID-19)

## How to Protect Yourself & Others

Older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing serious complications from COVID-19 illness. More information on [Are you at higher risk for serious illness.](#)



### Know how it spreads

- There is currently no vaccine to prevent coronavirus disease 2019 (COVID-19).
- **The best way to prevent illness is to avoid being exposed to this virus.**
- The virus is thought to [spread mainly from person-to-person](#).
  - Between people who are in close contact with one another (within about 6 feet).
  - Through respiratory droplets produced when an infected person coughs, sneezes or talks.
  - These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.
  - Some recent studies have suggested that COVID-19 may be spread by people who are not showing symptoms.

## Everyone Should



### Wash your hands often

- [Wash your hands](#) often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, **use a hand sanitizer that contains at least 60% alcohol**. Cover all surfaces of your hands and rub them together until they feel dry.
- **Avoid touching your eyes, nose, and mouth** with unwashed hands.



### Avoid close contact

- **Avoid close contact with people who are sick, even inside your home.** If possible, maintain 6 feet between the person who is sick and other household members.
- **Put distance between yourself and other people outside of your home.**
  - Remember that some people without symptoms may be able to spread virus.
  - [Stay at least 6 feet \(about 2 arms' length\) from other people.](#)
  - Do not gather in groups.
  - Stay out of crowded places and avoid mass gatherings.
  - Keeping distance from others is especially important for [people who are at higher risk of getting very sick.](#)



### Cover your mouth and nose with a cloth face cover when around others

## OTHERS

- You could spread COVID-19 to others even if you do not feel sick.
- Everyone should wear a [cloth face cover](#) when they have to go out in public, for example to the grocery store or to pick up other necessities.
  - Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- The cloth face cover is meant to protect other people in case you are infected.
- Do NOT use a facemask meant for a healthcare worker.
- Continue to keep about 6 feet between yourself and others. The cloth face cover is not a substitute for social distancing.



## Cover coughs and sneezes

- If you are in a private setting and do not have on your cloth face covering, remember to always cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow.
- **Throw used tissues** in the trash.
- Immediately **wash your hands** with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.



## Clean and disinfect

- **Clean AND disinfect frequently touched surfaces daily.** This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.
- **If surfaces are dirty, clean them.** Use detergent or soap and water prior to disinfection.
- **Then, use a household disinfectant.** Most common [EPA-registered household disinfectants](#)  will work.

## Handwashing Resources



[Handwashing tips](#)



[Hand Hygiene in Healthcare Settings](#)

## More information

[Symptoms](#)

[Individuals, schools, events, businesses and more](#)

[What to do if you are sick](#)

[Healthcare Professionals](#)

[If someone in your house gets sick](#)

[6 Steps to Prevent COVID-19](#)

[Frequently asked questions](#)

[6 Steps to Prevent COVID-19 \(ASL Version\)](#)