

WEBINAR: STATE & LOCAL ACTION ON PAID LEAVE & COVID-19

Co-hosted by:



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Please specify who you would like to address your question.



Agenda

- Introduction (*Pronita Gupta, CLASP*)
- Overview of federal bills (*Alex Baptiste and Vasu Reddy, National Partnership for Women & Families*)
- States taking action on paid sick days and paid family & medical leave
 - **Philadelphia, PA** (*Marianne Bellesorte, VP of Advocacy, PathwaysPA and Candace Chewning, Outreach and Communications Director for the Office of Benefits and Wage Complaints, City of Philadelphia*)
 - **Washington State** (*Marilyn Watkins, Economic Opportunity Institute & Nick Streuli, External Relations Direction, Office of Governor Jay Inslee*)
- Paid sick days laws and public health emergencies (*Sherry Leiwant, A Better Balance*)
 - **New York state**
- Questions & answers
- Live poll / next steps
- Resources

The Federal Package – Paid Sick Days

Paid Sick Days for Public Emergencies

- **Two weeks (or 10 work days) of paid sick leave**
 - Applies to public employers of all sizes and private employers with fewer than 500 employees
 - DOL has discretion to exempt businesses with fewer than 50 employees from providing paid sick days for employees to care for a child whose school or place of care is closed
 - DOL has discretion to exempt certain health care providers and emergency responders
- **Purposes:**
 - To obtain a medical diagnosis or care if experiencing symptoms
 - To comply with a recommendation from a public health official
 - To care for an individual who is self-isolating because of a diagnosis or is experiencing symptoms
 - When taken for this purpose, rate of pay is reduced to 2/3
 - To care for a child if school or place of care is closed
 - When taken for this purpose, rate of pay is reduced to 2/3
 - Maximum payment is \$511 per day/\$5,110 total for self-care, \$200 per day/\$2,000 total for family care

The Federal Package – Paid Sick Days

Paid Sick Days for Public Emergencies

- **Impact on existing policies:**
 - Sick time under the bill must be made available to workers *in addition to* any employer provided leave
 - Employer cannot require an employee to use accrued time before emergency time
 - Employer cannot require an employee to find replacement workers
- **Family member:**
 - No formal definition of “family member” in final text
 - Leave may be taken to care for “an individual” who is:
 - (1) subject to a Federal, State or local quarantine or isolation order related to Covid-19; or
 - (2) has been advised by a health care provider to self-isolate
- **Sunsets on December 31, 2020**

The Federal Package – FMLA and Paid Leave

Emergency Paid Leave

- **12 weeks of job-protected emergency paid leave**
 - First 10 days may be unpaid
 - For subsequent leave, employer must pay employee at 2/3 wage replacement, up to \$200 per day and \$10,000 total
- **Applies to employers with fewer than 500 employees**
 - DOL has discretion to exempt businesses with fewer than 50 employees
- **Available to employees who have been on the job for at least 30 days**
 - DOL has discretion to exempt certain health care providers and emergency responders
 - Employers of health care providers and emergency responders may elect to exclude such employees from this leave

The Federal Package – FMLA and Paid Leave

Emergency Paid Leave

- **Purpose:**

- The employee is unable to work/telework because the employee's child's school or place of care is closed, or the child's usual care provider is unavailable, due to a COVID-related public health emergency

- **Family member:**

- Son or daughter under age 18

- **Job Protection**

- Employee has a right to job restoration under the FMLA
- Exception for employers with fewer than 25 employees under certain conditions

- **Sunsets on December 31, 2020**

What states and localities are already doing

- **Philadelphia**

- Existing sick leave – amended in the past week to cover public health emergencies
- Non-essential businesses and city operations are halted, schools closed
- Website, helpline, and text alerts have been set up for the public
- Mayor's office continues to work with other levels of government on response; internally, departments are working with each other and reaching out to other cities for guidance

What states and localities are already doing (continued)

- **Washington State**

- Existing paid sick leave and paid family and medical leave
- Emergency rules for Unemployment Insurance and Workers' Compensation
- Health: free screenings, expanded coverage, Medicaid waiver
- School closures, public gathering limits, restaurant closures
- Emergency appropriation

Washington State benefits

COVID-19 Scenarios & Benefits Available

The information shared on this flyer does not necessarily reflect the official policy or position of any other agency or company. It is the reader's responsibility to verify the facts of coverage.

| COVID-19 SCENARIOS | Paid Sick Leave (employer paid) | Unemployment Insurance | | Paid Family & Medical Leave | Industrial Insurance (L&I) |
|--|---------------------------------|------------------------|----------------|-----------------------------|----------------------------|
| | Current Law | Current Law | Emergency Rule | Current Law | Current Law |
| 1 Worker is mildly ill with COVID-19. | ✓ | ✗ | ✓ | ? | ? |
| 2 Worker is severely ill with COVID-19. | ✓ | ✗ | ✗ | ✓ | ? |
| 3 Worker was exposed and quarantined. Business remains open. | ✓ | ✗ | ✓ | ✗ | ? |
| 4 Worker is caring for sick family member. | ✓ | ✗ | ? | ✓ | ✗ |
| 5 Schools are closed by a public official because of COVID-19 and worker has no childcare. | ✓ | ✗ | ✗ | ✗ | ✗ |
| 6 Worker is immune-compromised and advised to self-quarantine. | ? | ✗ | ✓ | ? | ✗ |
| 7 Worker is afraid of gathering in a group and refuses to go to work (self-distancing). | ✗ | ✗ | ✗ | ✗ | ✗ |
| 8 Employer must shut down due to a quarantine by a public official. | ✓ | ✓ | ✓ | ✗ | ✗ |
| 9 Employer shuts down due to a business slowdown or lack of demand. | ✗ | ✓ | ✓ | ✗ | ✗ |
| 10 Employer reduces available hours due to business slowdown or lack of demand. | ✗ | ✓ | ✓ | ✗ | ✗ |
| 11 Employer stays open in defiance of public health urging to close. | ✗ | ? | ? | ✗ | ✗ |
| 12 Health care workers and first responder are under quarantine. | ✓ | ✗ | ✗ | ✗ | ✓ |



The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711



ESD.WA.GOV

Coronavirus and Paid Sick Days

- Strong public health case that all workers should have paid sick time to use when they or a family member is sick.
- Two possible routes:
 - Emergency paid sick time for this crisis either free standing or added to existing paid sick time laws
 - In states/localities without paid sick time – broader paid sick guarantees

Paid Sick Time: State of Play

- 11 states and 23 localities have paid sick time laws
- 17 jurisdictions allow paid sick days to be used in the case of public health emergency closures:
 - Arizona
 - Michigan
 - New Jersey
 - Oregon
 - Rhode Island
 - Vermont
 - Washington
 - Chicago/Cook County, Illinois
 - New York City, New York
 - Seattle, Washington
 - Minneapolis, Minnesota
 - Saint Paul, Minnesota
 - San Diego, California
 - Montgomery County, Maryland
 - Westchester County, New York
 - Pittsburgh, Pennsylvania
 - Philadelphia, Pennsylvania

Paid sick days law provisions to address public health emergency

- Add purposes:
 - Quarantine provisions: “When presence on the job or in the community would be a threat to the health of others” as determined by a public official, health authority or health care provider
 - Closures of schools or places of business due to public health emergency
- Make sick time available for immediate use
- Add additional sick time to address the emergency
- Expand definition of those who can be cared for to insure everyone in the community will have help if they need it
- Waive documentation requirements
- Protect jobs with strong anti-retaliation and anti-discrimination provisions

New York example

- Able to pass state-wide paid sick time law with both emergency provisions for coronavirus-related quarantine and ongoing paid sick time:
- Emergency quarantine related sick time:
 - Entitled to time when subject to “mandatory or precautionary order of quarantine or isolation due to coronavirus”
 - Businesses of 11-99 will have to give 5 days of paid sick time;
 - Businesses over 100 will have to give 14 days of paid sick time during the quarantine order
 - Public employees will get 14 days of paid sick time during quarantine period
 - Those without paid sick time and those who need more than 5 days can use the TDI/PFL program
 - Benefits are increased in TDI/PFL for these purposes
 - Immediate use of both sick days and TDI/PFL

New York example (continued)

- Emergency provisions will go into effect immediately; regular paid sick time will allow accruals to begin in July, time to be taken beginning January 2021
- Regular sick time law will provide accrual at 1 hour for every 30 hours worked
- Employers of under 5 only need to give unpaid leave; employers of 5-99 provide 5 days; employers of 100 or more provide 7 days
- Broad family definition
- Ongoing purposes do not include emergency purposes
- Law does not preempt or restrict enforcement of local laws (NYC)

QUESTIONS & ANSWERS

Please submit your questions using the Go To Webinar 'Questions' feature.

POLL

Resources



- [State-by-state Know Your Rights on Paid Sick Days](#)
- [Interactive overview of paid sick time laws](#)
- Example: [Fact Sheet on NY's Paid Sick Days Legislation](#)



- [Lack of Paid Leave Risks Public Health During the Coronavirus Outbreak](#)
- [The Uneven Expansion of Access to Paid Sick Days](#)
- [Paid Sick Days and Paid Family and Medical Leave Are Not Job Killers](#)



- [Enforcing sick days](#) microsite
- [CLASP COVID-19 site](#), including paid sick days testimony



- [COVID-19: A Call to Action](#)
- [FV@W Implementation and Jurisdictions](#)



- [Paid Sick Days Statutes](#)
- [Fact Sheet: Paid Sick Days Improve Public Health](#)



- Paid Leave for All [campaign website](#)
- Paid Leave for All [statement on the Families First Coronavirus Response Act](#)

THANK YOU!

Please email Diana Boesch (dboesch@americanprogress.org) with any questions and please take the post-webinar survey.

We will send a follow up email with resources and a copy of this presentation.