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Policy Recommendations for Southern State & Local Governments to Respond to COVID-19

[A Better Balance](#) is a non-profit legal organization that advances justice for working women, families, and all caregivers. Our Southern Office is based in Nashville, Tennessee and serves families throughout the South. Unfortunately, we know all too well that the public health and economic consequences of the COVID-19 pandemic are disproportionately affecting women, people of color, and low-wage workers. These individuals are most likely to be on the front lines providing care and essential services, yet often least likely to have important legal protections to provide economic security.

State and local lawmakers have a critical role to play in protecting the health and economic security of all during this crisis, especially the most vulnerable. These policy recommendations are for governors to implement now or for state legislatures to enact once they reconvene. Cities and counties should consider similar actions, to the extent possible. Policymakers should consider taking action for both their public sector workforce and the private sector.

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Paid Leave

Congress recently passed historic legislation providing paid leave for some workers affected by the coronavirus pandemic. While this was an important step forward, states and cities have a critical role to play in filling in the gaps left by the federal law and ensuring coverage for all workers.

Federal Action

- **Paid sick leave:** The federal Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act provide access to paid sick leave for some workers. Employees of public agencies—including state and local governments—and private entities with fewer than 500 employees may be eligible for up to 80 hours of emergency paid sick leave for purposes related to COVID-19. This emergency paid sick leave is available to workers who are under quarantine or shelter in place orders, experiencing symptoms of COVID-19 (regardless of official diagnosis), caring for a loved one with COVID-19, or caring for a child whose school or daycare has closed due to COVID-19. For more information, view our [fact sheet](#) and [FAQs](#) for workers.



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- **Paid family leave:** The FFCRA amends the federal Family and Medical Leave Act (FMLA) to provide 12 weeks of emergency leave for those caring for their child under the age of 18 whose school or child care is closed due to COVID-19. The first 10 days may be unpaid, but the employee can use any accrued personal, vacation, or sick leave during this time. The remainder of the leave is paid. For more information, view our [fact sheet](#) and [FAQs for workers](#).

States

- **Fill in the gaps in federal law by guaranteeing at least 14 days of job-protected, paid sick leave for all public and private sector workers, regardless of the size of the employer, for immediate use.** Ensure coverage for those who are exhibiting symptoms (with or without a positive test) and need to seek care, regardless of official diagnosis; for those who are caring for loved ones who are exhibiting symptoms; and for those who must care for a child due to school or daycare closures, older loved ones, and loved ones with disabilities. Access to paid sick leave means workers who are ill will be less likely to go to work while sick or send a sick child to school or daycare, reducing the spread of disease. Further resources:
 - [Model emergency paid leave law that covers the private-sector gaps in the FFCRA](#)
 - [Model paid sick time law for a public health emergency](#)
 - [Key policy elements to include in an emergency paid sick time bill](#)
- **Fill in the gaps in federal law by guaranteeing 12 weeks of comprehensive, job-protected paid family and medical leave for all public and private sector workers, regardless of the size of the employer.** Include coverage to care for a new child or a loved one who is seriously ill, to address one's own serious medical needs, and for those who must care for a child due to school or daycare closures. During these difficult economic times, we recommend that state and local governments cover their own employees and explore options to offset costs for private sector employers. Paid family leave encourages family caregiving, which reduces the burden on our healthcare system at a time when its resources are being stretched to the limit. In addition, workers without paid family leave may refrain from using sick days even when they are unwell in order to save their leave for when a new child arrives. This practice endangers both the workers themselves and the health of the community overall.



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Localities

- In states that have [express state preemption](#) of local paid leave laws (AL, AR, FL, GA, KY, LA, MS, NC, SC, TN), **local governments should enact generous paid sick leave and paid family & medical leave policies for their own employees and/or employees of city/county contractors**, leading the way for private sector employers.

Protecting Pregnant Workers

States & Localities

- Especially during a pandemic, some pregnant workers may need minor accommodations upon request, like protective gear or a modified work schedule, in order to stay safe and healthy while continuing to support their families. Pregnant women who contract COVID-19 may have a higher risk of developing a serious illness. States and localities that have not already done so should **guarantee pregnant workers a clear right to reasonable accommodations in the workplace**, unless it would be an undue hardship on the employer.
- When at all possible, **ensure that individuals who are essential to the emotional or mental well-being of a pregnant individual are able to be present with them during delivery**. This includes doulas, who should be considered an essential part of the birthing team. The [March of Dimes supports](#) the World Health Organization's stance that one support person should be allowed to be present during delivery, when possible. See this further [guidance from the CDC](#), #6, for more information.

Economic Security

States

- **Expand access and eligibility for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) funds**. States must ensure that the most vulnerable families receive access to these critical supports without delay, since many families do not have savings to fall back on. Through TANF funding, [Tennessee](#) is providing direct cash assistance to families that have lost a job or have lost at least 50% of their earned income due to COVID-19.
- **Ensure that all workers deemed to be essential personnel by federal or state authorities, including food production and distribution workers—like grocery workers—receive adequate economic and health protections**. Consider requiring

premium pay to fairly compensate these essential workers who are at an increased risk of contracting COVID-19.

States & Localities

- **Halt all evictions, foreclosures, and utility shut offs for the duration of the state of emergency.** Local governments across the country have taken these steps to ensure that families who may be grappling with job loss and financial uncertainty do not lose access to basic needs like shelter, electricity, and running water. Some state leaders have taken action on a statewide level, including in [Kentucky](#) and [Tennessee](#). State and local leaders should also consider providing temporary forgiveness for mortgage and rent payments for renters, homeowners, and small businesses.

Unemployment Insurance

States

- **Improve access to unemployment insurance benefits.** Waive any waiting period and work search requirements, so that workers can access benefits as soon as possible. Extend unemployment insurance benefits to those who are caring for a sick family member and to workers whose employers have temporarily halted operations due to COVID-19. Ensure access for furloughed workers and those who remain employed but have seen their hours cut. Extend access to benefits to the self-employed and independent contractors.
- **Enact a work sharing program to reduce layoffs and ensure continued access to benefits for employees.** Under a work sharing program, instead of laying off employees, employers agree to reduce workers' hours and continue providing benefits. In exchange, the state provides unemployment insurance benefits to cover a portion of the employees' lost wages. Twenty-eight states have such programs in place, including Arkansas, Florida, and Texas. The federal CARES Act stipulates that the federal government will temporarily fully fund existing state work sharing programs, and provides funding for states to implement, improve, and promote such programs as well. Learn more [here](#).

Child Care

States & Localities

- **Ensure that all available federal and state funds are being used to support child care providers,** including federal Child Care and Development Block Grant (CCDBG) funding. Consider providing direct grants to providers who have been impacted by



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COVID-19. For example, [Tennessee](#) is using federal funds to distribute \$10 million in grants to licensed child care providers that have been impacted by COVID-19 to help cover lost income, cleaning supplies, and other needs. Congress [increased funding for the CCDBG and Head Start through the CARES Act](#), including:

- \$3.5 billion for the CCDBG for immediate assistance to child care providers to prevent them from going out of business and to otherwise support child care for families. The allocation: (1) supplements state funds for child care assistance; (2) provides financial support to child care providers in the case of decreased enrollment or closures related to COVID-19; and (3) offers child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to COVID-19.
 - \$750 million for Head Start programs to help respond to coronavirus related needs of children and families, including making up for lost learning time.
- **Consider providing free childcare to all workers deemed essential personnel, including food production and distribution workers.** For example, Minnesota’s governor issued an [Executive Order](#) enlisting local school districts to provide free child care for children aged 12 and younger of essential personnel. Grocery store clerks, food preparation staff, and other food distribution workers [are eligible](#) for the child care services. Local governments can also take steps to ensure that essential personnel have access to needed child care services.
 - **Support child care workers by guaranteeing adequate pay and by providing clear guidance and support around proper safety protocols.** Ensure that providers that remain open have adequate cleaning supplies and personal protective equipment. More information [here](#).

Preemption

States

- **It is imperative that local governments have the ability to enact the policies that are best for their communities during this time of crisis.** Governors should explore suspending preemption laws through their emergency powers, particularly laws around paid leave and other worker protections and affordable housing. Where possible, state legislatures should repeal such preemption laws so that the hands of local leaders are not tied in responding to future crises. Finally, states should not preempt local ordinances or orders regarding staying at home or other regulations attempting to control the spread of COVID-19.



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Localities

- Particularly in the South, state governments have increasingly enacted preemption laws that tie the hands of local governments in several areas, and these laws are especially problematic when local governments are seeking to respond to a pandemic. **The Local Solutions Support Center has created [a useful resource](#) to help local government leaders assess which actions they have the authority to take to respond to COVID-19.**