



April 6, 2020

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
House Minority Leader
2468 Rayburn House Office Building
Washington, DC 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

Thank you so much for providing emergency paid sick days and paid family leave to some working people during the coronavirus pandemic through the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. We would like to respectfully provide you with our priorities for closing the gaps in these provisions for your consideration for future coronavirus response legislation.

Provide universal access to paid sick days and paid leave:

- **Closing the large employer loophole:** FFCRA only provides paid sick days and paid family leave to workers at employers with fewer than 500 employees. This leaves out approximately 59 million private sector workers, about 6.5 million of whom have no access to paid sick days of any kind, and nearly 42 million of whom have no paid family leave through their employer. Many of the rest may have insufficient leave, may not be able to use it for these purposes, or may face barriers to using leave such as punitive absence control policies. This particularly harms low-income workers and people of color who work in hourly jobs, such as workers at large grocery and pharmacy companies who have been deemed essential, and who are less likely to have paid sick days and paid family leave than higher-income salaried workers.
- **Removing all exclusions and exemptions:** Millions of workers who wanted relief from the impossible choice of going to work sick or losing their job will still be stuck. FFCRA permits the Department of Labor (DOL) to exempt small employers (those with fewer than 50 employees) from requirements to provide emergency paid sick days and longer-term paid family leave for child care, if those requirements would jeopardize the viability of the business. DOL's interpretation of this exemption is overly broad and undermines the positive effect on public health with any business able to self-exempt themselves. This could exclude up to 34 million private sector

workers at small businesses, 12 million of whom do not currently have any paid sick days, and nearly 30 million of whom have no paid family leave. We support efforts to combine removing this exemption with supports to help small businesses pay for this benefit. FFCRA also permits DOL to exempt health care workers and first responders – potentially as many as 16.6 million workers – from all paid sick days and paid leave requirements. DOL’s guidance also interpreted these provisions broadly.

Transition sick workers to paid family and medical leave

- **Expanding uses for paid leave:** FFCRA narrowed the reasons for taking longer-term paid leave just to care for a son or daughter whose school or place of care has been closed due to the coronavirus pandemic. Workers need the ability to transition from paid sick days to longer paid family and medical leave when an individual or their loved one falls ill from coronavirus. Data shows that those who get seriously ill from coronavirus may need six to eight weeks to beat the infection and additional time to recover enough to work, and even relatively routine cases can require several weeks of isolation and recovery at home. Those who are ill and in isolation will depend on nearby loved ones to monitor their health and provide care during this period. Individuals who get sick or family members need time to recover or care for loved ones while staying attached to their job.

Expand protections for the vulnerable

- **Providing full wage replacement for paid sick days:** While FFCRA provides full wage replacement for workers to take paid sick days for their own personal health, it only provides two-thirds wage replacement to care for family members, including children whose school or place of care is closed. It also caps wages for all paid sick days purposes. For low-income workers who already may struggle to make ends meet, the level of wage replacement makes a critical difference. And due to the gender and racial wage and wealth gaps, compounded for women of color, women and workers of color are less able to weather the pandemic with anything less than full wage replacement. Working people should be able to receive full wage replacement for all purposes for taking paid sick days.
- **Include paid safe days in the paid sick days standard:** News reports show that the quarantines and lock-downs are trapping women in abusive households and nationally we have seen a surge in domestic violence. Risk of job loss is especially troubling for domestic violence survivors because they often need financial security in order to seek assistance. We cannot let this pandemic further isolate this vulnerable population. Paid safe days would allow survivors to recover from or seek assistance related to domestic violence, stalking or sexual assault without risking job or income loss.
- **Removing sunset provision:** FFCRA’s paid sick days and paid family leave provisions sunset on December 31, 2020, and yet many still expect the country to be dealing with the coronavirus crisis at that point in time. These provisions should be extended at least until the end of 2021, and preferably be made permanent so working people are protected for future public health emergencies.

For your consideration over the long-term response, we urge you to consider **enacting permanent paid sick days and paid leave**. This pandemic exposed that a key part of preparedness is the ability to stay home without losing your job. The lack of paid sick leave and paid family and medical leave for all workers in this country puts them in danger of spreading illness. By passing the PAID Leave Act to provide permanent protections our country is prepared to fight against the pandemic and other future crises in the future.

We appreciate that the original House of Representatives draft of FFCRA included many of these provisions. We look forward to future legislation, and stand at the ready to be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Erika L. Moritsugu". The signature is fluid and cursive, with a large initial "E" and "M".

Erika L. Moritsugu
Vice President, Economic Justice
National Partnership for Women & Families

cc: Senate Finance Committee
Senate Health, Education, Labor and Pensions
House Education and Labor Committee
House Ways and Means Committee