



March 16, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

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

On behalf of the 2 million members of the Service Employees International Union (SEIU), many of whom are on the front lines combatting the COVID-19 pandemic—including healthcare workers, public servants, home care workers, and everyone who keeps our buildings and airports safe and clean—we thank the House of Representatives for taking a first step by passing the Families First Coronavirus Response Act, and call on the Senate to quickly consider and adopt further legislation to protect the health and economic security of working families during this crisis. We are in a different kind of economic and public health emergency. The response to the COVID-19 pandemic requires swift action and an unprecedented mobilization of the federal government and industry to ensure everyone—no matter how old they are, the color of their skin, where they were born, their immigration status, or how much money they make—is informed and protected, and that resources are able to reach all who have been affected.

We support many provisions of the Families First Coronavirus Response Act that will go towards protecting the health and economic security of working people and their families as they navigate this crisis. Though there needs to be additional work in many of these areas, we thank the House for provisions that increase federal funds for Medicaid to help states deal with increased costs to the system, enhancing unemployment insurance, and expanding nutritional assistance for low-income individuals, students, seniors and their caregivers. While flawed, we appreciate steps to extend paid sick and paid leave to some workers but believe all workers regardless of the size of their employer must have access to these essential benefits. We also strongly support the House's efforts to guarantee free coronavirus testing for everyone who needs a test, including the uninsured.

Unfortunately, COVID-19's quick spread continues to pose unprecedented economic and health issues, and we believe Congress and the Administration must do more to combat this pandemic and ensure that working families are able to endure the economic fallout while keeping themselves and their communities safe. As Congress continues to respond to this crisis, SEIU demands that you center working people and their families in your response. Specifically, the decision to limit mandatory paid sick days and paid leave days to employers with 500 or less employees means millions of workers are left out including SEIU members, our families and our communities. This includes health care workers in health systems, hospitals, and potentially nursing and long-term care facilities who are on the frontlines of this pandemic, are at high risk for exposures, and interact with individuals who are at high risk for the most serious illness. Also, in the current

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bill, public sector contractors and those that work at nonprofits including workers at community health clinics and child care centers, and contracted workforces like security service workers, janitors, and contract airport workers including but not limited to cabin cleaners, wheelchair attendants, and baggage handlers, many of who also have high risk of exposure, may be left without paid sick and paid leave options. In addition, we fear adjunct faculty and graduate workers at private colleges and universities are left out and almost half a million employees at McDonald's franchises and other fast food workers may not have access to this vital and lifesaving benefit under the current provisions. As many of these workers work in service industries, they don't have any telecommuting options - these benefits will be the only way they are able to survive. If we want to keep America safe and allow our workers to have any quality of life, we must address these gaps.

To ensure that franchise employees and workers at small businesses are covered during the COVID-19 public health crisis, Congress should also clarify that franchisors are responsible for providing paid leave and paid sick days benefits for workers at their franchises and that a small business has the burden of proving that the imposition of the leave requirements would immediately jeopardize its viability in order to obtain the exemption from the leave requirements for small businesses with under 50 employees. Employers should also be explicitly prohibited from laying off, suspending, or otherwise withholding employment from workers in order to evade the requirements of the Act or obtain its tax benefits.

Additionally, Congress must make sure that states have the resources necessary to comply with the mandate. While we understand that the tax mechanism used to make private employers whole does not work for states, states still require assistance to deal with unexpected burdens related to the pandemic. States must balance their budgets and are already struggling, even with the resources given the scope of the emergency they are facing. We must provide states with the necessary support and resources to ensure they are in a position where they do not have to choose which programs or which populations receive adequate funding to function.

We also have concerns that workers using paid leave and workers accessing paid sick days to care for a family member or child impacted by school or child care closures would only receive 2/3 their rate of normal pay. Low wage workers already live pay-check to pay-check and can hardly survive on their regular rate of pay. Low wage workers will be disproportionately affected by lost work time. Congress must address the disparate impact that exists under the current package by requiring full pay for anyone who makes \$15 or under per hour and the equivalent annual salary. Also, full paid sick leave should be provided regardless of the reason an individual needs to take it. There should not be a distinction between caregiving or other responsibilities—either way individuals are not able to work and will still lose the same amount of pay. Lastly, the law should account for paid sick days for other care needs, beyond those that result from school closures. For example, family members may need to step in to care for loved ones with disabilities or older family members if their regular caregiver is not available and in the case that facilities may close in order to stop the spread of disease.

Additionally, we urge Congress to immediately amend the Stafford Act to allow for a pandemic-related trigger for the Disaster Unemployment Assistance program (DUA). DUA will be especially important for millions of workers at large companies without paid sick days or paid leave requirements and for school staff, adjunct faculty and others who face barriers accessing Unemployment Insurance Assistance (UI) in some states. We also recommend removing the federal restriction requiring workers to exhaust regular Unemployment Insurance (UI) benefits before utilizing DUA, increasing the state administrative funding to cover all the costs incurred in processing DUA benefits during major disasters and establishing a minimum DUA benefit that is 1.5 times the national average state UI benefit (or \$531), thereby establishing a national standard for addressing this national emergency.

Congress must also do a better job of ensuring that all patients are reimbursed for any non-covered coronavirus-related costs. Everyone—no matter their skin color, country of origin, or immigration

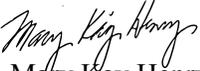
status—should be able to receive medical treatment without fear of the costs or that seeking treatment will put them or their families in jeopardy. Congress should ensure that vaccines or any other prescription drugs used to treat the virus are affordable and that any interventions developed using taxpayer dollars are not exploited by the pharmaceutical industry to put profits over people. The bill gives states the option to cover COVID-19 testing for uninsured individuals, but it makes millions of immigrants ineligible for coverage for testing under this option, including, among others, undocumented immigrants and those with Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS). Congress must fix this problem to ensure that truly everyone is able to obtain free testing. One way of doing that would be to provide that testing under the new state option qualifies as treatment for an emergency condition under the Medicaid statute, which is available without screening for immigration status.

And while the House has taken some important first steps to support the healthcare system and especially the Medicaid system in states, more must still be done. The immediate FMAP increase included in the bill is essential, but rather than linking the increase to an emergency declaration for more long-term economic stabilization, Congress should pass a permanent counter cyclical measure that triggers an automatic increase in FMAP rates as the economy declines. Furthermore, Congress should provide additional Medicaid funding targeted specifically at home and community-based services so that states are able to maintain and offer more generous benefits to more people. Those that receive home and community-based services are at greatest risk for serious illness and even death. States need the resources to be able to provide extra hours of service to those who need it, cover more supplies, and cover more people on waiting lists. States also need additional resources to pay the workforce for extra hours, overtime and paid sick and paid leave.

In addition to these issues raised above, one core priority for working people is that any economic relief appropriated by Congress to employers or specific industries impacted by COVID-19 should prioritize the workers of those companies and corporations, including contracted workers. Congress must also include strong guardrails to ensure corporations do not abuse or hoard the resources that are appropriated to deal with the epidemic. For instance, if bailout funds are provided to airlines during the crisis, there have to be enforceable methods of ensuring this money is going directly to workers, including contracted workers, and not showing up as bonuses for the industry executives or shareholder windfalls.

We have attached a fuller explanation of SEIU's legislative and policy priorities to wholly respond to the COVID-19 pandemic following this letter. As the world struggles to better understand and contain the coronavirus, SEIU members across the country are playing their part in the fight against the deadly disease. We thank you for the work that the House has done to start to address the harm that the coronavirus pandemic will likely cause to our nation's workers and their families. However, this moment poses a historic challenge for our country: a national public health crisis unlike anything we have experienced in the modern era. We ask that every elected official respond with the speed, boldness, and depth this moment requires. We appreciate your attention to the additional work that must be done to protect the economic security and health of working families during this crisis. If you have any questions, please contact John Gray, SEIU's Legislative Director, at john.gray@seiu.org or (202)-412-9232.

Sincerely,


Mary Kay Henry
International President

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COVID-19 Response | Legislative and Policy Principles

Principles

Working people are on the frontlines of efforts to mitigate the effects of and fight against COVID-19. Hospital and home care workers, child care providers, airport workers, janitors, security officers, educators, public employees and fast-food workers are united in their efforts to stop the spread of this virus and ensure that all working people are protected as they go about their work.

Everyone needs to have equal access to prevention, testing, treatment and economic support regardless of how old they are, the color of their skin, where they were born, or how much money they make. The onus for preparation and mitigation should be on institutions and employers, not on the working people who will bear the brunt of the impact.

Our principles for responding to the COVID-19 coronavirus pandemic and public health emergency are:

- **Invest in Workers and States; Provide Guardrails for Economic Relief to Industries and Corporations:**
 - Any economic relief to employers or specific industries impacted by COVID-19 should prioritize the employees and contracted workers for those companies and corporations, including guaranteeing paid sick leave. For those workers who are not otherwise eligible for paid sick leave, we need to make sure that they have options for income replacement like emergency paid leave. State and local governments must receive adequate federal funding to address this crisis. Those that receive federal funds must protect the health and livelihoods of the public servants and public service and care workers, including those on the frontline of the crisis, and prevent layoffs. We must ensure that any economic relief to corporations includes guardrails to ensure corporations do not abuse or hoard the resources, and that working people get the relief they need.
- **Protect Frontline Workers and Communities:**
 - Congress and the Administration should also provide funding and guidelines for training working people on the hazards of the coronavirus and workers' role in keeping themselves and the public safe from contamination, provide appropriate personal protective equipment, and require employers to formulate plans to minimize exposure and risk.
- **Healthcare for All**
 - Everyone should be able to seek and receive medical treatment without fear of the costs associated with testing and treatment, including vaccines and prescription drugs. No one should be unfairly harmed or deterred from seeking medical treatment. COVID-19 screening and access to care must be based upon an individual's likely exposure to the virus — not their language, race, country of origin, or immigration status. We also believe that persons in federal custody, including immigration detention facilities, should have vital access to care and services to prevent as well as treat potential exposure.
- **Protect the Health and Safety of All People Regardless of Race or Country of Origin**
 - We denounce racist attacks and discrimination against the Asian-American Pacific Islander community in the wake of rising concerns over COVID-19.

Discrimination against the Asian-American community and AAPI workers hinders care and disease prevention, and we must collect and disseminate accurate information about COVID-19 to dispel myths about how the disease spreads and who is vulnerable.

- **Protect Our Democracy**

- Our democracy is rooted in the value that all people—no matter where they are from or their background—deserve equal representation and a voice in our government. As our government responds to COVID-19, it is imperative that our democratic infrastructure, including the 2020 Census and ongoing elections, are supported with necessary resources to ensure all people have the ability to be counted and make their voice heard.

Programmatic Support and Resources

1. Invest in Workers and States; Provide Guardrails for Economic Relief to Industries and Corporations

All workers, including contracted workers, must have access to emergency relief — It is critical that any policies adopted by Congress and the Administration recognize that all workers, whether employees or independent contractors, or employed directly or through a contractor, have full access to all economic relief, healthcare, and all other protections.

No blank checks for industries or corporations — Working families are already struggling due to low wages and the high cost of necessities, and the economic uncertainty created by the pandemic is only exacerbating this reality. Any economic relief appropriated by Congress to employers or specific industries impacted by COVID-19 should prioritize the workers of those companies and corporations, including contracted workers. Guardrails should be included to ensure corporations do not abuse or hoard the resources that are appropriated to deal with the epidemic. Workers must be centered in our federal response to ensure families have the economic resources to endure the impact of this public health emergency on our nation's economy. For instance, if bailout funds are provided to airlines during the crisis, there have to be enforceable methods of ensuring this money is going directly to workers, including contracted workers, and not showing up as bonuses for the industry executives or shareholder windfalls.

Invest in states and public workers — States and localities will be on the front line of this health care crisis with reduced resources because of the economic impact of the pandemic. Our public health departments are a first line of defense and must receive the necessary support to carry out their duties in protecting the health of everyone. Federal dollars should flow to states and local governments to provide support to residents and communities and safeguard public spaces and public buildings and continue to deliver vital public services. Federal, state and local contractors which carry out any of this work should be required to meet the workplace labor, training and protection standards of the federal contracting and local laws.

Paid sick leave, paid leave, and anti-retaliatory protections for all workers — To alleviate the devastating consequences of lost wages, we must provide paid sick leave and paid leave for everyone who will be forced out of their workplaces and regular work schedules during this crisis. This includes workers impacted by quarantine orders, those responsible for caring for patients, children, or the elderly, or those who must remain home or self-quarantined as a result of possible exposure to COVID-19. Public service and private sector workers must also be protected from retaliation for taking precautionary measures or quarantining themselves to

maintain a safe workplace, just as whistleblowers must have complete legal protections to sound the alarm if safety protocols are being ignored. The House has passed H.R. 6150, which requires employers to allow workers to accrue seven days of paid sick leave and to provide an additional 10 days for a public health emergency, covering leave when a worker's child's school is closed or if a family member is quarantined. As the bill is considered by the Senate and negotiated with the White House, the large employer exemption must be corrected. In addition, Congress should make available emergency paid leave or other income replacement programs that will be available to workers who are not covered by paid sick leave and workers who exhaust paid sick leave.

Enhanced unemployment insurance and provide direct cash payments to workers to help displaced workers — We must ensure unemployment insurance benefits are universally available and sufficient for workers who may be impacted and displaced as a result of the epidemic and cover workers like school employees who cannot access unemployment insurance between school terms or years. The Stafford Act must be updated to allow for individuals to apply for Disaster Unemployment Assistance without exhausting regular UI first. This will enable states to avoid spending down their UI trust funds right away. In addition, immediate payment in the form of tax rebates to all Americans, phased out for upper income, is the swiftest way to ensure both the economic stimulating effect and to protect workers who are in need.

Support state medicaid and health programs — We must enhance the match for state Medicaid programs to give states the money they need to ensure that those that rely on these programs for healthcare are able to access it. In addition, we need to make sure that those that receive care in the community and the people that provide services are protected during this crisis. The federal government should provide additional Medicaid funding to states to ensure the provision of robust Home and Community Based Services (HCBS) in a manner that keeps people safe and healthy.

Eliminate tipped wages for workers in industries that are directly impacted by COVID-19 like airport workers. These workers are paid as little as \$2.13 an hour and with the decline in travel due to the virus, these workers will not be able to receive a full and fair wage due to the lack of tips meant to balance their pay scale.

Food security — expand SNAP, WIC, school lunch and other initiatives, and suspend implementation of any regulations that weaken access to federal food assistance, in order to ensure vulnerable populations do not lose access to food throughout the duration of the epidemic.

Financial security for workers — provide protections against foreclosures, evictions, credit defaults, and other liens for workers who may be laid off or have reduced hours. In addition, eliminate tax penalties for withdrawing from retirement accounts, and pressure financial services companies to eliminate fees to withdraw cash from financial products they offer. Model a remedy on the Federal Employees Civil Relief Act (for furloughed federal employees), to protect workers from legal judgements and late penalties related to lack of resources due to the COVID-19 pandemic.

2. Protecting Frontline Workers and Communities

Training, protections, and supplies for workers on the frontline — The federal government must put forth clear standards and enforcement mechanisms, while ensuring sufficient manufacturing and distribution of necessary protective equipment and cleaning supplies for

public health and private sector health care and other workers who are in contact with people who have been exposed or are suffering from COVID-19 and for workers who are tasked with cleaning and maintaining contaminated spaces. These recommendations must be evidence based. Congress and the Administration should also provide funding and guidelines for training workers on the hazards of the coronavirus and keeping themselves and the public safe from contamination, require employers to formulate plans to minimize exposure, and ensure that there is adequate staffing and workers are not overburdened.

Free and widely available coronavirus testing — to control the spread of coronavirus, the administration must ensure that everyone in the country is able to access locations for cost-free testing and rapidly increase the unacceptably low daily test processing capacity. COVID-19 screening must be based upon an individual's likely exposure to the virus — not their language, skin color or country of origin.

3. Healthcare for All

Affordable treatment for all — All patients must be reimbursed for any non-covered coronavirus-related costs, and the Administration must widely communicate coverage for coronavirus-related care. Everyone- no matter their skin color, country of origin, or immigration status, should be able to seek and receive medical treatment without fear of the costs associated with treatment or that they will be unfairly persecuted for seeking medical treatment. The Federal Government should ensure that vaccines or any other prescription drugs used to treat the virus are affordable and that any interventions developed using taxpayer dollars are not exploited by the pharmaceutical industry to put profits over people.

Increase capacity of the healthcare system — The Administration and Congress must use emergency response mechanisms to quickly mobilize resources and facilities in order to respond to surges in demand, and ensure that there is adequate staffing and workers are not overburdened.

Treatment of persons in custody, including prisons, immigration detention facilities, and those with court business — Our ability to combat this urgent pandemic is dependent on prevention strategies specifically intended to protect our most vulnerable populations. There needs to be an emergency plan and guidance created for prison and immigration detention settings and in federal and immigration courthouses. These are confined environments where social distancing and the other COVID-19 protocols are nearly impossible to follow. In addition to basic sanitation, all facilities should develop a plan that includes education, staffing, screening and testing, treatment, and additional precautions for vulnerable populations such as pregnant women and those with compromised immune systems. It is important for Congress to instruct federal agencies to act quickly and set minimum standards, protocols and expectations. To develop their plans, the Department Of Justice and Bureau of Prisons should include the perspective and experience of frontline officers and staff.

4. Protecting the Health and Safety of All People Regardless of Race or Country of Origin

Different communities will be impacted differently — As with many other issues of great importance to our communities, we must approach COVID-19 response with an equity lens, that is most thoughtful about how ongoing issues of race, age, class, ability, gender, sexual orientation, language access, and beyond impact our overall approach to the pandemic.

Universal eligibility for all programs — To successfully combat the pandemic, all affordability and other measures adopted to slow the spread of disease and care for the afflicted—including

testing, treatment, care, and prevention—must include everyone without regard to immigration status.

Suspend immigration enforcement that deters immigrants and their families from seeking or obtaining testing or care — Consistent with historical practices taken during national disasters and other public health emergencies, and in order to ensure there is no gap in containment, CBP and ICE must formally announce a suspension of enforcement actions to the public, including immigration checkpoints that people must cross to access care, immigration enforcement at or near health care providers, and public charge consequences if people access government funded care to address coronavirus symptoms.

Dispel Misinformation and Denounce all forms of racial discrimination to protect AAPI workers, patients, and communities — to help prevent hysteria, discrimination, and assaults against the Asian American community, Congress and the Administration must denounce bigoted attacks and misinformation on the spread of COVID-19. The federal government must monitor and collect appropriate data on incidents and provide protection and support to the AAPI community. AAPI workers are on the frontline of combating the spread of the virus and we must ensure that they are protected.

5. Protecting Our Democracy

Responding safely to the 2020 Census, protecting the Census Bureau's workforce, and providing the Census Bureau resources to carry out a fair and accurate count — The 2020 Census is the most accessible census in history with the ability to respond online, over the phone or by mail, but COVID-19 will represent an unprecedented challenge to this effort especially during field operations. We must ensure that there is a robust communications campaign to ensure everyone—no matter where they live or what language they speak—has the information and tools necessary to respond to the 2020 Census. The Census Bureau must closely follow guidance from public health authorities when conducting the non-response follow-up operation to ensure that the Bureau's workforce has all the equipment and training necessary to keep workers and the public safe. While it is encouraging that the Census Bureau has a significant contingency budget to address costs of operational changes, we also encourage Congress and the Bureau to monitor these funds if they are used in order to determine if more contingency funds must be appropriated.

Voter and Voting Systems Protections — It is imperative that the federal government support states to ensure that our democracy remains intact and thriving throughout the COVID-19 pandemic. We must consider funding for states to adjust their voting procedures and practices accordingly to respond to the threat of the COVID-19 while also ensuring that every voter has access to the ballot box regardless of where they live or what condition they are in. This includes funding for the staffing, printing, and infrastructure costs associated with any changes or adjustments that must be made. In order to make registration accessible and deterring community gatherings, the federal government should also support every state in establishing online voter registration, no excuse and extended deadlines for requesting absentee ballots, and a voter education program to ensure public awareness about how to vote while maintaining public and personal safety during the pandemic. The federal government should also encourage states to create contingency plans to conduct all voting by mail, with access for everyone regardless of where they live, in the event the pandemic becomes so widespread that it would be a danger to hold public voting places.