

CONGRESS AND COVID-19:

What passed and what comes next

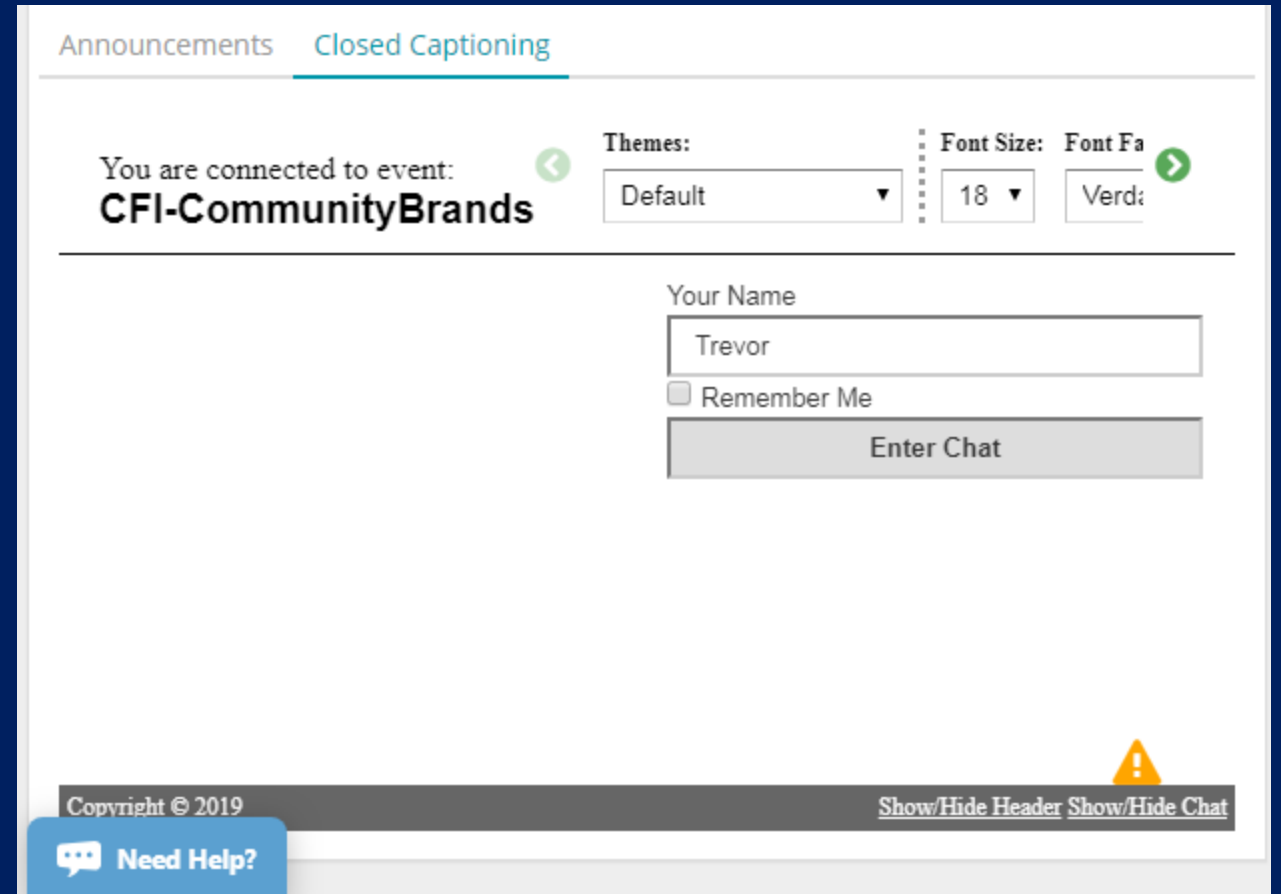
April 3, 2020



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The screenshot shows a web interface for enabling closed captioning. At the top, there are two tabs: "Announcements" and "Closed Captioning", with the latter being selected. Below the tabs, a message states "You are connected to event: CFI-CommunityBrands" with a green left arrow icon. To the right of this message are three settings: "Themes:" with a dropdown menu showing "Default", "Font Size:" with a dropdown menu showing "18", and "Font Fa" with a dropdown menu showing "Verd" and a green right arrow icon. Below these settings is a section for "Your Name" with a text input field containing "Trevor", a checkbox labeled "Remember Me", and a grey "Enter Chat" button. At the bottom of the interface, there is a dark grey bar containing "Copyright © 2019" on the left, and two links, "Show/Hide Header" and "Show/Hide Chat", on the right, with a yellow warning triangle icon between them. A blue button with a speech bubble icon and the text "Need Help?" is located at the bottom left.

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CHN Members and Supporters

Deborah Weinstein

Deborah Weinstein has been Executive Director of the Coalition on Human Needs since 2003. Prior to that, she served 9 years as Director of the Family Income Division at the Children's Defense Fund, after a decade as Executive Director at the Massachusetts Human Services Coalition.

In her four decades of advocacy experience, Debbie has brought a lot of groups together to fight for fair and commonsense federal and state budgets.



Jared Bernstein

Jared Bernstein has been a Senior Fellow at the Center on Budget and Policy Priorities since May 2011. From 2009 – 2011, he was Chief Economist and Economic Advisor to Vice President Joe Biden. His blog, On the Economy, is a model of clarity about complex and critical economic issues. He is a frequent commentator on CNBC and MSNBC, in the Washington Post and the New York Times.



Judy Conti

Judy Conti has been government affairs director for NELP since 2007. She has years of experience lobbying on issues involving turning low-wage work into good jobs with a pathway to the middle-class. In her time with NELP, Judy has made significant achievements in developing the organization's presence in the Capitol. She has appeared on C-Span's Washington Journal, CNBC, MSNBC, and many other television and print media outlets.



Michelle McGrain

Michelle McGrain is the federal affairs manager for economic justice at the National Partnership for Women & Families, where she manages and develops federal policymaker relationships to advance the National Partnership's legislative agenda. Michelle educates Congress about paid family and medical leave, paid sick days, equal pay, pregnancy discrimination, workplace harassment and fighting harmful proposals that erode workers' and women's economic rights.

Prior to joining the National Partnership, Michelle spent almost five years on Capitol Hill.



Pandemic Economics

Jared Bernstein

CBPP

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4/3/20

Questions we'll tackle

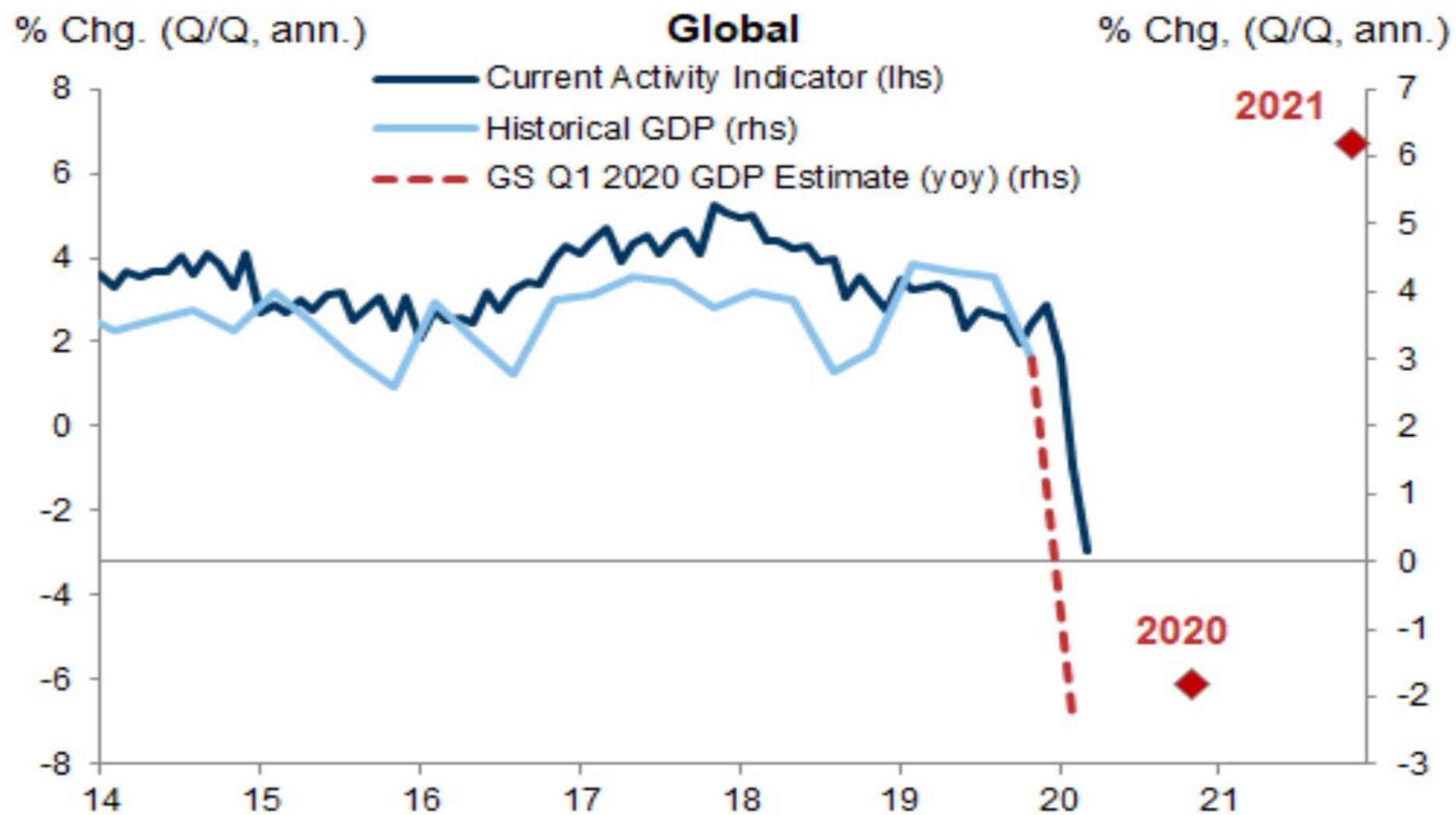
- Severity and length of downturn
 - Yes, we're in a recession
- Causes
 - Obviously, the virus, but there's more to it
- Indicators, so far
 - Many are laggards but you'll get the (ugly) picture
- **Given this diagnosis, what's the best policy prescription?**

Causes 1

- Deep freeze economy
- Consumer spending: 68% of US economy
- Global
- Uncertainty re length
- Hits supply, demand, financial markets



Photo by [jasonwoodhead23](#) 



Source: Haver Analytics, Goldman Sachs Global Investment Research.

Causes 2

- Breathtaking unpreparedness
- Absence of critical buffers against market failure
 - Paid leave
 - Unemp Ins ready to meet challenges
 - Food, housing, income supports
 - Business support (revenue stop)
- Governance: turns out it's kind of important

Severity/Length

- Sharpest downturn we've seen
- V, U, or L?
 - Question for epidemiologists more than economists
- Differential impacts: African-American jobless rate close to twice that of overall.
 - If overall peaks at 15%, black rate could hit **27% (in Great Depression, overall hit 25%)**
- There needs to be an economy capable of bouncing back on the other side of this crisis.

Weekly Unemployment Insurance Claims since 1967

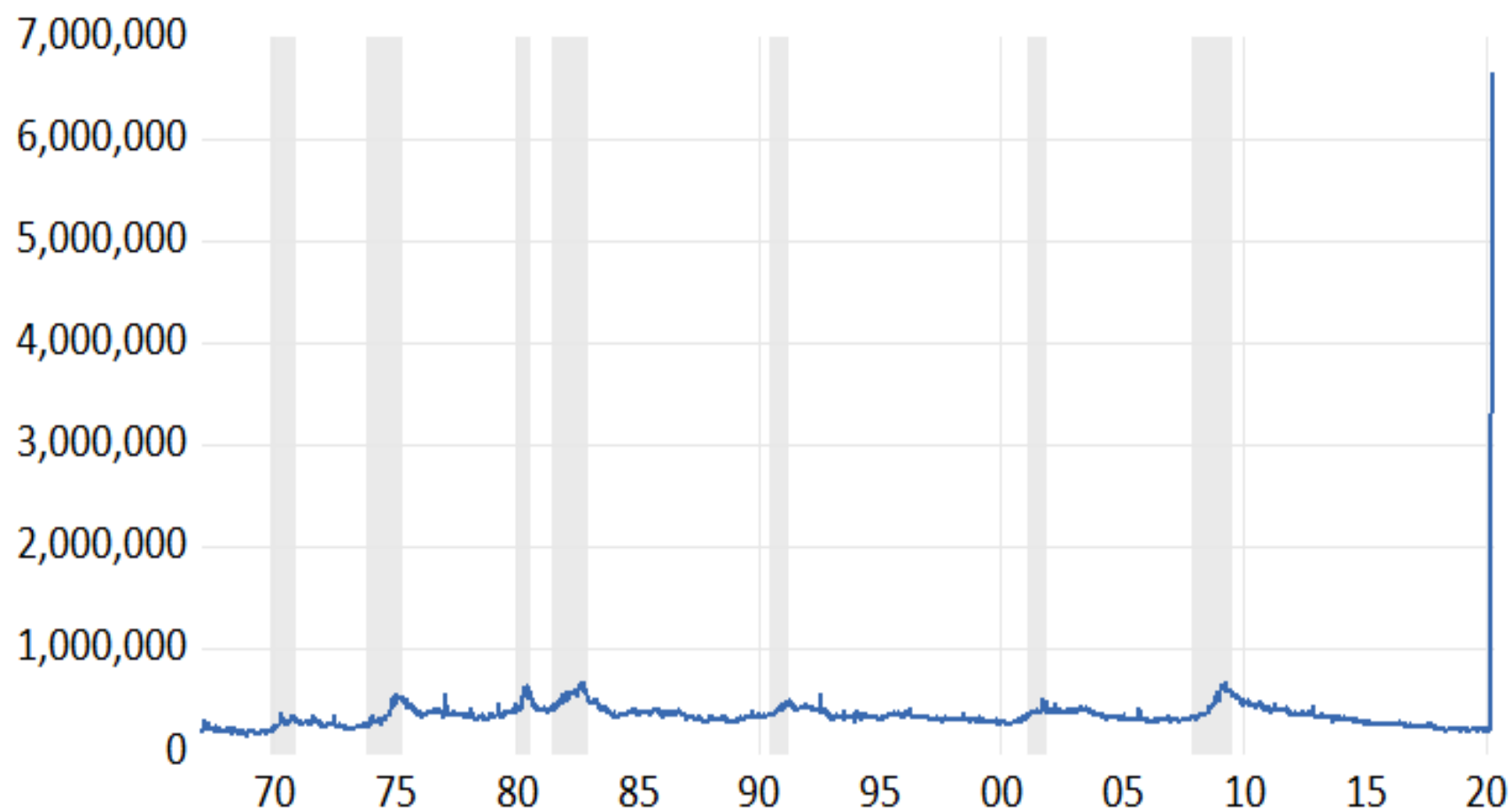
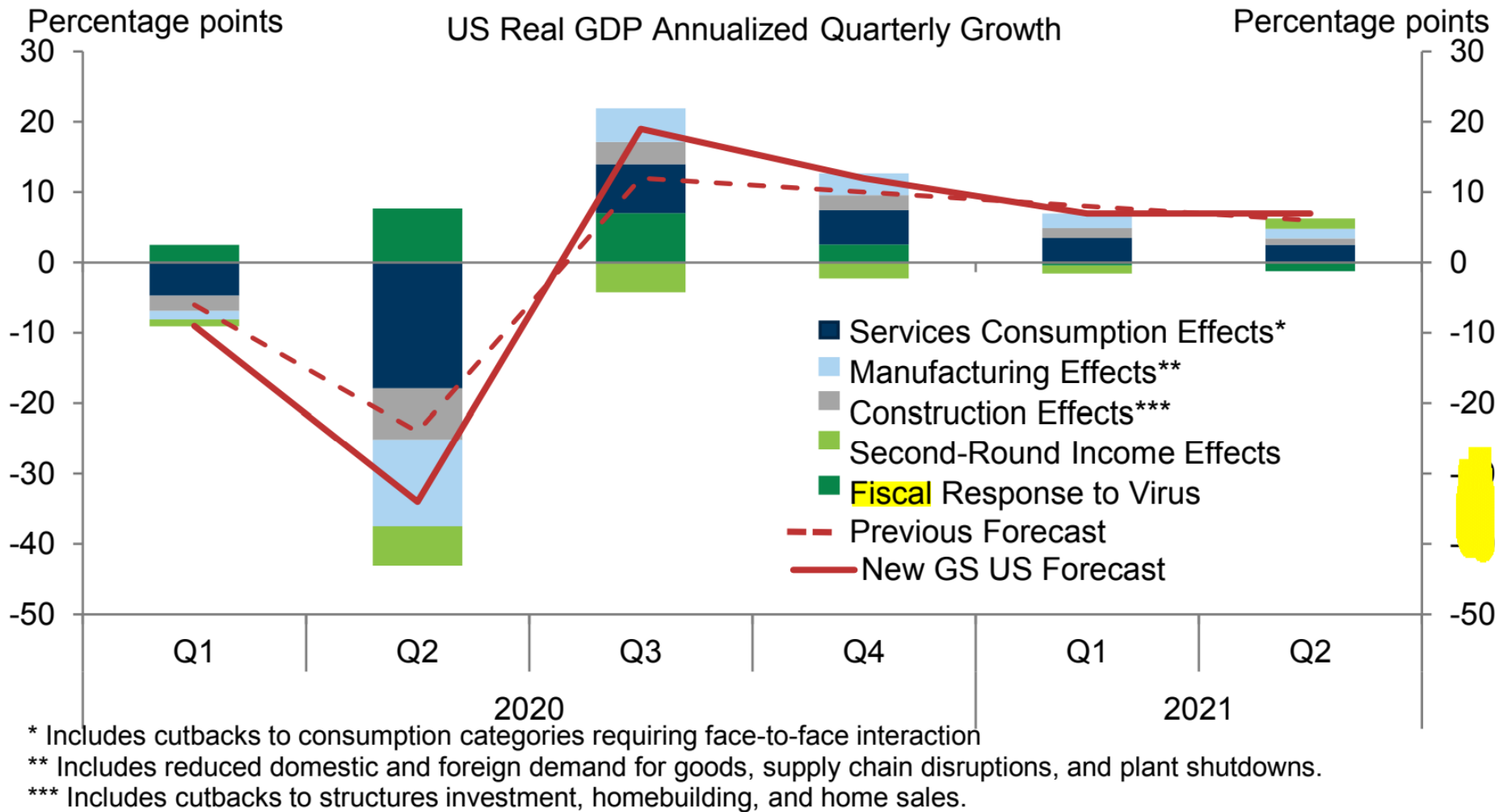
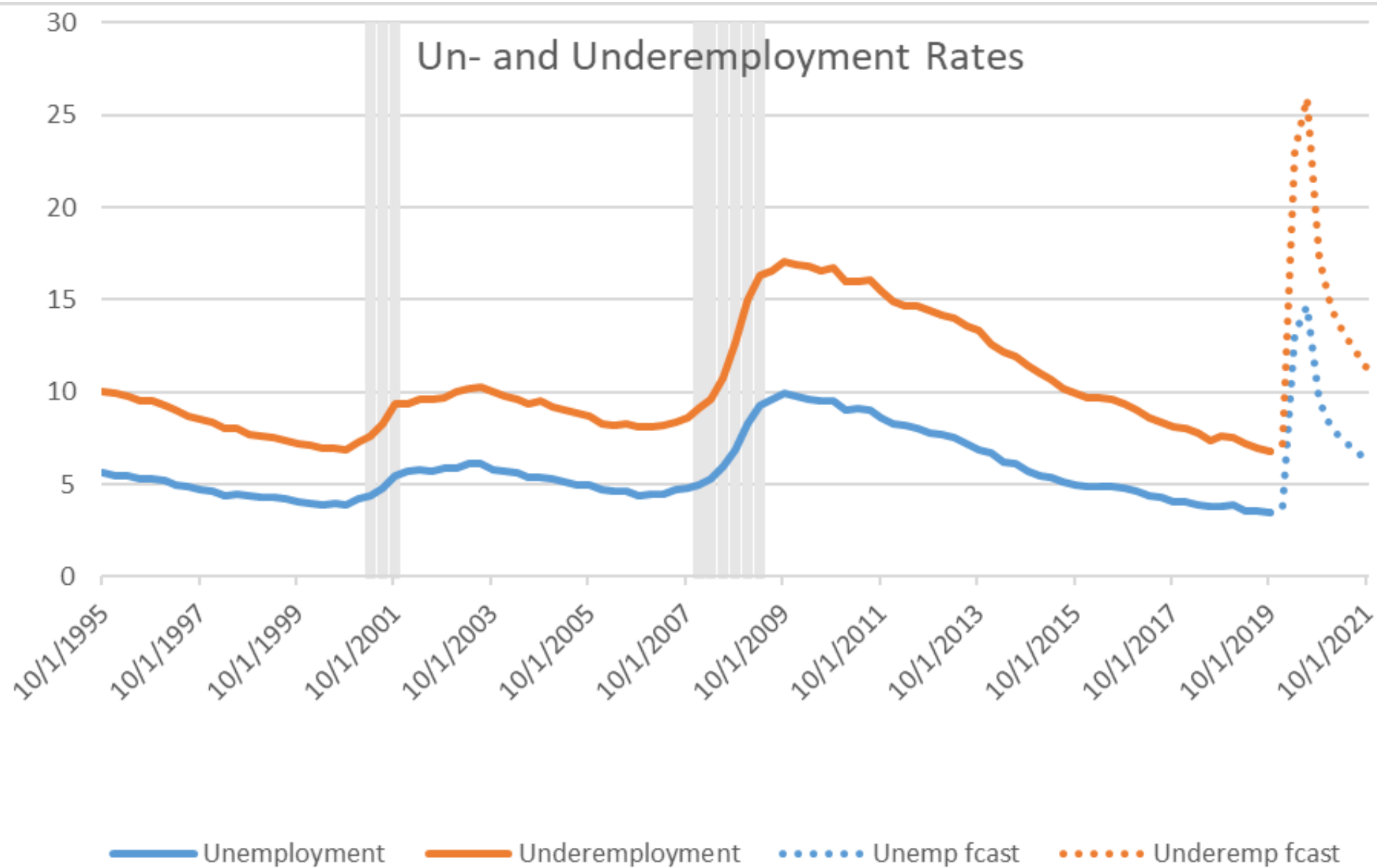


Exhibit 2: An Even Deeper Trough



Un- and Underemployment Rates



Total Employment and Percent of Total for Each Risk Group

	Total Employment	Share of Total Employment
All Occupations	144,731,220	
Employed in Occupations at “Low Risk” of Layoff	77,944,910	54%
Employed in “Essential” Occupations	24,840,280	17%
Employed in Occupations Possible to Work from Home	48,204,920	33%
Employed in Other Salaried Occupations	4,899,710	3%
Employed in Occupations at “High Risk” of Layoff	66,786,310	46%
Food Preparation and Serving-Related Occupations	13,374,170	9%
Sales and Related Occupations	10,443,460	7%
Production Occupations	8,313,750	6%
Installation, Maintenance and Repair Occupations	5,628,890	4%
All Other “High-Risk” Occupations	29,026,040	20%
SOURCES: Bureau of Labor Statistics Occupational Employment Statistics (2018) and author’s calculations. Federal Reserve Bank of St. Louis		

The average annual earnings of the low-risk occupations is \$64,600, about 75% higher than earnings in the high-risk occupations, at \$36,600. This indicates the economic burden from this health crisis will most directly affect those workers who are likely in the most vulnerable financial situation. [Source: Charles Gascon, St. Louis Federal Reserve]

Policy implications

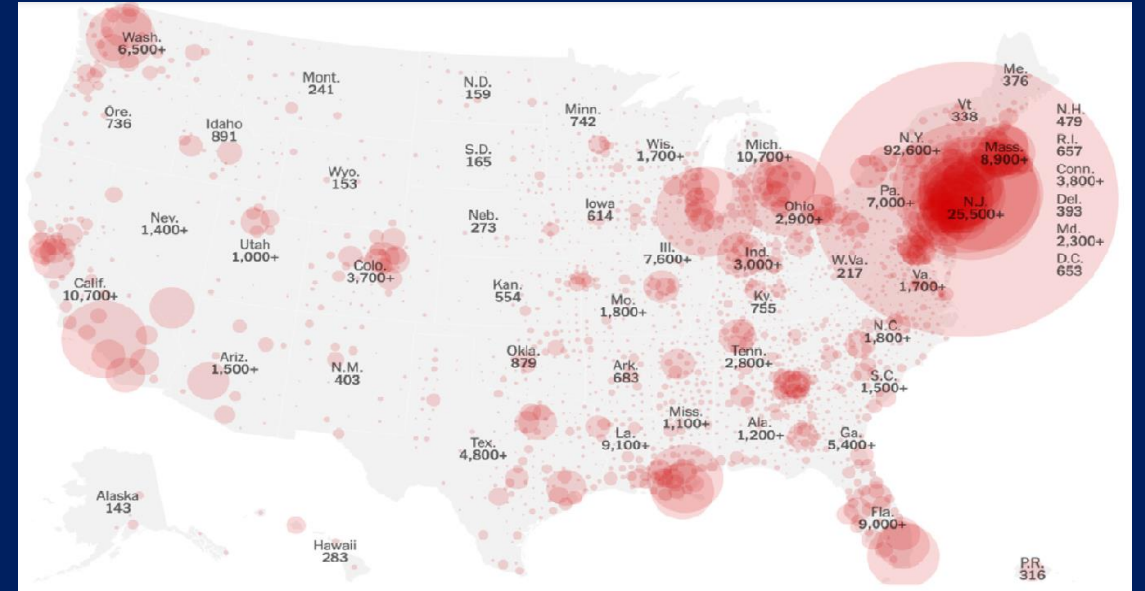
- Must do everything we can to protect vulnerable families (not hard to identify) and uninsulated biz.
- Help should be direct, fast, and scaled to the depth and length of the downturn, for as long as it lasts (triggers!).
- Yes, this is all unprecedented, but we know something about what works and what doesn't.
 - State fiscal relief, UI, checks, SNAP, housing, Mcaid, paid leave, small biz support.

CONGRESS AND COVID-19:

What passed *(and what comes next)*

Deborah Weinstein

April 3, 2020



2 Major Bills Enacted So Far

FAMILIES FIRST CORONAVIRUS RESPONSE ACT:

- Free COVID-19 testing
- Increased federal share of Medicaid costs
- Nutrition Assistance
- Unemployment compensation
- Paid leave

CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES)

- \$ to health care providers, researchers
- One-time income assistance \$
- Aid to businesses – nearly \$900b in loans, grants plus tax credits
- Aid to states, localities, tribes, territories
- Funds for housing, education, child care, SNAP, federal prisons,
- Elections

Protection Against COVID-19

- **Testing** for the disease covered in most insurance plans
- **Medicaid and CHIP**: states can use for testing uninsured people, paid 100% by federal government
- Federal Medicaid share (**FMAP**) up by 6.2 percentage points during emergency for COVID care
- \$150b for **hospitals/other health providers**, research for COVID
- Bureau of Prisons: \$100m for prevention, preparation and response
- **Free treatment is *not* widely provided**
- **Protections for workers *not* provided**

Help for basic needs

Food aid

- Emergency food (TEFAP) = \$450m
- For children: WIC, \$500m; emergency EBT food aid for children out of school; school meals waivers (\$8.8b)
- SNAP: \$15.8b for increased caseload; no work/training requirements during crisis; states can request increasing SNAP benefits

Help for basic needs

Recovery Rebates – one-time payments

- \$1,200 for individuals; \$2,400 for married filing jointly; \$500 per child under age 17
- Full amount up to \$75,000/individual; \$150,000/joint filers
- Phases out completely at \$99,000/\$198,000
- **Need a Social Security number and to file a tax return**
- *Exception:* Social Security and SSDI beneficiaries can have payment delivered in their monthly benefits

Help for basic needs

Housing/homelessness

- \$4b for Emergency Solutions grants to escape from/prevent homelessness
- \$3b for rental assistance (\$50m for housing for low-income seniors; \$15m for housing for people with disabilities)
- \$900m for LIHEAP (heating and cooling assistance)
- Moratoriums on evictions (120 days) and foreclosures (60 days) in properties with federal funding or backing

Student debt

- Student loan payments suspended for 6 months with no interest

Unemployment compensation

- Wait for Judy!

Keeping Workers in the Labor Force

Paid leave

- Wait for Michelle!

Aid to small businesses (fewer than 500 wks)

- \$350b in Paycheck Protection Program – forgivable loans
 - Includes nonprofits, self-employed, independent contractors
 - For 8 weeks of payroll – start applying today! through 6/30
 - Loan forgiven if employees kept on with little/no pay reduction
- Other small business help – relief from SBA loan payments (\$17b); \$10b for SBA emergency grants for operating costs up to \$10,000

Keeping Workers in the Labor Force

Middle and Big Business aid:

- **\$500b through Federal Reserve**, includes \$25b for airlines, etc.: requires at least 90% of employees hired as of 3/24 to be at work through 9/30; conditions: no increase in exec. compensation; no stock buybacks/dividends; no businesses owned by President, cabinet, mbrs of Congress or families benefit.
- **Grants to businesses and nonprofits with 500-10,000 employees – conditions**
- **Tax benefits for businesses:** refundable payroll tax credit for 50% of wages paid to employees when employers suspend business or see over 50% drop in receipts.

Funding so Services Can Reach People

State, local, tribal, territorial aid:

- **\$150b** in general grants
- **\$100b** covering education, transit, FEMA disaster relief (\$45b), Community Development Block Grant (\$5b), Transit (\$25b)
- **Child care and other children's svcs:** \$3.5b for child care; \$750m for Head Start.
- Fed. Govt. pays 50% of **unemployment compensation** for state, local, and tribal governments

Our Democracy

Election Administration Grants:

\$400m to facilitate voting by
mail, etc.

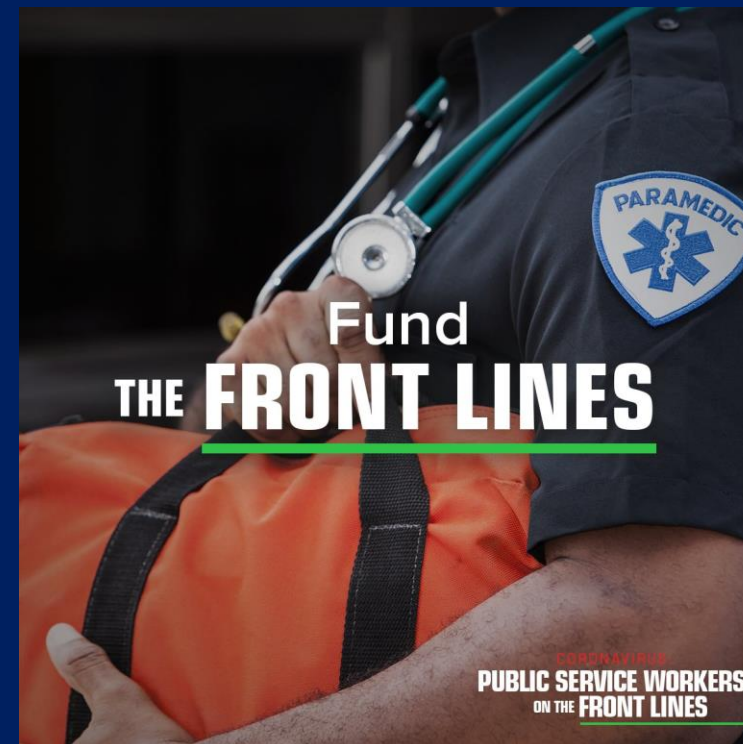


Trump Administration Failures

- Slow to recognize extent of threat
- No OSHA standards
- Failure to stockpile, purchase, distribute protective equipment, medical supplies and equipment
- Refusal to open ACA Healthcare.gov exchanges
- Slow, unclear help for student borrowers
- Slow to approve disaster procedures at food banks
- Education Dept. offers little help for people with student loans
- Refusal to increase SNAP benefits
- Making it easy for businesses not to offer paid leave
- Insisting on short duration of aid
- Resisting delivery of cash payments through benefit programs like SSI and veterans' benefits
- Resisting funding for voting by mail
- ***Got other examples?***

Left Out or Vulnerable

- Frontline workers
- Many other workers
- Immigrants
- District of Columbia
- Territories
- People needing medical treatment
- People in detention, prisons, jails
- People with disabilities
- People experiencing homelessness
- LGBTQ people
- People experiencing domestic violence



COVID-19 Unemployment Benefits Primer

March 31, 2020

CARES Act/ Families First Coronavirus Response Act: UI Programs

“Families First” State Grants

- **\$1B State UI Administration Grants (feds pay 100% of the state administration of UI programs)**
- **First installment w/in 60 days, requires employer notice, multiple claims filing methods, plus report on steps take to improve “reciprocity rate”**
- **Second installment after UI claims rise 10%, requires state to show it has take steps to improve UI access, including waiving the waiting week, work search and non-charging employers for COVID-19 claims**

Pandemic Unemployment Assistance

- **Nationalized COVID-19 program (DUA Regs apply)**
- **39 weeks, retroactive to January 27th through 2020**
- **Benefits levels same as DUA (state law applies)**
- **Covers workers not eligible for UI, who “self certifies” unemployed for 11+ COVID-19 reasons.**
- **Broadly covers: “self employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment compensation.”**
- **Does not cover those who can telework with pay or are receiving paid sick or paid leave benefits.**
- **No waiver overpayment protections (bad DUA regs)**

Covered Conditions

Applicants will need to provide self-certification that they are (1) partially or fully unemployed, OR (2) unable and unavailable to work because of one of the following circumstances:

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can't attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.



Additional Programs

- Pandemic Unemployment Compensation (PUC):
 - \$600 boost in weekly benefits
 - Ends July 31st (hard cut off)
 - "Non-reduction rule" prevents cuts in state UI
 - Positive waiver overpayment protections
- Pandemic Emergency Unemployment Compensation (PEUC):
 - Available through 2020
 - 13 weeks for workers who exhaust state UI
 - Same benefit level as state UI
 - Positive overpayment waiver protections
- Full Federal Funding of Waiting Week

Common Questions

- **Do the states/Govs have to participate in “Families First” and CARES UI programs? A: No**
- **Are undocumented workers covered? A: No, must be work authorized (e.g., DACA)**
- **Are workers eligible if they didn’t earn enough for UI or were seasonable workers? A: Yes**
- **Does everyone get the PUC \$600? A: Yes, even those on partial PUA or state UI or worksharing.**
- **How long will it take for workers to get their unemployment checks? Normally 2-3 weeks, but will be much longer depending on the state and the nature of the claim.**

Tougher Questions

- **What about people not expressly covered by the PUA conditions, e.g., students and parents with children who were about to return to the labor market?**

A: Possibly, depending on DOL guidance.

- **If the state pays less than 26 weeks in regular UI, can the workers still get 39 weeks in total federal and state benefits?**

A: Yes, claim PUA after state UI and PEUC.

- **Should state policymakers still expand eligibility for UI or increase benefits since the new program covers people ineligible for UI and pays more in benefits?**

A: Yes, but it's tougher now.

Implementation Issues

- States were at record low staffing and funding levels, so now must staff up and process huge surge in claims.
- Flooded/crashing on-line and phone claims systems, plus other major IT challenges that have long existed.
- E.g., On-line systems require new PIN and passwords for all prior UI claimants, requiring phone assistance to reset.
- Limited multi-lingual and phone assistance if can't navigate the on-line claims process.
- *No standard, efficient, streamlined process to identify and process claims for people without reported wages.*

National Employment Law Project

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Paid Sick Days vs. Paid Family and Medical Leave

Paid Sick & Safe Days

- **Short-term: Days or Hours**
 - To recover from short-term illnesses like the flu.
 - To care for a sick family member.
 - To access abortion care (including appointments and travel time).
 - To seek assistance in cases of domestic violence.
 - To seek preventive care – for example, well baby visits or annual physicals.

Fully paid through payroll

Paid Family & Medical Leave

- **Long-Term: Weeks or Months**
 - To undergo medical treatment or recover from a serious illness.
 - To bond with a new child.
 - To care for a family member undergoing medical treatment.
 - To care for an aging or ill family member.
 - For reasons related to family member's military service

Paid from state fund based on payroll contributions



Impact of Paid Sick Days

- **More than 32 million private sector workers cannot earn a single paid sick day**
- **Workers of color – particularly women of color – are disproportionately impacted by a lack of paid sick days**
 - Nearly 40 percent of black workers and approx. 14 million Latino workers are unable to earn a single paid sick day
- **Public facing industries have the lowest rate of paid sick days access**
 - 81% of food service workers do not have paid sick days
 - 75% of child care service workers do not have paid sick days
- **Paid sick days reduce the rate of contagion**
 - A recent study found that the general flu rate in jurisdictions with paid sick days laws decreased by 5.5% to 6.5% after the laws took effect
 - In Washington state, a paid sick days law cut the share of retail and food service workers who reported working while sick by 8 percentage points



Legislative Landscape: State and Federal

- **State Overview:**
 - 12 states, including the District of Columbia, and 22 local jurisdictions across the country have paid sick days laws in effect
 - 10 states, including the District of Columbia, have passed and enacted paid family and medical leave laws
- **Federal Overview**
 - Healthy Families Act
 - Would establish a national paid sick & safe days standard
 - FAMILY Act
 - Would establish a national paid family and medical leave program
- **Emergency Paid Sick Days Legislation**
 - Families First Coronavirus Response Act (FFCRA)
 - PAID Leave Act



Families First Coronavirus Response Act + CARES Act: Paid Sick Leave

Provides two weeks (80 hours/10 work days) of paid sick leave –sunsets on December 31, 2020

- Applies to employers with fewer than 500 employees
- DOL has discretion to exempt businesses with fewer than 50 employees
- DOL has discretion to exempt certain health care providers and first responders

Purposes for which paid sick time can be taken:

- To obtain a medical diagnosis if one is experiencing symptoms
- To comply with a recommendation or isolation from a public health official or health care provider
- To care for an individual who is subject to a quarantine or isolation recommendation (rate of pay reduced to 2/3)
- To care for a child if school or place of care is closed (rate of pay reduced to 2/3)
- If one is experiencing "any other substantially similar condition"

Employee must be unable to work or telework to take leave under the FFCRA



Families First Coronavirus Response Act + CARES Act: Paid Leave

Provides 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/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

Purpose:

- The employee is unable to work 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-19 related public health emergency

Job protection:

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

Sunsets on December 31, 2020



Next Steps: PAID Leave Act

Closes Loopholes in the Families First Act & CARES Act:

- **Closes large employer loophole** – allows workers at employers with 500+ employees to access paid sick days and paid leave
- **Closes small employer loophole** – removes exemption for employers with <50 employees
- **Closes health care provider & first responder loophole** – removes exemption for health care providers and first responders
- **Expands uses for paid leave** – adds back in longer-term paid leave for personal health and family caregiving
- **Expands uses for paid sick days** – allow individuals to take leave, or care for family members, just for experiencing symptoms, regardless of whether they have or are seeking a diagnosis
- **Increase wage replacement** – provide full wage replacement for paid sick days for all purposes

Enacts Permanent Paid Sick Days & Paid Leave Provisions:

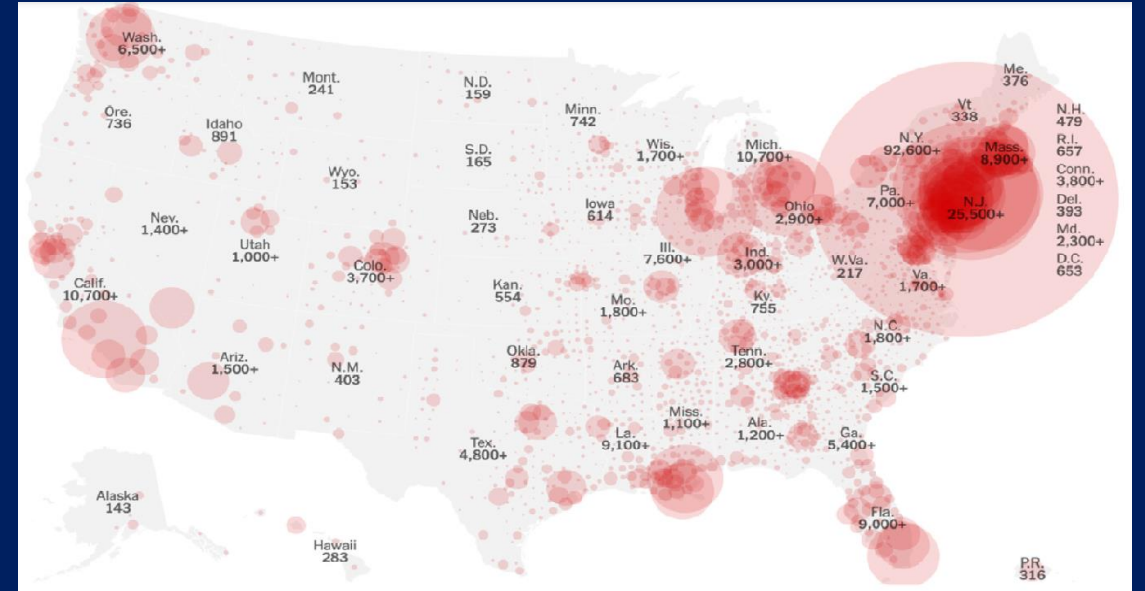
- **Removes the sunset provisions** for emergency paid sick days and paid leave, making them available for future public health emergencies
- **Enacts a permanent paid sick and safe days mandate**, allowing employees to accrue up to 1 hour of paid sick time for every 30 hours worked
- **Enacts a permanent paid family and medical leave program** that would start in January 22 following the structure of the FAMILY Act

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April 3, 2020



What's next in Congress?

- Maybe they'll be back week of April 20???
- House working on a COVID 4 package; Senate is not
- President Trump and Speaker Pelosi have both talked about a big infrastructure plan in the next bill
- The bill isn't likely to pass immediately on their return

That means there's time for us to work together...

Urgently Needed

Basic Needs:

- Free COVID-19 treatment for *all*
- Expanded Unemployment Compensation
- Expanded Paid sick leave and family and medical leave
- **Recovery rebates:** another round; delivered through SSI, veterans benefits, SS, SSDI – income tax filing not required, and available to people without Social Security numbers
- Increase maximum and minimum SNAP benefits
- Much more housing assistance
- Much more child care assistance
- More help with debt

Urgently Needed

Protection for workers

- OSHA standards for frontline and other workers
- Providing protective equipment
- Paid leave, unemployment compensation (*fits in multiple categories!*)
- Oversight to ensure businesses retain workers if they get loans, grants

Urgently Needed

More state, local, tribal, territorial aid

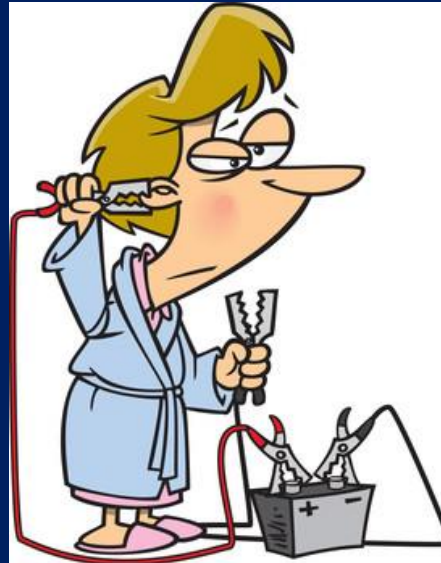
- Increase grants
- Increase distribution of funds to DC
- More Medicaid, nutrition assistance to territories
- Further increase Medicaid FMAP rate

Voting by mail

What to do within the comfort/confines of your own home...

- Track gaps in service delivery in your state/locality
- Tell your own story and encourage others to
- Call, write, tweet at your Rep and Senators
- Join in virtual rallies
- Jumpstart your activism

Stay on CHN email list for updates on how you can share and receive information:



www.chn.org



SHARE YOUR STORY



bit.ly/chncovidsurvey

HOW HAS THE COVID-19 PANDEMIC
AFFECTED YOU and/or YOUR FAMILY?



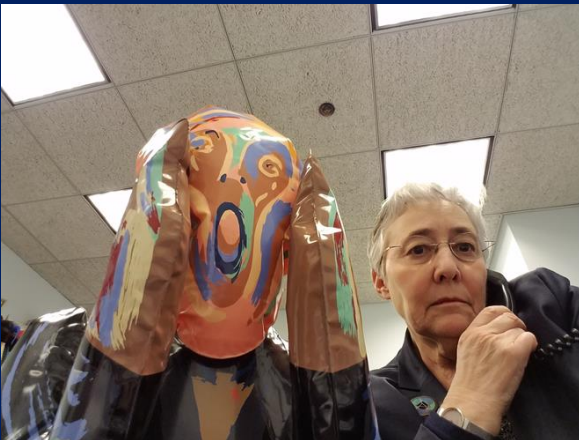
#PROTECTALLWORKERS

Call your Rep/Sen. to call on Labor Secretary Scalia to issue an **emergency temporary standard:**

The Federal government is failing to ensure the safety and health of workers—including those most at risk: health care workers, emergency responders, and grocery, delivery, warehouse, factory, home care, transportation, sanitation, and other frontline workers.



202-224-3121



Thank you so much.

Please stay in touch: dweinstein@chn.org
www.chn.org

Physically distant...
But socially – and morally
– connected.

Stay safe and healthy.
We will get through this.

