



DATE: March 25, 2020

TO: NAW Direct Members

FROM: NAW Government Relations Team

1. Senate Update on COVID-19 Emergency Stimulus Bill

Despite the optimism earlier today, the Senate has not only not voted on the COVID stimulus bill, they have not even released legislative language. There are now reports that they could get to a vote sometime “tonight” – but they cannot do that until they have released the bill.

The legislation hit a snag today when a group of 4 Republican senators – Rick Scott of FL, Tim Scott and Lindsey Graham of SC, and Ben Sasse of NE – announced that they had found a “drafting error” in the bill in the expanded unemployment insurance section. The bill provides for a \$600 weekly emergency aid payment to laid off/unemployed workers on top of their unemployment benefits; a payment that would in many instances result in the laid off workers earning more on unemployment than they earned by working. Workers who quit their jobs as a result of COVID-19 would be eligible for the increased benefit, and obviously it could be an incentive to employers to lay off workers knowing they would get the \$600 emergency payment and be available to quickly re-hire when business picks up.

The 4 senators threatened to slow down the consideration of the legislation if that “drafting error” is not corrected, and as of this writing it apparently has not been. In addition, we do not know for certain that there are not additional last-minute glitches that need to be fixed.

In the interim, a couple of “section by section” summaries of the final bill as of this afternoon have been released. These summaries provide useful information on the content of the legislation. [Click here](#) to read the overall section by section released by Senator McConnell’s office.

[Click here](#) to read a somewhat-overlapping summary of the unemployment and tax sections of the bill released by the Senate Finance Committee.

While there is no decision yet on how the Speaker will handle House consideration of the legislation when it reaches them, there are encouraging reports on the progress being made on how to bring the bill to a vote in the House.

We will of course keep you posted on the progress of this legislation, but since they did not announce the agreement on the policies until 1:30 AM this morning, it is not likely that we will be able to report to you until tomorrow morning.

2. National Governors Association’s State/Territorial Resource Pages

As we previously reported, NAW wrote to the National Governors Association and the nation’s governors urging them to help eliminate the current patchwork of guidelines by adopting the Cybersecurity and Infrastructure Security Agency’s (CISA) *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response*.

However, as more state governors issue new state orders and actions to combat COVID-19 we understand the difficulty of managing the flow of information for companies that operate in multiple states. The National Governors Association has compiled a repository of the most current state actions on COVID-19.

You can access these resources here:

<https://www.nga.org/coronavirus/#actions>

3. UPDATED: Department of Labor to Hold National Online Dialogue on Paid Family and Medical Leave and Paid Sick Leave

The U.S. Department of Labor is hosting a national online dialogue, *Providing Expanded Family and Medical Leave to Employees Affected by COVID-19*, to help employers and workers understand their responsibilities and rights, respectively, under the Families First Coronavirus Response Act (FFCRA).

On March 18, 2020, the President signed into law the FFCRA, requiring certain employers to provide employees with paid family and medical leave or paid sick leave for specified reasons in response to COVID-19.

The department's Wage and Hour Division (WHD) will administer and enforce the paid leave provisions of the FFCRA. The provisions will apply from their effective date through December 31, 2020.

Generally, the FFCRA provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick time** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to federal, state, or local government order or advice of a healthcare provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of **paid sick time** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a need to care for an individual subject to quarantine (pursuant to federal, state, or local government order or advice of a healthcare provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Department of Health and Human Services; and
- *Up to an additional 10 weeks of **paid family and medical leave** at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

This national online dialogue provides an opportunity for employers and workers to play a key role in shaping the development of the Department of Labor's compliance assistance materials and outreach strategies related to the implementation of FFCRA. WHD will use the ideas and comments gathered from this dialogue to develop compliance assistance guidance, resources and tools, as well as outreach approaches that assist employers and workers in understanding their responsibilities and rights under the paid leave provisions of the FFCRA.

The public, including employers, workers and their advocacy groups can participate in this national online dialogue through Sunday, March 29, 2020.

The department's Office of Compliance Initiatives (OCI), in partnership with WHD and the Office of Disability Employment Policy (ODEP), will host the online dialogue. ODEP's [ePolicyWorks](#) will facilitate the dialogue initiative.

Please [register to participate](#)