

# Centering Working People and Families

## *COVID-19 Response and Recovery to Support Working Families*

March 20, 2020

Thank you for the swift action to lift up recommendations and solutions during this unprecedented economic and public health emergency. We know the committee's response is preliminary and not exhaustive, and as you continue to do your work we will continue to lift up recommendations. Our recommendations below have been updated to reflect new action by the Governor and new concerns or ideas we are hearing from the communities we represent, and responds to the committee's initial list of recommendations. As we learn more about what the Federal Families First Coronavirus Response Act provides, the state should swiftly act to fill gaps in coverage.

The response to the COVID-19 pandemic requires swift action and an unprecedented mobilization at all levels of 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. As the Executive Branch and the Legislature continues to respond to this crisis, we urge you to center working people and their families in your emergency response and recovery efforts.

### Response and Recovery Priorities

- Housing Stability
- Childcare Access
- Food Access and Benefit Programs
- Access to Affordable Health Care Coverage
- Unemployment Benefits
- Workers Compensation
- Moving unemployed workers into high demand jobs
- Support undocumented and non-English speaking workers
- Access to Personal Protective Equipment (PPE) and Worker Safety
- Public Communication Channels for Workers and Families
- Employer Relief Programs shouldn't Leave Workers Behind
- NEW: Essential Staff
- NEW: Criminal Justice
- NEW: Resources and State Budget

This list of policy solutions is not meant to be exhaustive. This document represents the best thinking of policy experts, union leaders, non-profit leaders, community based organizations, immigrant rights groups, housing advocates, social service providers and many others who support Oregonians in every corner of the state. We'd ask you to also read their recommendations in their own words submitted to OLIS. We are each in touch with our

members and communities now about what other issues they are facing or anticipating. This document is meant to be used as a framework as the Legislature and Governor rightly aim to take bold action to ensure working people and their families can weather this tumultuous time. There may be policy recommendations that are actively being worked on by agencies, but are not published yet.

## Housing

Prior to COVID-19 hitting Oregon, we knew that three out of four low income households pay over half of their income towards rent, which leave very little left over for anything else, including saving for an emergency. With businesses shuttering and people being laid off from work, the lack of housing will have an immediate impact on housing stability, and we are lifting up the recommendations from the Housing Alliance and other housing advocates.

- Provide immediate housing stability: We urge you to enact a statewide moratorium on evictions for non-payment of rent as a result of loss of income due to economic impacts of coronavirus. It will be critical that the state also provide increased rent assistance – both directly to individuals in private rental market housing, and directly to providers of regulated affordable housing to reimburse losses during this time;
  - ***Captured by the Committee's Recommendations***
- Provide immediate resources for homeless service providers to continue to provide emergency shelter, increased access to motels and hotels to provide shelter to people at high risk of severe illness or who are experiencing illness, new shelter locations, increased shelter capacity including shelter capacity for people experiencing illness, and increased staff support.
- Create a mortgage relief fund for families earning below Oregon's self-sufficiency threshold to receive financial assistance through September 2020, and reassess monthly thereafter.
  - ***Captured by the Committee's Recommendations***
- 'Moratorium on utility shut offs and late fees for the entire state. The big utilities in the urban parts of the state have said they won't charge late fees or disconnect. We must extend this benefit statewide.
  - ***Captured by the Committee's Recommendations***

### Since last submitted:

- Encourage utilities to allow a 2 month grace period for workers who are economically impacted by COVID-19
- Statewide rent/mortgage freezes, let's go beyond not being evicted to not needing to pay rent/mortgage and not having built up debt.
- Assistance and relief for non-profit and regulated housing providers
- Relief from financial institutions if properties/owners are not collecting rent payments

## Childcare

As Oregon's schools close and many parents are left without care options for their children, we need to be making investments and adjustments that keep kids safe, but also ensure there are enough appropriate placements for the increased number of children needing care. It is critical that we prioritize the needs of our health care workers, and other essential employees who are on the frontlines and do not have the option of working from home. In addition to the actions already taken by DHS related to ERDC, there are a number of things the state could be doing right now that strike that careful balance:

- Temporary rules should reflect the practices we are asking the public to take - reducing the size of groups and allowing the workforce to keep themselves, their own families and kids in their care safe.
  - **Reflected in Agency rulemaking**
- Work with providers of all types to provide needed flexibility that both increases availability - like increasing the number of total kids in care or adjustments to ratios for school-aged kids - and allows providers and families to adapt to meet community and health & safety needs and the health and safety of their own families.
  - **Reflected in Agency rulemaking**
- Allow ERDC providers to accept private-pay child care clients, in addition to children covered under ERDC.
- Ensure child care providers of all types have access to additional training and resource supports related to the public health crisis, such as sanitizing supplies and masks, formula, milk, diapers and wipes, paper towels, toilet paper, gloves and bleach.
- Create a centralized hotline for providers to call with concerns about safety, supplies, and other needs.
- Provide an easy to remember and find website, like "oregonchildcare.org" to apply for child care assistance or to become listed as a child care provider.
- Extend supports for providers who are forced to close either due to exposure, illness, personal risk, or any combination thereof.
- Extend supports for providers who take only private pay child care clients.
- If there is a need to temporarily expand capacity in the system, before extending an invitation to the general public to apply to be a child care provider, first extend the option to Oregonians who are already actively registered in the Central Background Registry.

### Since last submitted:

On March 17, 2020, Governor Brown issued Executive Order 20-08, "School Closures and the Provision of School-Based and Child Care Services in Response to Coronavirus (COVID-19) Outbreak. This Executive Order outlined a number of changes intended to address the current emergency and the need for child care for essential personnel. These changes included two key provisions:

- Directing public schools to provide supplemental services and emergency management services, including child care; and

- Directing Oregon's Early learning Division and Department of Human Services to waive, suspend, or amend existing administrative rules pertaining to child care in order to establish emergency child care.

In addition to these broad provisions, additional action and clarification are still needed:

- The state needs to provide guidance to all employers - public and private - regarding essential personnel (see below). Decisions about who needs to keep working during this crisis cannot be left up to employers.
- Continue to explore options to centralize and streamline communications for all essential personnel seeking care. If 211 Info remains the resource, ensure that essential personnel move to the front of the line for care, and consider directing families who do not need care to keep their kids at home to free up capacity in the system.
- For those providing care, create a centralized resource for emergency supplies, support, and rapid response.
- Additional clarity is still needed on who will be eligible to provide emergency substitute and temporary child care. Priority should be given to people already in the Central Background Registry, and all efforts should be made to expedite access to essential training (such as first aid and CPR) for those who choose to become child care providers. Doing so should cut down on the need for emergency OSP background checks.
- Extend Employment-Related Day Care (ERDC) eligibility to all Essential Employees, regardless of income, for ease of access.
- Allow parents who are entering or reentering the workforce as Essential Employees during the COVID-19 outbreak to temporarily enroll in ERDC.
- Provide small business assistance in the form of emergency grants and wage replacement (for all childcare providers, small business owners, and their staff) when closures occur and/or to compensate for reduced business during this crisis, as well as the cost of returning to previous service levels after the crisis.

## Food Access and Benefits Programs

During this time of layoffs, school closures and general economic downturn, more and more Oregonians will rely on state benefits to make ends meet. There are a number of steps the state can take to reduce barriers, decrease wait times and increase access:

- Waive the work requirements for TANF (allowed by new federal law)
- Drop the requirement for a face to face interview for applications and recertifications.
- Expand the program that provides short-term assistance of up to four months and set the eligibility limit for that assistance higher than the current level (now equivalent to only about 33 percent of the federal poverty line). This would help more families with challenges remain stable.
- Issue EBT cards (as permitted during summer vacation) for school meal families
- Make emergency SNAP benefits available
- Suspend/continue all hearings with aid paid pending/continuing benefits

- Fast track reports of income changes so that benefit amounts can go up as people's income goes down quickly
- Allow applications for benefits over the phone and with attestations and not documented proof
- Provide financial support for transit systems to provide free transit for workers who must continue to commute
- Provide financial support to nonprofits that are working on the front lines to share information and resources, and combat the economic impacts of the virus in our communities.

## Protected Family Leave

At this time of unprecedented illness, and caution it is critical that workers have the option to reduce risk of exposure and maintain a semblance of economic security. We propose the following expansions of the Oregon Family Leave Act to ensure job protections for more workers.

- Extend Oregon Family Leave Act (OFLA) protections to all workers regardless of employer size, hours worked, job tenure or part-time or seasonal work status.
- Relax OFLA medical verification requirements and allow a person to take OFLA leave without medical verification to self-quarantine. This expansion should apply to their own condition or that of a family member.

## Paid Sick Leave

Similar to the reasons for expanding the Oregon Family Leave Act, we should prioritize expanding access to Oregon's Paid Sick leave protections. Families are economically on the brink and a modest expansion would ensure additional economic security.

- Expand our state Paid Sick Leave law by:
  - Allowing for employees to take up to 14 paid sick days in cases related to public health emergencies (including quarantines, school/work closures, illness or care for an ill family member).
  - Removing small employer threshold that provides only unpaid time. Instead, the state should offer employers with fewer than 10 employees business assistance grants to cover their costs related to providing paid sick time in these emergency cases.
  - Ensuring that employers cannot prevent employees from taking this time if they've already taken a vacation or another form of PTO this year, for these cases related to a public health emergency.
- Require employers of more than 500 employees to offer 80 hours of paid sick leave. (Current Oregon law only requires them to allow employees to accrue 40 hours of paid sick leave). (Legislative)
- Strengthen Retaliation protections for time off
- Ensure access to paid leave is not deducted from employee's accrued time off

- Expand our state's Paid Sick Days law by lifting the local preemption
- Provide first responders and healthcare employees with at least 14 days of additional paid sick leave

## Access to affordable health care coverage

Affordable healthcare should be provided to all workers so that workers are able to get the healthcare they need and not avoid seeking treatment out of fear they can't afford to pay the costs. Many workers who may have access to healthcare have high co-pays and deductibles so they cannot *afford* the care. In fact some health care workers can't afford care in the very hospitals where they work.

- Ask the federal government to grant an open enrollment period on the healthcare exchange marketplace to ensure that Oregonians who are ineligible for OHP and are uninsured can sign-up for health insurance in light of the pandemic.
- Increase communications from OHA about OHP eligibility as layoffs continue to occur
- Expand Charity Care to include:
  - Prioritization of PPE Purchasing
  - More underinsured individuals

### Since last submitted:

- Require hospitals to provide services through charity care, even if patients do not want to enroll in the OHP. Under the new federal "public charge" rule some immigrants who want to become citizens of the United States are barred from accessing public services, including the OHP. Charity care is the payer of last resort, meaning that many hospitals have policies that ban people from accessing charity care if they don't apply for the OHP.
- Ensure continued access to all forms of reproductive healthcare

## Unemployment Benefits

In addition to the forthcoming emergency rule, that under our understanding (we haven't received it) will provide benefits to workers impacted by a COVID-19 related slow down or work stoppage and allow workers to remain attached to that employer we should look at additional options to expand access to Unemployment

Unemployment Insurance as a system today is designed to be a stopgap for short term (26 weeks) unemployment. COVID-19's impacts on Oregon's economy is going to last far beyond that. We need to begin thinking about bold changes to the system that is best set up to meet the needs of workers now and until the economy recovers.

- Clarify "good cause" to quit employment if employer forces employee to work in unsafe exposure to COVID-19 and proceeding WHO pandemics
  - **Captured by Joint Committee Recommendations**

- Allow workers to continue drawing UI when they don't have childcare as a result of school closures during COVID-19 and subsequent WHO Pandemics
  - **Captured by Oregon Employment Department Emergency Rule**
- Insulate employers from increased rates associated with an utilization of the system
- Allow workers to get UI and supplement remaining  $\frac{1}{3}$  wages with PTO. (Remove benefit cap of 10 times minimum wage or one-third of your weekly benefit amount)
- Pay the waiting week period
  - **Captured by Joint Committee Recommendations**
- Extend the 26 pay week period
- Provide UI for workers whose children's schools/daycares are closed
  - **Captured by Oregon Employment Department Emergency Rule**
- Provide cash assistance to workers who cannot qualify for UI or relax the "able to work" requirement to ensure undocumented workers can access this benefit
- Any changes that need to be made to the UI system to increase processing should be addressed with adequate staffing
- ALL UI recipients, not just those expecting to be re-hired within 4 weeks, should have work search requirements waived, as a public health measure during the crisis.

#### Since last submitted:

- Wave the base wage earning (or minimum 500 hours worked) requirement to provide base benefit regardless of hours worked.
- Prevent employers from requiring the draining of PTO banks, prior to utilizing UI.

## Workers Compensation

As essential employees continue working with limited Personal Protective Equipments (PPE) available, we should only expect an increase of claims to workers compensation. PPE limitations coupled with a lack of available tests should ensure leniency in approvals of claims and a reduction in adjudication.

- Medical confirmation not necessary in light of a lack of testing
- Workers' compensation coverage should include medical testing, cover treatment expenses if a worker becomes ill or injured and provide time-loss payments for those who cannot work if they are sick or quarantined.
- Workers can file a workers' compensation claim up to two years after being exposed to a disease at work. The expanded coverage should take effect immediately and covers eligible workers already under quarantine.

**Since last submitted:** The committees recommendations are limited workers compensation and we encourage you to review the recommendations above, and in addition the following that have been assessed as needs:

- Create a presumption of COVID-19 for all essential employee claims.

## Moving Unemployed Workers into High Demand Jobs

There are certain sectors that are currently classified as essential, we need to do everything previously mentioned to ensure workers in these industries are provided PPE, adequate time to maintain recommended CDC guidelines, and ensure workers compensation. However, work brings great pride to hundreds of thousands of workers across the state and we should create a mechanism to help workers find alternate work during COVID-19 should essential sectors need additional capacity.

**Since last submitted:** We continue to believe this is an innovative step the State Government can take to ensure that those who can safely work and would otherwise be unemployed, can do so by connecting them to the industries that are facing high need, like local grocery stores. We recognize the Oregon Employment Department may not have the capacity to do this work and urge the committee to strongly consider additional resources to be allocated to Commissioner Hoyle and the Bureau of Labor and Industry to take on this work. Ensure that BOLI as the agency finding alternative employment has the regulatory authority and capacity to enforce COVID-19 safety regulations.

## Gig Economy

One of the most impacted sectors of our workforce are gig-economy workers. Workers who frequently combine multiple “gigs” to make ends meet are particularly susceptible to the impact of COVID-19. Because of the employer choice to classify these workers as independent contractors, they are categorically excluded from labor protections and benefit programs. The state should create a fund for workers who are excluded from unemployment insurance and workers compensation to have access to cash assistance.

## Support Undocumented and Non-English Speaking Workers

Oregon’s workforce diversity is the backbone of our economy. Many workers lack documentation and therefore can’t access critical programs like unemployment insurance. In addition, many workers primarily communicate in a language other than english, which puts them at increased risk for workplace exploitation and creates barriers to accessing benefit programs. Our recommendations below are a snapshot of policy recommendations and we encourage you to view testimony from our partners that work with these communities.

- Ensure all necessary information is translated and interpreters are provided where needed.
- Perform public outreach to ensure undocumented Oregonians know they can seek medical care without fear, and ensure that any medical care received will not become part of a later public charge analysis.
- Create statewide infrastructure to allow people to access real-time information and advice about health needs, workplace protections, applying for supportive programs. Ensure that you advertise this service heavily and can provide help in a variety of



languages.

- Create aggressive advertising and outreach campaigns to share information through media channels about people's rights and programs created to serve them. Ensure that these are available in a variety of languages, are culturally competent and emphasize that people coming to the government for help will be safe doing so.
- A commitment from public health authorities, law enforcement, prosecutors, and immigration authorities that disclosure or failure to disclose COVID-19 symptoms will not under any circumstances lead to criminalization, family court involvement or involvement of immigration authorities.
- Provide access to cash assistance in the event working people and their families can't access programs like unemployment insurance.

**Since last submitted:** The committee's recommendations are silent on undocumented workers who are excluded from protections, like unemployment, because they do not have social security numbers. Yet, these workers, like farmworkers, are still showing up to work everyday to ensure our food supplies remain. We urge you to find solutions that serve all Oregonians regardless of documentation status. New ideas include:

- Grant financial resources/Emergency funds for non-profit organizations of the state who serve immigrants, refugees, day laborers, farmworkers, and people of color, all of whom will be disproportionately impacted by COVID19. We need to invest in community organizations with existing relationships to vulnerable populations to be able to do needed outreach to share critical information and to help people navigate the systems of support that our government provides.
  - These are the best and most trusted messengers in the communities that will be hit hardest. Information needs to be presented and translated into multiple languages.
- Allowing DACA, TPS recipients to qualify and apply for unemployment benefits.
- Establish a worker and family support hotline that gives people real-time answers in a variety of languages on their rights under existing law and information about programs they may qualify for (including health care, rental assistance, child care assistance, food assistance, and help businesses with questions, and when applicable accurate information about how service access does or does not impact immigration status should be made available, etc.) Can partner with Oregon Law Center.

## **Access to Personal Protective Equipment and Worker Safety**

The Oregonians who are stepping up during this crisis to serve the public and ensure access to quality healthcare be it in a hospital setting, in their home, or a clinic deserve to know they can perform their jobs safely. This requires adequate staffing levels as we anticipate an increase in patients, training and access to personal protective equipment (PPE) in all settings. Additionally, there are many workers who are being left out of these safety conversations including janitors, airport workers, grocery store clerks, and Personal Support Workers, who all have a responsibility to interact with the public and in some cases at a large scale. It is critical that workers across the board who are at the highest risk of exposure and serve some of our

most vulnerable populations, have access to basic safety equipment and that the state and employers make it accessible in these varied and unique worksites.

- There should be clear prevention, outreach, assessment, reporting and isolation protocols in place for dealing with coronavirus and all infectious diseases. Workers should be well aware of these protocols and should understand them.
- There should be effective training for all workers.
- There should be adequate protective equipment available including gowns, gloves, respirator masks and eye protection. Member leaders will be confirming that the hospitals have a supply that is adequate enough to respond to a sudden increase in cases.
- There should be maximum protection and training not only for caregivers but for dietary workers, and workers responsible for cleaning rooms and equipment that might be exposed, and those in dietary services.
- There should be regular, clear communication, in various formats and languages, to all employees that reinforces preventative measures, combats misinformation, and updates on new developments.
- Union leaders have great expertise in these matters and should be engaged in the process.
- Mandatory overtime should start with asking for volunteers first and then look to who is on schedule and can remain for additional hours.
- All non-essential providers (ie: dental offices, etc.) should donate PPE
- All workers should have access to paid time if they get sick and to use if they worry they may be sick. We can't have workers spreading the virus in hospitals and long term care facilities because they are worried about paying their rent.

**Since last submitted:** This continues to be a daunting issue for all health care providers, including hospitals and long term care facilities. Moreover, workers who are interacting with the public -- from state employees at DMV to grocery store workers are in constant contact with the public with no protection. When workers are exposed and quarantined that leave should be deemed administrative leave and not be deducted from PTO banks.

- Every protection needs to be put in place to allow nurses already working and licensed in Oregon to meet patient demand. We should be incentivizing nurses who work in other sectors or departments to take on high-risk shifts, particularly when their workload has been minimized (ie canceled electoral surgeries). It's also important that staffing plans be adjusted to appropriately care for patients who have been diagnosed with COVID-19.

## **Public Communication Channels for Workers and Families**

In order for workers and the general public to comply with emergency declarations they need information on how to best protect themselves, their families and the resources to do so without economic harm. We applaud the Governor for lifting up a website to serve this purpose, but encourage even more innovation to ensure there is timely information flow and that this information is available in many languages.

Moreover, employees need a hotline and easy access to the Bureau of Labor and Industry to report troubling behavior by employers or to seek guidance on their rights during this crisis. We imagine there are many well intentioned employers who are seeking guidance as well and need this assistance.

#### Since last submitted:

- Public Service Announcement encouragement to ensure members of the community that are seeking emergency help should disclose Coronavirus symptoms at time of 911 call. This information should also include reassurance they will still receive care.

### Employer Relief Programs shouldn't Leave Workers Behind

There is no doubt that the impacts on our economy will be felt for months and likely years to come. And there is no question that we must find the resources to support small businesses so they can get back on their feet and that larger industries like the airline industry may continue to call for support as well. However, as the state and Federal governments grapple with economic recovery plans there must be clear expectations that any employer receiving public funds must meet basic labor standards to ensure their workers are also uplifted out of crisis. Some examples are, ensuring that any employers are providing paid time to employees that are unable to work and not hindering the processing of unemployment or workers compensation claims.

Any attempt to roll back protections hard won for workers across the state including, but not limited to fair scheduling, overtime protections for manufacturing workers, and delaying implementation of critical family support programs like Paid Family and Medical leave should not be entertained. Working families are struggling and forcing them to work when they don't consent, or delaying access to programs that are currently filling that gap in other states during this pandemic is contradictory to the goals of this committee.

#### NEW TOPICS:

### Essential Staff

Currently there are resources, like child care, that is being made available to "essential staff." however, that term is undefined. Decisions about who needs to keep working during this crisis cannot be left up to employers. Our best attempt is to focus on any state employee or worker who is serving the public who does work that is critical to public health, safety, or wellbeing, defined broadly. We specifically need to be thinking of essential personnel as folks who cannot telecommute.

### Criminal Justice

- Encourage cite and release for appropriate offenses

- Ensuring that individuals who do not have to be incarcerated remain in the community and able to practice social distancing and other precautionary measures
- Ensure coordination between OHA and DOC regarding social distancing and other measures to insulate vulnerable closely housed incarcerated individuals from additional risk.

## Resource and Budget Considerations

As noted by the Governor's Chief of Staff, Nik Blosser, at the committee hearing on Wednesday, the State's "needs far outweigh our resources" We hear this concern and echo it to this committee. We urge you to ensure that all federal dollars are being identified and spent during this crisis *before* using state resources. Where Federal funds cannot be used, of course the state should step in and support the most vulnerable Oregonians during this time. As a state we must be ready for recovery and the lasting and troubling economic impact this pandemic will have on our state.