



May 21, 2020

The Honorable Thom Tillis
113 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard Burr
217 Russell Senate Office Building
Washington, DC 20510

Dear Senator Tillis/ Burr:

The COVID-19 public health emergency has shined a spotlight on the impossible choice North Carolina workers have long faced between caring for their health or the health of a loved one, and their paycheck. These protections are always urgent for the tens of millions of low wage workers across the country and here in North Carolina who have no access to paid leave, and especially those who are on the frontlines of contact with the public (such as those who work in restaurants, grocery stores, service and healthcare industries). Amidst this pandemic, we graphically see how the lack of basic policies such as paid sick days and paid family and medical leave puts the health of our state's workers and all of us at risk.

Simply put, North Carolina is stronger, healthier and more economically stable when we all have time to heal and to care for our family when they're sick—and a job to come back to when we're well.

These issues are of deep concern to NC Families Care, a coalition of more than two dozen diverse organizations who support family-friendly workplace policies. While passing the federal Families First Coronavirus Response Act was an urgent first step to cover many workers during this crisis, all workers need paid leave and paid sick days.

The federal Families First Coronavirus Response Act provides paid sick leave and paid family leave benefits, but these protections only apply to those who work for employers with fewer than 500 employees. **According to recent analysis, the current federal provisions leave up to 3,175,199 NC workers, 58 to 83 percent of our state's workforce, without access to these vital new federal protections.** Even more disturbing, those failures will hit women and workers of color disproportionately hard, as they are over-represented in frontline and essential occupations that lack employer-provided paid sick days and are exempt from the new federal protections. [1]

We urge you to strongly advocate for the Senate’s consideration of the HEROES Act and in particular urge you to support the updates to the federal paid leave and paid sick days provisions included in the bill. These improvements to the Families First Coronavirus Response Act are critically necessary -- we know states cannot safely reopen without these protections in place. The HEROES Act includes many important updates to the FFCRA including the following:

- **Eliminating Employer Exemptions**
 - Eliminates the 500+ employee exemption, but does not allow these employers to claim tax credits
 - Eliminates the health care provider and emergency responder exclusions
 - Eliminates the small business self-exemption

- **Expanding Uses of Paid Sick Days & Paid Leave**
 - Expands emergency paid leave to cover the same purposes as emergency PSD
 - Expands caregiving & medical reasons for taking leave, including to allow leave in the event of a public order for self-isolation
 - Expands the family care definitions to cover any adult disabled family member, in addition to children, and expands the overall family definition

- **Expanding the Ability To Use Paid Sick Days & Paid Leave**
 - Extends the sunset date from December 31, 2020 to December 31, 2021 (including the employer tax credits)
 - Ensures that emergency FMLA leave does not count against your regular FMLA entitlement
 - Clarifies that employees receive 10 days of paid sick days per year
 - Adds job protection to paid sick days
 - Clarifies the documentation required for employees to certify leave, eliminating much of the employer discretion in the DOL regs
 - Clarifies that an employer can’t make the employee substitute any of their existing PTO
 - Eliminates the requirement requiring that an employee receive the employer's permission to take intermittent leave

- **Increasing Wage Replacement**
 - Increases wage replacement maximum for family care purposes
 - Clarifies that the emergency paid leave benefit cannot be less than minimum wage
 - Changes the paid leave aggregate limit from \$10,000 to \$12,000
 - Eliminates the \$200/day limit on employer tax credits
 - Allows self-employed people to use prior year earnings to calculate their self-employment income for the credit

- **Expanding Access to Public & Nonprofit Employees and Providing Fiscal Aid to State and Local Governments**
 - Allows federal, state, and local governments to claim tax credits for paid sick days and paid family and medical leave
 - Includes TSA and VA employees in the paid sick days provisions
 - Clarifies that nonprofits are covered

Many North Carolina workers struggled without access to paid leave or paid sick days to welcome a new child, care for a seriously ill loved one, recover from their own serious illness or a minor cold, or seek preventative care. A March 2019 study by the Duke Child and Family Policy Center found only 12% of North Carolinians had access to paid family and medical leave [2] while a February 2019 study from the Institute for Women’s Policy Research found that approximately 1.6 million workers in North Carolina, relatively 38% of North Carolina’s workforce, lacked paid sick time.[3]

The challenges this creates for children, families, public health, and our economy have led to paid leave and/or paid sick days being included a number of North Carolina plans and recommendations including the Early Childhood Action Plan, the NC Perinatal Strategic Plan, Pathways to Grade-Level Reading recommendations, Essentials for Childhood, NC Families Care and Think Babies agendas, and the NC Perinatal System of Care Task Force recommendations. [4]

In addition, the North Carolina Child Fatality Task Force had endorsed paid family and medical leave insurance and kin care policies that would allow workers to use sick leave to care for a sick loved one. In a recent letter, its Executive Committee highlighted these policies as especially relevant during the pandemic. [5]

There is also broad public support for these policies amongst the public. A poll conducted April 13-16 by GBAO Strategies in North Carolina, Iowa, and Arizona found there is widespread support in North Carolina for a national paid family and medical leave policy with 83 percent of likely voters supporting. 55 percent of North Carolinians have taken unpaid leave prior to the coronavirus outbreak and experienced real financial hardship because of it. Polling also found that paid leave is among the most popular proposals to address the coronavirus crisis in North Carolina (87 percent). Only small business loans to cover payroll has more support (93percent). 59 percent of likely North Carolina voters support the Families First legislation, while **91 percent favor expanding emergency paid family and medical leave to include all workers affected by this pandemic, including employees of small businesses with under fifty employees.** [6]

These kinds of policies were important before this crisis and are even more important now. As North Carolina begins to reopen, we recognize that the Administration’s Plan for Reopening Up America Again guidelines for individuals tell people who are sick to stay home and not to return to work or school. [7] However, without guaranteed paid sick leave or paid family and medical leave, many workers simply cannot afford to stay home when they or a loved one are sick.

Studies have shown that paid sick leave helps to decrease the spread of contagious illnesses in the workplace. [8] Access to paid sick leave means workers who are ill will be less likely to go to work while sick or send a sick child to school or child care, reducing the spread of disease. [9] Paid family leave encourages family caregiving, reducing the burden on our healthcare system [10] at a time when its resources are being stretched to the limit. Both paid sick leave and paid family leave have been shown to improve employee productivity and retention, thus saving employers money, which is critical during this period of economic uncertainty. [11]

Expanding access to paid leave and paid sick days are essential tools in our toolbox as we confront the greatest public health crisis of our lifetimes, and it's important that North Carolina leaders act quickly to use them.

The simple fact is our state is only as healthy as its most vulnerable members. We all have a stake in ensuring all workers have access to paid sick days and paid leave for health emergencies and for personal and family care. This benefits families, communities, businesses, public health, and the economy as a whole.

We must treat this public health emergency the same way we would a natural disaster. We urge you to act proactively to ensure North Carolina emerges on the other side of this stronger and whole.

Sincerely,

The NC Families Care Coalition and our organizational members including:

Action NC

American Association of University Women - North Carolina Chapter

Beloved Community Center

National Coalition of 100 Black Women Inc. - Queen City Metropolitan Chapter

Down Home NC

Friends of Residents in Long-Term Care

Institute for Family Caregiving, Inc.

Just Economics

LGBT Center of Raleigh

MomsRising

NARAL Pro-Choice North Carolina

National Association of Social Workers - North Carolina Chapter

NC AFL-CIO

N.C. Alliance for Retired Americans

NC A. Philip Randolph Institute

NC Coalition Against Domestic Violence

North Carolina Council of Churches

North Carolina Early Education Coalition

North Carolina Justice Center
NC Women United
OUR Walmart
Parents Together
RaiseUP
Women AdvanCe
Working America

[1] “All North Carolina Workers Must Have Paid Sick Days and Paid Leave to Open the Economy Safely,” National Partnership for Women and Families. <https://www.nationalpartnership.org/our-work/economic-justice/frontline-workers/north-carolina.html>

“Sick: Millions of North Carolina Workers Left Out of Paid Sick Days Protections as COVID-19 Spreads,” North Carolina Justice Center, April 2020. https://www.ncjustice.org/wp-content/uploads/2020/04/NCJC-BRIEF-WRP-Paid_Sick_Days-4-2020.pdf

[2] Gassman-Pines, Anna and Elizabeth Ananat, 2019. “Paid Family Leave in North Carolina: An Analysis of Costs and Benefits.” Duke Center for Child and Family Policy. Retrieved 6 August 2019 from: <https://duke.app.box.com/s/9wti16byhdyz6k99ri2yib3ttlprgl>

[3] IWPR, *Access to Paid Sick Time in North Carolina*, Feb. 2019.

[4] NC Perinatal Strategic Plan, p 16- <https://whb.ncpublichealth.com/docs/PerinatalHealthStrategicPlan-WEB.pdf> ; NCIOM Healthy Moms, Healthy Babies: Building a Risk-Appropriate Perinatal System report recommendations, p 46- <http://nciom.org/wp-content/uploads/2020/04/Perinatal-Report-FINAL.pdf> ; Early Childhood Action Plan, p 42- <https://files.nc.gov/ncdhhs/ECAP-Report-FINAL-WEB-f.pdf> ; Pathways to Grade-Level Reading Action Framework, p 33- https://buildthefoundation.org/wp-content/uploads/2019/02/FINAL_NCECF_report-pathways-actionframework_digital-spreads-020519.pdf

[5] NC Child Fatality Task Force, Executive Committee Letter on COVID-19, March 31, 2020. <https://www.ncleg.gov/DocumentSites/Committees/NCCFTF/in%20the%20spotlight/Letter%20from%20CFTF%20Executive%20Committee%20COVID-19.pdf>

[6] Polling conducted April 13-16, 2020 in NC, AZ, IA by GBAO Strategies on behalf of PL+US Action Fund. <https://www.plusaction.us/survey>

[7] Guidelines for All Phases, Individuals, Guidelines for Opening Up America, whitehouse.gov - <https://www.whitehouse.gov/openingamerica/#criteria>

[8] See A Better Balance, Summary of Studies on the Health Effects of Paid Safe and Sick Time Ordinances (2019), <https://www.abetterbalance.org/resources/summary-of-studies-on-the-health-effects-of-paid-sick-safe-timeordinances/>.

[9] People without access to paid sick leave are 1.5x more likely to go to work while they have a contagious illness and are nearly twice as likely to send a sick child to school or daycare than those with access to it. Tom W. Smith & Jibum Kim, Paid Sick Days: Attitudes and Experiences, Nat’l Opinion Res. Ctr. at U. of Chi. (June 2010), <https://www.issuelab.org/resource/paid-sick-days-attitudes-and-experiences.html>.

[10] S. Reinhard, L. Feinberg, R. Choula, and A. Houser, Valuing the Invaluable: The Economic Value of Family Caregiving, 2015 Update, AARP Public Policy Institute (July 2015), available at: <https://www.aarp.org/content/dam/aarp/ppi/2015/valuing-the-invaluable-2015-update-new.pdf>.

[11] Andrew Smith, A Review of the Effects of Colds and Influenza on Human Performance, 39 J. Soc'y Occupational Med. 65 (1989).; Eileen Appelbaum and Ruth Milkman, Leaves that Pay: Employer and Worker Experiences with Paid Family Leave in California, available at: <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>