

Labor and Public Employees Committee

Public Testimony of the Connecticut Women's Education and Legal Fund (CWEALF)

S.B. 422: *An Act Concerning the Essential Workers COVID-19 Assistance Program*

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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, nonprofit organization that advocates for and empowers women and girls in Connecticut, especially those who are underserved and marginalized. For forty-eight years, CWEALF has been a leading advocate in the development of policy solutions that advance women's economic security, combat discrimination, and increase gender equity in Connecticut.

CWEALF urges the Committee to support S.B. 422: *An Act Concerning the Essential Workers COVID-19 Assistance Program*.

Senate Bill No. 422 is critical legislation that strengthens the Essential Workers COVID-19 Assistance Program created last legislative session and will provide much needed paid sick leave for reasons related to COVID-19 to workers on the frontlines of the public health crisis, the majority of whom are women and people of color.

Though Connecticut became the first state in the nation in 2011 to require employers of 50 or more to provide paid sick leave to certain workers, the law leaves out workers at small employers, as well as certain manufacturers and nonprofits, and only applies to certain service workers. Research shows that only between 200,000-400,000 Connecticut workers are covered by our state's existing paid sick leave law.¹

In March 2020, the federal Families First Coronavirus Relief Act (FFCRA) required certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The FFCRA also provided refundable tax credits to small and midsize employers that reimbursed them, dollar-for-dollar, for the cost of providing paid sick and family leave wages to their employees for leave related to COVID-19. In December 2020, Congress extended the tax credits through March 31, 2021 but did not extend employees' rights to take paid leave from work under the law.

Research indicates that the paid leave provisions included in the FFCRA - the first ever national paid sick leave policy - were successful in "flattening the curve" of COVID-19 transmissions and reduced the transmission of COVID-19 in certain areas by 400 cases per

¹ Good for Business? Connecticut's Paid Sick Leave Law. Retrieved from:
<https://www.cepr.net/documents/good-for-buisness-2014-02-21.pdf>

day; however, the law was temporary and loopholes excluded an estimated 68 million - 106 million private sector workers nationwide.

The American Rescue Plan (ARP), adopted by Congress just over a year ago, continued these tax credits to cover the costs of providing certain kinds of COVID-19 related leave from April 1, 2021 until September 30, 2021. Tax credits through the ARP were available to private sector employers with fewer than 500 employees, self-employed workers, state and local governments.² Tax credits alone are not enough to guarantee access to paid sick leave for all workers and even for workers whose employers did participate, these credits had expired (September 30, 2021) well before the highly infectious Omicron variant of COVID-19 hit Connecticut.

While Connecticut's landmark paid family and medical leave program went into effect on January 1, 2022, simply testing positive for COVID-19 is not necessarily a qualifying reason to receive paid family and medical leave benefits.³ Since many workers who contracted Omicron experienced mild symptoms, they likely were not eligible for paid family and medical leave. At the same time, a positive COVID-19 diagnosis or exposure to the virus requires workers to miss significant time from work to quarantine.

Gaps in federal relief packages and in Connecticut's existing law have left workers on the frontline of the pandemic, who are disproportionately women and people of color, without access to any paid sick leave. This puts essential workers, their families, co-workers and communities at risk.

Nationally throughout the COVID-19 crisis, an average of more than 3 million adults per week reported being unable to work because they were either sick with COVID-19 symptoms or because they were caring for a loved one with the virus. When Omicron hit the United States in December 2021, this number spiked to a record high of 8.8 million adults per week.⁴

Since the beginning of the pandemic, workers of color - especially women - and their communities have experienced the most severe and disproportionate health and economic impacts of COVID-19. This held true during the Omicron spike, with Black and Latinx workers more likely to report not working due to COVID-19 illness or caregiving. Those who reported being unable to work because of COVID-19 illness or caregiving also were less likely to say that they are using regular income sources, such as employment income or paid leave from a job, to make ends meet.⁵

² Emergency Paid Leave Tax Credits and the American Rescue Plan
<https://www.abetterbalance.org/resources/american-rescue-plan-tax-credits/>

³ COVID and CT Paid Leave.
https://ctpaidleave.org/s/i-am-a-healthcare-provider?language=en_US#CovidInfo

⁴ Lack of Paid Leave Stifles Economic Recovery and Blocks Women's Return to Work.
<https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/lack-of-paid-leave-stifles.pdf>

⁵ See note 4

Loss of even a portion of a single paycheck can lead to increased difficulty in making ends meet, especially for low-wage workers who are less likely to have access to paid sick leave but are at highest risk of exposure to the virus. Among workers who were out of work for COVID-19 illness or caregiving during Omicron, 57% of Latinx workers, 53% of Black workers and 65% of workers reporting another race or ethnicity indicated it was either somewhat or very difficult to meet regular expenses such as food, rent, medical expenses and other bills. Sixty percent (60%) of workers earning less than \$50,000 reported difficulty paying expenses.⁶

Senate Bill No. 422 is a critical step in our state's ongoing response to COVID-19 and would extend the Essential Workers COVID-19 Assistance Program to provide up to 80 hours of paid sick leave to essential workers who missed work because of a positive test or exposure to the virus.

CWEALF strongly supports S.B. 422 with the following amendments to the bill to ensure it reaches workers who are most in need of immediate relief:

- Lines 227-229: We recommend clarifying that the public health emergency is also declared by the legislature, which is currently in effect
- Line 231: We recommend amending “employees” to “essential employees”
- Lines 233-234: We recommend adding “or is directed not to report to work by their employer” to the reasons an essential employee can be eligible for COVID-19 sick leave through the fund. This takes into account workers such as PCAs who may not have been directly exposed to the virus themselves but were told not to report to work by their employer
- Line 234: We recommend clarifying that COVID-19 paid sick leave can only be obtained after July 21, 2021
- Lines 234-235: We recommend amending “employees shall be eligible regardless of whether such employee has the ability to work from home” to “employees shall be eligible if they were required to report to work”
- Lines 243-246: We recommend language that ensures essential workers who either did not have any access to paid sick leave or have exhausted all of their paid sick leave provided by their employer can apply to the fund. The language as written is a mandate on employers to provide 80 hours of COVID sick leave before a worker can apply to the fund, which may make COVID-19 sick leave inaccessible to workers whose employers do not or cannot provide that amount of leave.

Essential workers keep our economy running regardless of whether we are experiencing a spike in COVID-19 cases or a slow decline. Through the uncertainty of the COVID-19 crisis, essential workers continue to show up to work day after day without the basic protection of paid sick leave. Senate Bill No. 422 is an opportunity to right that wrong and finally provide the relief essential workers needed months ago. CWEALF urges the Committee and lawmakers to advance S.B. 422 and welcomes the opportunity to discuss this legislation further.

⁶ See note 4