
FISCAL UPDATE Article

Fiscal Services Division

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NCSL COVID-19 WEBINAR — WORKFORCE AND LABOR ISSUES

Webinar Series. The National Conference of State Legislatures (NCSL) is holding a series of webinars related to the COVID-19 outbreak. The latest webinar addresses workforce and labor issues and specifically paid leave, unemployment insurance, telework policies, and emergency occupational licensing issues. The information contained in this article is current as of the webinar on March 31, 2020. The webinar was recorded and has been [posted](#) on the NCSL's webpage.

Paid Leave. COVID-19 is causing very high numbers of workers to take sick leave. Many workers are not paid when they get sick. Currently, 12 states and Washington, D.C., require employers to provide paid sick leave benefits. The NCSL's [Paid Sick Leave](#) webpage provides details on each state's program. The second piece of the federal COVID-19 relief legislation, [H.R. 6201](#) (Families First Coronavirus Response Act), established the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (FMLA).

- **Emergency Paid Sick Leave Act**

- The Act provides paid sick leave for workers of businesses with 500 employees or fewer. The Department of Labor (DOL) Secretary has authority to exempt businesses with fewer than 50 employees.
- The Act provides a temporary mandate for workers to be paid their full wages for up to two weeks of sick leave.
- Mandatory paid sick leave is required for state and local government employees and is unfunded by the federal government.
- Employers will receive a refundable tax credit equal to 100.0% of the qualified sick leave paid by the employer for each calendar quarter, subject to a daily cap.
- Employees will not be required to use paid time off or vacation time for COVID-19-related leave.
- The Fair Labor Standards Act (FLSA) is temporarily changed to provide Family and Medical Leave Expansion Act (FMLA) protections for legislative staff and legislators until January 1, 2021.

- **Emergency Family and Medical Leave Expansion Act**

- Private sector employers with 500 or fewer workers, state legislatures, and other governmental entities have to provide 12 weeks of job-protected leave. The leave is available to employees doing any of the following:
 - Complying with a requirement or recommendation to quarantine because of exposure to or symptoms of the virus.
 - Providing care to a family member who is complying with such a requirement/recommendation.
 - Providing care for a child younger than 18 whose school or day care has closed because of the virus.
- The first 10 days (rather than 14 days under the preexisting FMLA) may be unpaid. During this period, an employee may elect to substitute any accrued paid leave (such as vacation or sick leave) to cover a part or all of the 10-day period. The employer cannot require the employee to substitute paid leave.
- Subject to several limitations, the employer must hold the employee's position open.

Unemployment Insurance. Congress passed [H.R. 748](#) (Coronavirus Aid, Relief, and Economic Security (CARES) Act) on March 27, 2020, and the Act was signed by the President on the same day. The Act provides \$2.000 trillion in funding related to COVID-19. The Act does the following:

- Appropriates \$360.0 million to the DOL to invest in programs that provide training and supportive services for dislocated workers, seniors, migrant farmworkers, and homeless veterans.
- Allows employers to receive an advance tax credit from the federal Treasury instead of having to be reimbursed at a later time.
- Provides for a \$260.000 billion investment into the Unemployment Insurance Program.
- Creates regulatory authority to implement the tax credit advances.
- Provides Pandemic Emergency Unemployment Compensation (PEUC) as follows:
 - Expires July 31, 2020.
 - Fully federally funded.
 - Bases payments on the benefit level of each individual state.
 - Must be administered by each individual state.
 - Applies to anyone receiving unemployment insurance (UI) benefits.
 - Provides UI benefits to part-time, self-employed, and gig economy workers.
 - Provides unemployment compensation of \$600 per week, which is in addition to and at the same time as regular state and federal UI benefits.
 - Provides a 13-week extension of regular UI benefits.
- Provides funding to states for short-time compensation (work sharing) programs. Work sharing is a tool for employers to manage layoffs to spread lost hours across the workforce and retain employees.
 - States like Iowa that have short-time compensation programs in place will receive 100.0% federal funding.
 - The Act appropriates \$100.0 million to the states to implement and publicize the program.
 - Administrative costs will be reimbursed.

The NCSL provides an [overview](#) of unemployment insurance, the federal response, and the response by the states, and provides information on the UI trust fund [solvency](#) for each state.

Occupational Licensing. Temporary suspension of occupational licensing laws in emergency situations is a common approach states take to help manage short-term crises. The NCSL provides an overview of [Occupational Licensing During Public Emergencies](#). Some states have provided for the following:

- Waiving licensure requirements for out-of-state professionals.
- Temporary licensure and/or expedited licensure.
- Ability to practice with a license that has recently lapsed or is inactive.
- Pushing back renewal deadlines.
- Temporary modification to scope of practice.

Telework Polices. The NCSL provides information on state and federal action related to telework polices [here](#).

Additional Webinars and Information. The NCSL will hold webinars on the continuity of state government and elections, fiscal and economic issues, and more topics in the coming weeks. More information on this is available from the LSA upon request and from the following webpages:

- Iowa COVID-19 Website: coronavirus.iowa.gov
- Iowa Department of Public Health: idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus
- NCSL COVID-19 Resources for States: www.ncsl.org/research/health/ncsl-coronavirus-covid-19-resources.aspx
- NCSL Blog Entry: Labor, Economy Provisions of Second COVID-19 Relief Bill: www.ncsl.org/blog/2020/03/19/labor-economy-provisions-of-second-covid-19-relief-bill.aspx
- National Governors Association (NGA) COVID-19 Page: www.nga.org/coronavirus
- Association of State and Territorial Health Officials (ASTHO) COVID-19 Page: www.astho.org/COVID-19

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