

EMPLOYER BEST PRACTICES

Policies to Support
Workers During the
Coronavirus Pandemic



Introduction

May 2020

As the nation faces an unprecedented public health crisis, businesses are grappling with how to support their workforce, implement emergency policies and sustain their businesses amidst economic uncertainty. And millions of workers—especially frontline workers paid low wages—are facing dire extremes: either experiencing layoffs or reduced hours, or working under demanding and often unsafe conditions. Many workers lack emergency protections and benefits to meet the needs of this moment.

This guide recommends specific policies and practices that corporate leaders can implement quickly to support the safety and stability of their workforce. The policies are meant to help the most impacted workers within a business—particularly hourly workers paid low wages and those with caregiving responsibilities or health conditions that make them more vulnerable to the novel coronavirus (COVID-19).

We encourage companies to adopt multiple practices from this guide and focus on applying them as broadly and equitably as possible, to help ensure a safe and healthy workforce and in turn a safe and healthy community. We also encourage companies to listen and respond to workers' concerns, since workers are on the frontlines and can help employers identify health and safety gaps and other workplace issues. There is a clear business case for investing in a company's workforce—to improve retention, productivity and morale and because workers, customers and communities will remember companies that met the challenge of this moment and invested in their workers. Ensuring a safe and fair workplace is also a racial and gender justice issue, as the health and economic consequences of COVID -19 continue to devastate Black, Latinx, American Indian, and immigrant communities and women of color—who are less likely to be able to work from home and who are overrepresented in COVID-19 fatalities.

This guide was developed by the National Partnership for Women & Families and the National Employment Law Project (NELP). The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. Founded more than 50 years ago, NELP is a legal and research nonprofit organization that advocates for policies that create good jobs, expand access to work, and strengthen protections and support for workers paid low wages and unemployed workers.

Note: These practices are intended to go beyond the requirements of state and federal laws. This guide is not exhaustive, and businesses should innovate beyond these standards. The National Partnership for Women & Families welcomes the opportunity to provide additional information and technical assistance to companies that are considering introducing or strengthening benefits and practices.

SECTION 1

PROVIDE EMERGENCY BENEFITS FOR WORKERS

Governments and employers must work together to promote economic stability while prioritizing public health. Employers should offer emergency expansions of both paid sick time and paid family and medical leave, as well as flexible work arrangements to enable workers to meet their responsibilities at home and at work.

Notably, the Families First Coronavirus Response Act, enacted in March 2020 and amended by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, requires many employers with fewer than 500 employees to provide paid sick time and paid leave for child care needs. Some states and localities also have laws requiring employers to provide paid sick time and paid family and medical leave. Employers should familiarize themselves with these laws, including recent and forthcoming emergency provisions. These recommendations are intended to ensure all workers are protected with baseline benefits.

Employers should also extend these important paid leave protections to workers who may not be covered under these laws, including the large majority of temp and staffing workers, contract workers, emergency workers, and health care workers.

Beyond these requirements, employers must consider how they can best support the health and economic well-being of their workers and their business in the short- and long-term through additional policies and practices.

I. Provide Emergency Benefits for Workers

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EMERGENCY PAID SICK TIME:

Working people are facing an unprecedented need for paid sick time during this pandemic to recover from COVID-19, to quarantine when exposed, and to care for family members who are sick. It is in the interest of businesses and the public that workers use sick time to reduce the spread of COVID-19.

More than 1 in 4 private sector workers—tens of millions of people—do not earn a single paid sick day. And among those who can, most do not earn enough paid sick time to quarantine for the recommended 14 day duration or to recover from COVID-19. Others have to accrue paid sick time and therefore may not have the amount they need available to them.

Companies should provide at least 80 hours of emergency paid sick time to full-time workers to be used during the pandemic (whether through compliance with applicable law or through the company's own policy). This time should be immediately available for use (not accrued), and it should be pro-rated for part-time workers and provided to contract workers. The paid sick time should cover at least 14 consecutive calendar days—the typical length of a quarantine. The time must be able to be used for all relevant COVID-19-related purposes, including:

1. A worker experiencing symptoms of, seeking testing or treatment for, or recovering from COVID-19;
 - › Note: Because of the nationwide testing shortages and difficulty in obtaining tests and medical care, employers should not require that a worker test positive for COVID-19 or obtain a doctor's note in order to utilize paid sick time.
2. A worker providing care to a loved one or family member experiencing any of the above circumstances or a worker providing care to a loved one or family member because their school, child care, or other care provider is closed or unavailable due to the public health emergency; and
3. A worker self-quarantining due to possible exposure to COVID-19 or because they were advised to quarantine or shelter in place by a public health official or health care provider due to their location, risk factors, or other relevant factors.



The National Guard, bit.ly/36cSJEa

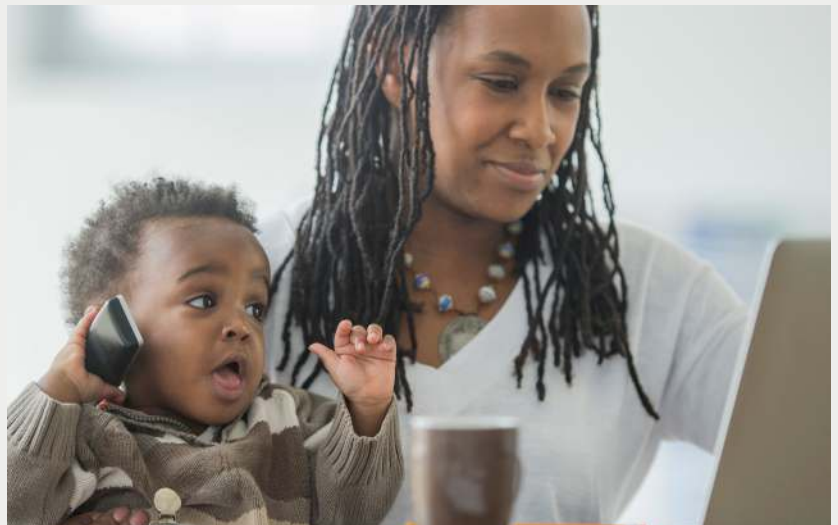
I. Provide Emergency Benefits for Workers

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EMERGENCY PAID FAMILY AND MEDICAL LEAVE

Throughout this public health emergency, some working people will need longer-term leave to recover from COVID-19 or care for someone who is recovering.

Workers may also need longer-term leave to provide care to children because of school and child care closures that have affected tens of millions of families. With many workers juggling providing care and instruction to their children while maintaining their jobs, paid family and medical leave policies allow them to take time away from work to meet these needs without losing their paychecks or their jobs. These policies also ensure that companies can retain experienced and talented workers and better protect the health and productivity of their workplace.



Companies should immediately provide at least 12 weeks of job-protected emergency paid leave to be used during the pandemic (whether through compliance with applicable law or through the company's own policy). This paid leave should be pro-rated for part-time workers based on the percentage of a full-time schedule that they work, and it should also be provided to contract workers. While on paid leave, workers should receive full replacement of the workers' typical wages (calculated based on typical wages before the COVID-19 outbreak), particularly for workers paid lower wages. Companies should guarantee job protection, restoring individuals to the same or an equivalent job when they return from leave. Companies should consider providing additional job-protected unpaid leave beyond the duration of paid leave for those workers who may be faced with more serious medical or caregiving needs. The leave should be available for relevant pandemic-related purposes, including:

1. A worker who needs weeks to months to recover from COVID-19 or is hospitalized due to the virus (including for secondary infections or conditions);
2. A worker who needs to provide care to a family member recovering from or hospitalized due to COVID-19; and
3. A worker who needs to provide care to a family member because their school, child care or other care provider is closed or unavailable due to the public health emergency.

I. Provide Emergency Benefits for Workers

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INCREASED FLEXIBILITY

People are facing unprecedented challenges in their daily lives, ranging from caregiving for relatives and children, to managing their own health, to commuting and working in unsafe conditions.

Companies should implement emergency measures to increase flexibility for all workers, regardless of job type. These may include but are not limited to:

1. Providing the ability to work remotely to as much of the workforce as possible, including part-time, seasonal, and contract workers, so that they can reduce their risk.
2. Consider how to implement flexible work schedules for both hourly and salaried workers. For example, allow workers to modify the starting and ending time of regular shifts or workdays, schedule-swap with other workers (in addition to providing paid sick days), or work a condensed work week to account for increased health needs, personal demands and unpredictability outside of the workplace.

REASONABLE ACCOMMODATIONS FOR HIGH RISK AND PREGNANT WORKERS

Companies should provide reasonable accommodations beyond what is required by law to support workers at higher risk and pregnant workers.



PREMIUM PAY FOR FRONTLINE WORKERS

The COVID-19 crisis has highlighted how our communities have always relied on workers—such as health care workers, delivery drivers, so-called gig economy shoppers, warehouse workers, grocery workers, restaurant workers, child care providers, and homecare workers, to name a few—and rely on them even more during the pandemic.

In addition to establishing safe workplaces, companies should provide workers in these job categories, who are more likely to be exposed to health hazards, “premium pay,” as compensation for the additional risks they are taking. This should be extended to relevant contracted or “gig” workers. Premium pay can be calculated by adding an additional 25%-50% an hour (based on a worker’s typical hourly wage), and it can be structured progressively to provide a higher percentage to lower paid workers.

SECTION 2

PROVIDE SAFE WORKPLACES FOR ALL WORKERS

The Centers for Disease Control and Prevention (CDC) and other experts have established that the novel coronavirus is believed to be transmitted by respiratory droplets from infected persons, especially when they cough or sneeze. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled. People can transmit the virus even if they are not showing any symptoms. It is well established that there is significant risk of transmission from asymptomatic and presymptomatic individuals. The CDC also states that people may get the virus by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes.

People engaged in essential work are at increased risk of contracting the virus and experiencing illness or death as a result of transmission from co-workers, interactions with the public, and unsafe workplaces. Because many of them interface with the general public, including higher risk populations accessing needed services and stores, these workers also risk spreading the virus if they are not provided sufficient paid sick time and protective measures and equipment. All workers who are on the job during this pandemic, from frontline health care workers and emergency responders, to those working in supermarkets, delivery, pharmacies, factories, transportation, sanitation, and all other workplaces, must be protected from disease transmission. This in turn will protect the public.

Employers should review and adopt the employer guidance published by the [Occupational Safety and Health Administration \(OSHA\)](#) and the [CDC](#) to protect workers from COVID-19 transmission. They should also apply this guidance to contract workers who routinely interact directly with customers, including in their own vehicles or homes.

Employers must seriously address all safety and health complaints from workers. Employers should work to address all concerns and should refrain from taking any actions that could be considered retaliation against workers for speaking up.

II. Provide Safe Workplaces for All Workers

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PROTECT ESSENTIAL WORKERS

The [CDC](#) and [OSHA](#) have issued general guidance for protecting workers outside of healthcare, which includes the following measures that employers must implement to protect workers and the public and mitigate the spread of the disease.

- 1. Increase the physical distancing between workers and customers to six feet.** This is the most critical safety guideline for employers to follow to protect workers and the public. The CDC recommends that social distancing in the workplace can be accomplished through establishing policies and practices such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts) to increase the physical distancing among workers and between workers and others; using barriers; and physical distancing in worker-only spaces like break rooms.
- 2. Everyone should wear cotton masks.** The CDC announced [new guidelines](#) recommending that people wear cloth face masks in public settings. [The CDC has published a guide](#) on the recommended type and use of masks.
- 3. Provide hand sanitizers throughout the workplace and the ability to wash hands frequently.** Workers should be able to take frequent breaks to wash their hands and provided places and supplies to do so. If soap and running water are not immediately available, provide alcohol-based hand sanitizers containing at least 60% alcohol.
- 4. Do not share equipment.** Workers should not use other workers' equipment or work tools.
- 5. Maintain good housekeeping (and ensure protections for cleaning staff).** Regular housekeeping practices, including routine and frequent cleaning and disinfecting of surfaces, equipment, and other elements of the work environment are critical.
- 6. Increase ventilation rates.** Increase the percentage of outdoor air that circulates into the work environment.
- 7. Clean and disinfect facilities after confirmed COVID-19 exposure.** The [CDC's recommendations](#) indicate that the novel coronavirus may remain for hours to days on surfaces.

II. Provide Safe Workplaces for All Workers

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PROTECT HEALTH CARE WORKERS

Health care workers and emergency response workers are the most at risk of contracting the virus.

The best practices for employers to adopt to protect these workers are those required by the California Standard to protect workers from Aerosol Transmissible Disease, which spell out specific recommendations to protect health care workers, including the provision of respirator masks (N95 or more protective versions), gloves, gowns, and face shields, as well as protocols for dealing with infected patients to minimize transmission.

SUPPORT ALL WORKERS WHO HAVE BEEN EXPOSED

The CDC has specific recommendations regarding workers who have been exposed at work or elsewhere to COVID-19, including how long they should be quarantined.

Employers should follow guidance for the general public and require workers to quarantine for 14 days with pay (as detailed under the emergency paid sick time section).

NOTIFICATIONS WHEN COWORKER HAS COVID-19

As the CDC guidelines state, “[i]f an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).” The fellow employees should then self-monitor for symptoms (i.e., fever, cough, or shortness of breath).



SECTION 3

SUPPORT

WORKERS WHO

ARE FURLOUGHED

OR LAID OFF

This public health emergency has led to unprecedented challenges for businesses across the economy, many of which are grappling with whether to lay off or furlough workers. This is a difficult decision and should be a last resort. If a business has to conduct layoffs or furloughs, there are ways to support workers through this transition.

III. Support Workers who are Furloughed or Laid Off

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EXPLORE A FORMAL WORK-SHARING PLAN

Work sharing (also referred to as “shared work” or “short-time compensation”) is a type of unemployment benefit that provides employers with an alternative to layoffs when they are faced with a temporary decline in business.

Instead of laying off a portion of the workforce to cut costs, an employer may reduce the hours and wages of all workers or a particular group of workers. Workers with reduced hours and wages are eligible for pro-rated unemployment benefits to supplement their paycheck. Because work sharing is voluntary, employers can make decisions about participation in the program based on their unique circumstances. Employers should explore a formal work-sharing plan in the states that allow for it before resorting to layoffs. Notably, the CARES Act extended reimbursements and funding for state work-sharing programs.



Russ Allison Loar, bit.ly/3dUYo51

MAINTAIN BENEFITS FOR FURLOUGHED WORKERS

Businesses that need to downsize due to the public health emergency should furlough workers (rather than lay them off) and should maintain as many benefits as possible during the furlough period, including health insurance and life insurance.

While employers can continue collecting employee contributions to insurance premiums, employers should strive to cover part or all of these premiums during the furlough period due to the worker’s loss of income.

PROVIDE SEVERANCE FOR FURLOUGHED AND LAID OFF WORKERS

Recognizing that state UI programs will be severely stretched, employers should consider providing full or partial severance to help cover the delay in receiving benefits.

III. Support Workers who are Furloughed or Laid Off

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EDUCATE FURLOUGHED AND LAID OFF WORKERS ABOUT STATE AND FEDERAL BENEFITS, INCLUDING UNEMPLOYMENT INSURANCE:

The recently enacted Families [First Coronavirus Response Act](#) and [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) provide enhanced and expanded unemployment insurance (UI).

Employers can help furloughed or laid off workers learn about and more easily access these essential benefits:

1. Provide the worker with clear documentation that identifies the COVID-19 pandemic as the reason for furlough or termination. This may facilitate completion and approval of relevant UI applications.
2. Educate workers about the three new UI programs that may provide benefits or extend workers' eligibility for benefits: Pandemic Unemployment Compensation (PUC), Pandemic Emergency Unemployment Compensation (PEUC), and Pandemic Unemployment Assistance (PUA). All three programs are fully federally funded. Note that because PUA provides emergency unemployment assistance to some workers who are left out of regular state UI programs (such as independent contractors and freelancers), it is important to educate all workers. More details on these three new UI programs are [here](#).
3. Educate workers about ways to access health insurance if they will lose employer-provided health insurance benefits.
 - › Health insurers may give employers the option to keep furloughed workers on their employer-sponsored health insurance; employers should check with their insurance plan about what the plan permits. Employers may also help pay the cost of the worker premium on the worker's behalf.
 - › Workers who lose their insurance through furlough or layoffs may be able to maintain coverage through [COBRA](#), but employers should advise workers about other (often less expensive) options. **Anyone who loses employer-sponsored coverage is automatically eligible for a special enrollment period through the [Affordable Care Act's marketplaces](#), even if they have access to COBRA, and they may qualify for a premium subsidy or Medicaid.** Employees have 60 days from the day they lose coverage to enroll. Employers should immediately encourage employees to visit [HealthCare.gov](#) to check out their options and provide employees with documentation that confirms loss of coverage.

III. Support Workers who are Furloughed or Laid Off

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RE-OPENING, RE-HIRING AND OTHER WORKPLACE PRACTICES:

Employers should provide and maintain safe workplaces as they re-hire, re-open or increase operations, following the specific recommendations of the CDC and OSHA (noted above) and other recommendations from local and state health departments.

Workers affected by the pandemic—whether furloughed, laid off or receiving reduced hours or alternate work assignments—should be notified when hiring resumes and provided first right of refusal for reestablished (or equivalent) positions within the company or organization. As employers re-hire, they should also prioritize equitable and inclusive recruitment and hiring, reaching those most affected by historic, systemic disenfranchisement and those most impacted by the current pandemic. One important step is instituting a “fair chance” hiring policy that allows workers with conviction histories to be considered.

Employers should continue providing emergency paid sick days and paid family and medical leave measures, as well as increased flexibility measures, to re-hired workers throughout the duration of the pandemic.

ADDITIONAL RESOURCES FOR EMPLOYERS

- › National Partnership Know Your Rights Hub: [Paid Sick Days, Paid Leave and Unemployment for COVID-19](#)
- › National Partnership Fact Sheet: [New Emergency Legislation Provides Paid Sick Days and Paid Leave for Child Care for Millions](#)
- › National Partnership Fact Sheet: [Paid Sick Days Are Good for Business](#)
- › National Partnership Fact Sheet: [Paid Family and Medical Leave is Good for Business](#)
- › National Employment Law Project Resource Page: [COVID-19 Resources for Unemployed and Frontline Workers](#)