



Updated *Heroes Act* *Protections for Families and Workers*

Protecting Workers from Workplace Exposure to the Coronavirus that Causes COVID-19

The updated *Heroes Act* protects workers by requiring the Occupational Safety and Health Administration (OSHA) to issue an enforceable emergency temporary standard (ETS) within seven days that covers all workers from COVID-19 infections. This bill:

- Requires OSHA to issue a standard to *require* employers to develop and implement infection control plans to protect workers based on CDC and other expert guidance.
- Requires OSHA to issue a permanent comprehensive infectious disease standard within two years.
- Requires OSHA to *forbid employers from retaliating against workers* for reporting infection control problems to their employer, any public authority, to the media or on a social media platform.
 - The standard would also forbid employers from retaliating against workers for using their own higher level personal protective equipment if the employer does not provide it.
- Protects public employees in the 24 states where public employees are not currently covered by OSHA.
- Requires OSHA state plan states to adopt the ETS within 14 days of enactment
 - The bill provides \$100 million to OSHA for rulemaking, enforcement, training, and support to 28 state OSHA plans.
- Gives OSHA the discretion not to issue citations to hospitals and other covered employers due to shortages of equipment, if:
 - The employer can show that they are making a good-faith effort to purchase personal protective equipment and come into compliance, and the employer is implementing alternative methods to protect its employees.
- Requires CDC and the National Institute for Occupational Safety and Health to track and investigate work-related COVID-19 infections and make recommendations on needed actions or guidance to protect such employees.

Recognizing the Value of Essential Workers

The updated *Heroes Act* establishes COVID-19 workers' compensation coverage for frontline maritime and federal workers. The bill:

- Establishes a presumption that COVID-19 is work-related and authorizes eligibility for medical benefits, lost wages and survivor benefits under the *Longshore and Harbor Workers' Compensation Act* (LHWCA) and the *Federal Employees' Compensation Act* (FECA).
 - Covers longshore and shipyard workers who are diagnosed with COVID-19, or who were ordered not to return to work by the employer or by a public health agency because of exposure in the workplace to individuals diagnosed with COVID-19.

- Covers federal workers, such as health care workers in the Veterans Health Administration, correctional officers in the Bureau of Prisons, Transportation Security Administration officers or Postal Service workers, who are diagnosed with COVID-19 and had contact with the public, patients or coworkers.

Expanding Access to Emergency Paid Family, Medical, and Sick Leave

The updated *Heroes Act* expands emergency paid family, medical, and sick leave benefits to millions of workers, including health care workers and first responders, by eliminating exemptions that prevented workers from accessing emergency paid leave during a pandemic. The bill:

- Removes exemptions, which the Trump administration and Senate Republicans inserted into the original emergency paid leave program, that are preventing millions of workers from accessing paid leave.
 - The *Heroes Act* expands access to emergency paid leave to *health care workers, first responders, workers at businesses with fewer than 50 employees, and workers at businesses with 500 or more employees, as these were previously excluded.*
- Allows workers to take emergency paid sick leave and emergency paid family and medical leave for a wider range of circumstances to reflect the challenges workers and families are facing during this pandemic.
 - Employees can take leave to:
 - Self-isolate because they were diagnosed with COVID-19,
 - Obtain a medical diagnosis or to care for symptoms of COVID-19,
 - Comply with a recommendation or order to self-isolate because physical presence at work would jeopardize the health of the employee, other employees, or a person in the employee’s household,
 - Care for a family member who is self-isolating,
 - Care for a child whose school has closed or whose childcare provider is unavailable due to COVID-19, or
 - Care for a family member who is individual with a disability or senior citizen whose place of care or direct care provider is unavailable.
- Provides eligible workers two weeks of job-protected, emergency paid sick leave at full pay (up to \$511 per day), and 12 weeks of job-protected, emergency paid family and medical leave at two-thirds of their regular pay (up to \$200 a day).
- Temporarily suspends minimum hour eligibility requirements and reduces tenure requirements for non-emergency *Family and Medical Leave Act* (FMLA) to ensure high unemployment and furloughs do not leave workers unable to qualify for non-emergency FMLA benefits in the near future.

Supporting the Public Workforce Development System and Development of a Contact Tracing Workforce

In response to record unemployment, the updated *Heroes Act* invests in public workforce development system to help workers build their skills and get back to work. The bill:

- Includes \$2.6 billion in additional funding through the *Workforce Innovation and Opportunity Act* (WIOA) to help the state and local workforce investment systems respond to unprecedented demand and limited resources to assist displaced workers and enable small- and medium-sized employers to avoid layoffs through on-the-job training support. Specifically:
 - \$485 Million for adult training, with a priority for those economically affected by COVID-19,
 - 518 Million for youth training programs, including both in-and out-of school youth,
 - \$597 Million for dislocated worker employment and training,
 - \$500 Million for the national dislocated worker reserve,
 - \$25 Million for migrant and seasonal farmworker programs, and

- \$500 Million for employment services.

Recognizing the urgent need for a robust public health workforce to support contact tracing, the updated *Heroes Act* invests \$500 million in worker recruitment and training through public workforce investment system and community-based organizations to support contact tracing efforts.

- Encourages engagement with community-based organizations to support public health departments with the recruitment, training and placement of individuals in COVID-19 contact tracing and related positions, with a focus on recruiting from impacted local communities and building a culturally competent workforce to promote trust and partnership within the community.
 - This strategy also provides for the workforce system to supports contact tracers as they transition into new employment or education following completion of this public health initiative

Protecting Workers and Retirees' Hard-Earned Pensions

The updated *Heroes Act* protects the economic security of more than a million workers and retirees by addressing the multiemployer pension crisis, which is being exacerbated by COVID-19

- The proposal provides the Pension Benefit Guaranty Corporation the funding and authority to pay certain benefits and keep eligible multiemployer plans well-funded for thirty years *without cutting* retirees' hard-earned pensions.
- The proposal also provides necessary relief to other multiemployer and single employer pension plans, which are being put at risk by the COVID-19 pandemic.