

Emergency Economic Relief Actions for Colorado from Impacts of COVID-19

Executive Summary: As our country braces for the impacts of COVID-19, Colorado will soon feel the one-two punch of the costs of a large-scale public health emergency response effort and deep economic shutdown. First responders are facing impossible challenges and choices, countless small businesses will be forced to close their doors, and without paid family leave, job security, and affordable health care and housing, countless families who were already struggling to make ends meet are heading toward catastrophe. By working together and taking commonsense actions now, we can flatten the curve and keep the economy working. Workers, first responders, and small businesses in our state need the state to act.

The state and Governor Polis have taken crucial steps to slow the spread of the virus and ensure the health and safety of our communities. At the same time, bold, immediate action is needed to protect working families across Colorado from the imminent economic harms and fall-out arising from the COVID-19 pandemic. We need to make sure that -- during this deep economic downturn -- families can keep food on their tables, pay rent, and meet other basic needs.

We are asking Governor Polis, the Emergency Economic Advisory Council, and Colorado Lawmakers to consider emergency measures in the following six areas:

Paid Sick Days and Emergency Paid Family and Medical Leave (See Appendix 1)

No worker, regardless of their status, should be worried about losing their job if they need to take time to care for themselves or a family member because of COVID-19. Congress recently passed legislation to extend sick leave to more workers nationwide. However, that legislation allows for exemptions based on business size -- potentially leaving millions of Colorado workers without coverage when they get sick or are quarantined. Colorado should lead the way and close the loopholes to immediately ensure all workers are covered regardless of the industry or size of business they work for. Illness isn't the only thing threatening to put a strain on Coloradans and their families. The closure of public schools, businesses, and limits on public gatherings will put massive pressure on working people to provide care for family members. Coloradans should be allowed to take leave if they are caring for someone with the disease, caring for someone who is at-risk or quarantined, or caring for children.

Health Care (See Appendix 2)

For many Coloradans -- whether they are infected or not -- COVID-19 could be a catastrophic event in their life because of barriers to access and the cost of healthcare. To keep our communities healthy and reduce the virus' spread, we cannot have cost and access to doctors appointments, prescriptions, testing, and other timely health care services be a barrier for Coloradans to seek treatment. The state must keep as many people insured as possible, streamline the application process and increase staff to meet rapidly growing demand for state

health care programs and enrollment, and ensure that the cost of COVID-19 treatment is free or low cost to all Coloradans regardless of immigration status.

Economic Security for Impacted Workers (See Appendix 3)

We need to ensure that workers negatively impacted by COVID-19 can broadly and easily access benefits to support themselves through unemployment insurance, food assistance, and other supportive programs. The state must do everything in its power to support workers who have lost their jobs, had their hours reduced, or are unable to work because of illness, quarantine, lack of childcare, or unsafe working conditions. Supports need to be provided to all workers regardless of status or whether their employers call them an independent contractor or an employee. Not only do benefits need to be expanded, but we need to streamline the application process, increase staff to meet rapidly growing demand for benefits, and put steps in place to ensure working Coloradans can start to recover once the country pulls through this and the economy starts to recover.

Housing Protection (See Appendix 4)

Now is not the time for Coloradans to have to worry about losing their housing or having their utilities turned off. The state should mandate a moratorium on all evictions, foreclosures, and utility shut-offs for as long as needed and all interest and late fees on housing and utility payments should be suspended.

Workplace Health and Safety (See Appendix 5)

Working people across the state, including people on the front lines of our healthcare system, grocery, and airport workers, face an increased risk of exposure to illness. Many of these workers have a dual responsibility for their patients, customers, and clients, as well as themselves and their families. The state must ensure that employers are complying with prevention and containment best practices and that all frontline workers receive training and have the proper equipment for their roles to prevent the spread of the virus and stay healthy. All employers -- not just those in critical industries -- must have contingency plans should people see their workplaces closed or their hours scaled back if this health emergency grows.

Worker Voice (See Appendix 6)

At a time when many working Coloradans are risking their own well-being to protect our health, care for our loved ones, and keep us safe, housed, and fed, they must be able to raise their voices together for what they need to keep themselves and others safe. Labor-management relationships are an important vehicle for ensuring that employees have the tools, supplies, training, and working conditions to do their jobs well and safely. All workers deserve the freedom to organize together so they can have the collective voice and the ability to navigate critical situations such as this one.

Appendix 1 - Paid Sick Days and Emergency Paid Family and Medical Leave

No worker, regardless of their status, should be worried about losing their job if they need to take time to care for themselves or a family member because of COVID-19. Congress recently passed legislation to extend sick leave to more workers nationwide. However, that legislation allows for exemptions based on business size -- potentially leaving millions of Colorado workers without coverage when they get sick or are quarantined. Colorado should lead the way and close the loopholes to immediately ensure all workers are covered regardless of the industry or size of business they work for. Illness isn't the only thing threatening to put a strain on Coloradans and their families. The closure of public schools, businesses, and limits on public gatherings will put massive pressure on working people to provide care for family members. Coloradans should be allowed to take leave if they are caring for someone with the disease, caring for someone who is at-risk or quarantined, or caring for children.

Sick workers

- Workers with cold or flu-like symptoms, or positive COVID-19 positive tests, should receive 2 weeks paid leave, provided by the employer, regardless of status, size of employer, or industry
- Workers who are hospitalized due to COVID-19 and need longer recovery per doctor's orders, should qualify for unemployment insurance
- Any essential workers that are quarantined because they were exposed at work, should preemptively qualify for workers' compensation, regardless of status
- Workers who have a family member or person living with them that has cold or flu-like symptoms -- or tests positive for COVID-19 -- should qualify for sick leave and should be quarantined
- Workers should be guaranteed 30-day job protection if they take leave because of COVID-19 diagnosis, self-isolation, or caregiving

Caregiving

- Immune-compromised workers who are advised to self-quarantine, or are living in a household with immune-compromised workers who have been advised to self-quarantine, should be eligible for unemployment insurance for the period out of the workforce
- For the duration that schools are closed, or for the duration that it is not safe to send children to childcare, workers with children should have paid leave

Appendix 2 - Health Care

For many Coloradans -- whether they are infected or not -- COVID-19 could be a catastrophic event in their life because of barriers to access and the cost of healthcare. To keep our communities healthy and reduce the virus' spread, we cannot have cost and access to doctors appointments, prescriptions, testing, and other timely health care services be a barrier for Coloradans to seek treatment. The state must keep as many people insured as possible, streamline the application process and increase staff to meet rapidly growing demand for state health care programs and enrollment, and ensure that the cost of COVID-19 treatment is free or low cost to all Coloradans regardless of immigration status.

COVID-19 Testing and Treatment

- Eliminate or reduce out of pocket costs for COVID treatment, including flu and pneumonia treatment, for insured individuals by requiring insurance companies to waive co-pays and deductibles
- Patients should not face higher cost sharing requirements when seeking telehealth services, and providers should be paid the same for utilizing telehealth as a way to minimize in-person contact. Telehealth services are essential to Coloradans seeking health care and can ensure access to behavioral health care, provide primary care services to vulnerable populations and those avoiding travel in rural areas, and help cut down on community spread by making services available remotely
- Ensure that nonprofit hospitals direct community benefit dollars to testing and care by requiring hospitals to direct those funds to care for the uninsured affected by COVID-19, or to reduce or waive cost-sharing for those affected by COVID-19. Make sure community benefit dollars go further by instructing nonprofit hospitals to base rates for the uninsured on the rates paid by public payers, rather than rates from the hospital's chagemaster

Employer-provided health insurance

- Workers who are in high-risk, essential, first responder, or frontline jobs should not have a waiting period or enrollment qualifications for getting health insurance through their employer, regardless of status
- Require employers to maintain insurance coverage for employees whose work hours fall below the ACA's 30-hour threshold for employer provision of insurance
- Call on corporations to ensure full healthcare coverage for the employees of contractors and franchisees

Individual Health Plans Sold on Connect for Health Colorado

- Expand grace periods allowed for premium nonpayment on the healthcare exchange. While consumers who qualify for marketplace subsidies have a ninety-day grace period to pay their premiums before coverage is terminated, grace periods for unsubsidized consumers (those most likely to rely on individual coverage) are governed by state law and are often limited to thirty days. Given this crisis, short-term economic instability should not result in coverage losses, which could exacerbate this public health crisis
- Increase subsidies on the healthcare exchange and cover all out-of-pocket expenses for COVID-19 treatment

Medicaid/Medicare/CHP+

- Expand enrollment in Medicaid on an emergency basis and cover treatment of COVID and related symptoms, including for contractors and immigrant workers regardless of status. Enroll people through presumptive eligibility. Request Medicaid waivers as necessary
- Halt pending disenrollments in Medicaid and CHP+, extend redetermination timelines for current enrollees to maintain continuity of coverage, and suspend barriers to care due to fees until COVID-19 is completely contained. Currently 30,000 Medicaid enrollees are slated to lose eligibility at the end of March, some of whom are in high-risk categories or nursing home settings
- Any uninsured person not covered by their employer should automatically be enrolled in Medicaid
- Community partners, government agencies, elected officials and other should promote enrollment of Medicaid eligible individuals in all communications and resources about COVID-19 as well as through mass media outreach

Other Insurance Products

- Protect consumers from low-value short-term health plans

Appendix 3 - Economic Security for Impacted Workers

We need to ensure that workers negatively impacted by COVID-19 can broadly and easily access benefits to support themselves through unemployment insurance, food assistance, and other supportive programs. The state must do everything in its power to support workers who have lost their jobs, had their hours reduced, or are unable to work because of illness, quarantine, lack of childcare, or unsafe working conditions. Supports need to be provided to all workers regardless of status or whether their employers call them an independent contractor or an employee. Not only do benefits need to be expanded, but we need to streamline the application process, increase staff to meet rapidly growing demand for benefits, and put steps in place to ensure working Coloradans can start to recover once the country pulls through this and the economy starts to recover.

Keeping Workers Employed

- Expand the use of the Work-Share Program which provides an alternative to laying off employees by allowing them to keep working, but with fewer hours. While an employee is working fewer hours, they should be eligible to collect part of their regular unemployment benefits. Furthermore, the state should invest to ensure that the Work-Share Program is as simple and accessible as possible
- Employers should maintain the health benefits for their current employees, regardless of hours worked, and suspend the implementation of any other policy or practice which would otherwise terminate the healthcare benefits of anyone who currently receives such benefits. Additionally, the state should clarify that unemployment insurance is available to workers who have lost hours or been furloughed but continue to be covered by employer-provided health insurance
- Call on corporations to ensure pay and benefits for the employees of contractors and franchisees

Protecting Workers Who Have Been Laid off or Lost Income

- Strengthen unemployment insurance to meet demand and expanded needs
- Expand access to direct income support programs, including food and cash assistance. If the period of social distancing causes prolonged unemployment, access to these programs will become critical for economic security, and these programs will be available to groups that cannot access unemployment insurance, including people who have lost their jobs because of the crisis but do not have work authorization, those workers who are genuine independent contractors

- Establish a state emergency relief fund that can make direct cash payments to affected workers. Authorize the fund to accept all state and federal revenues as well as gifts, grants, and donations. Funds can be used to supplement other federal and state aid to individual workers or to cover workers ineligible for other aid
- Issue a moratorium on debt collection. Limit student loan servicers, creditors, and debt collectors from debt collection efforts from those who are unable to pay because of their financial circumstance
- Increase consumer protections by expressly banning price gouging of goods and services during a declared state of emergency or by expanding enforcement of the Colorado Consumer Protection Act to address price gouging and other unfair and deceptive practices related to the COVID-19 crisis
- Shift staffing resources to benefit administration: Benefit administration will continue to be strained by both COVID-19 and demand, as much as possible, shift staffing resources to add in processing benefits
- Provide a minimum 50% wage replacement for workers who have their hours cut by 50% or more
- Workers who are displaced from normal employment and seek temporary employment (stocking shelves, etc.) at a lower wage, should still qualify for unemployment insurance to supplement the wage differential

Unemployment Insurance

- Shift state resources to CDLE's Unemployment Insurance division. Unemployment insurance claims are already overwhelming the system, and they will continue to over the next few months. For many, unemployment insurance will be the core of the relief that the government can provide them with, and we need to make sure that the state's investment in unemployment insurance matches the critical nature of the program to Coloradans in crisis because of COVID-19
- Clarify that "good cause to quit" work includes being forced to work while you or others in the workplace are sick, or when you and others in the workplace should be quarantined because of exposure, or when increased childcare demands make it impossible to work
- Clarify that any layoffs, partial or complete, as a consequence of COVID will not count against an employer's experience rating
- Provide unemployment insurance benefits to anyone who meets a simple test to determine "employee" status. An ABC test will be the easiest to administer at the scale and with the speed necessary to address this crisis. At the very least, the state should ensure that the law does not leave struggling workers unprotected just because they are covered by an "independent contractor" agreement that they may never have had the opportunity to negotiate. In either case, workers are presumed to be employees unless the employer proves otherwise. To ensure solvency in the face of increasing demands, the state could require that any business that has more than 50 misclassified workers must pay increased penalties and premiums
- Allow labor unions and community groups to partner with CDLE to be able to represent individuals during the unemployment insurance process

- Clarify that workers can receive benefits if they have reduced hours or are temporarily furloughed, even if the employer continues to provide health benefits. Expand the earning limits to receive benefits
- Communicate clearly to workers who may have been misclassified as independent contractors that they may apply for unemployment insurance and the state -- not their employer -- will make the ultimate decision regarding eligibility
- Engage in increased proactive enforcement and audits of large employers whose workers are presumptively employees but who do not appear to be appropriately classified. With so many demands on our UI system, we must ensure that big business is paying its share
- Because many employers of misclassified workers haven't reported wages to the state, allow workers to upload evidence of their wages during the filing process and accept that evidence, whatever it may be, so long as it supports a just and reasonable inference of the workers' approximate wages

Workers' Compensation

- Make workers' compensation more accessible to people who become sick because of exposure at work, by creating a presumption that someone sick with COVID was exposed at work unless the employer had an explicit rule and clearly enforced practice of maintaining adequate social distancing at work

Appendix 4 - Housing Protection

Now is not the time for Coloradans to have to worry about losing their housing or having their utilities turned off. The state should mandate a moratorium on all evictions, foreclosures, and utility shut-offs for as long as needed and all interest and late fees on housing and utility payments should be suspended.

Rent and Mortgage

- Prohibit of late fees and interest on past due rent and mortgage payments for the duration of the crisis
- Implement an immediate suspension of rent and mortgage payments for the duration of the crisis
- Forgive rent and mortgage debt accumulated during the crisis
- Bring down housing expenses for everyone making 30 percent of the area median income, or below, by issuing a universal voucher. Pair this with smart rent control to control costs and ensure Colorado is not subsidizing landlord profits

Utilities

- Prohibit late fees and interest on past due utility bills
- Implement an immediate suspension of utility payments

Homelessness

- Use all vacant public and private units to house those experiencing homelessness. All homeless Coloradans should be moved to safe, quality housing as fast as possible

Court proceedings

- Require all evictions and foreclosure proceedings be suspended statewide. This includes: Prohibiting serving eviction notices and suspending the filing of new forcible entry and detainer (FED) actions to prevent eviction proceedings before they start, halting the execution of eviction orders by sheriffs' offices, and delaying the entry of "stipulated agreements" until after a judge can confirm that the tenant understands and consents to the agreement

- Create or supplement existing programs for legal representation of low-income tenants, especially those who can face discrimination as members of protected classes

Appendix 5 - Workplace Health and Safety

Working people across the state, including people on the front lines of our healthcare system, grocery, and airport workers, face an increased risk of exposure to illness. Many of these workers have a dual responsibility for their patients, customers, and clients, as well as themselves and their families. The state must ensure that employers are complying with prevention and containment best practices and that all frontline workers receive training and have the proper equipment for their roles to prevent the spread of the virus and stay healthy. All employers -- not just those in critical industries -- must have contingency plans should people see their workplaces closed or their hours scaled back if this health emergency grows.

Frontline Workers

- Designate grocery store workers, hourly hospital workers, food processors, manufacturing workers, people who work in 24-hour care or detention facilities, building cleaning and maintenance, homecare, transportation, security, and other essential workers as “first responders” -- giving them access to more workplace protections and benefits
- Require hazard pay/differential for first responder workers
- Require all employers to meet with, and defer to, frontline health workers (and/or their unions) on decisions related to staffing, health, and safety
- All frontline workers (medical providers, fire fighters, EMTs, police officers) should not be denied a COVID-19 test for any reason
- Include first responder workers as priorities for PPE and COVID-19 testing. Where testing is not available, allow for self-quarantine for workers exhibiting COVID-like symptoms
- Ensure protection of employees and the public in high-risk locations or at locations with essential services
- Allow all first responders to access to child care as provided to others similarly classified

Sick Workers

- Require adoption of policies to encourage sick workers to stay at home WITHOUT the loss of pay, benefits, seniority or other benefits
- Employees who arrive at work with COVID-19 symptoms (i.e. cough, shortness of breath, fever), or who develop symptoms during the work day, should be sent home immediately without losing pay
- If any employee is confirmed to have COVID-19, the employer should be notified, and all other employees should be told of their potential exposure
- In the case of a confirmed COVID-19 case at a workplace, the employer must notify all employees and complete a CDC recommended risk assessment for potential exposure
- Personnel should be cross-trained to perform essential functions, so that the workplace is able to operate even if key staff members are absent
- Employers should plan to monitor and respond to absenteeism at the workplace by implementing plans to continue essential business functions in case they experience higher than usual absenteeism

Prevention and Mitigation

- Protect workers and detainees in detention centers, prisons, and jails by reducing the number of detainees as much as possible and ensuring testing and care for COVID
- All jails/prisons and the Aurora GEO Detention Facility should test all high-risk detainees and staff and provide them with results, refuse to accept additional detainees, staff professional janitorial services who are equipped to clean for a health crisis of this magnitude, provide detainees with access to soap and high grade cleaning products free of charge, reassign detainees one to a cell, and ensure medical care is readily available
- Mandate that all workplaces have a flexible plan for dealing with COVID-19 that is developed with employees/employee organizations and includes, but is not limited to, social distancing, cleaning procedures and adequate supplies, access to handwashing stations and/or hand sanitizer, adequate supplies of personal protective equipment, protocols in case of a workplace or community outbreak, plans for supply shortages, triage, prioritization and other contingencies, limiting business travel, and training on proper personal hygiene practices

Appendix 6 - Worker Voice

At a time when many working Coloradans are risking their own well-being to protect our health, care for our loved ones, and keep us safe, housed, and fed, they must be able to raise their voices together for what they need to keep themselves and others safe. Labor-management relationships are an important vehicle for ensuring that employees have the tools, supplies, training, and working conditions to do their jobs well and safely. All workers deserve the freedom to organize together so they can have the collective voice and the ability to navigate critical situations such as this one.

Worker protections and input

- Expand whistleblower protections for workers in essential services through emergency rules, including for speaking to the press, on social media, or on the internet
- Call on all private and public employers to consult with employee organizations, or solicit employee input, on any policy related to workplace safety or changes in working conditions due to COVID
- Include representatives of employee and community organizations in any stakeholder groups dealing with the crisis
- Encourage corporations to immediately end any activity to discourage worker organizing and halt anti-union campaigns, voluntarily recognize an employee union on showing majority support, respect any protected concerted activity, and immediately negotiate. This is not the time for workers and employers to be at odds
- Employers shouldn't restrict access for communication between their employees and organizations that represent them

This platform was developed with support from:

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AFT Colorado
AFSCME Council 18
BCTGM Local 26
Bell Policy Center
BlueGreen Alliance
Coloradans for the Common Good
Colorado AFL-CIO
Colorado Building & Construction Trades Council
Colorado Center on Law and Policy
Colorado Education Association
Colorado Fiscal Institute
Colorado Jobs with Justice
Colorado Latino Forum
Colorado People's Alliance
Colorado Pride @ Work
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Colorado WINS Local 1876
CWA District 7
Colorado Working Families Party
Denver Area Labor Federation, AFL-CIO
Denver Black Educators Caucus, DCTA
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