

Crisis Conversations: Family and Medical Leave in the Time of Coronavirus

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BRIGID SCHULTE, HOST: Welcome, everybody, to my social distancing home office. [laughs] Thank you so much for coming to what we're calling, *The Crisis Conversations: Live from the Better Life Lab*. We're building on the *Better Life Lab* podcast that we've had for a couple of seasons where we explore how we combine work and life and conflict and stress and gender equality. We just thought the coronavirus is disrupting absolutely everything about the way we work and live and love and relate to each other and expect from each other and our communities, our businesses, and our government.

It's all happening so fast. I was having a crisis moment at about 4:00 in the morning the other night and I thought, "What can I learn from this little room here?" I'm feeling very isolated and really wanting to understand this fast-moving story, trying to get a sense of sense-making. We wanted to create this space where we could come together, take a deep breath, and pause and reflect.

That's why we're doing it on Friday after the crash of the week and the craziness. Take a moment to pause. Let's see if we can come together, create some connection, share some stories, try to get a better sense of what's going on and how this might change not only our current experience, but how it might change things into the future. Today is our first day we're launching. We've got all sorts of-- We're a little rough around the edges.

We apologize. We're trying to figure it out. If you've dialed in early, we're still trying to figure out how to work Zoom. Many of us last week didn't even know how to use Zoom. That was me too. Bear with us. We're really excited to be able to make this interactive. We want to hear from you. We want to hear your stories. Today, we really want to take advantage of the fact that we have Vicki Shabo, who is brilliant. She's a senior fellow in the *Better Life Lab*.

She'll probably introduce myself. You don't know. That was a little slip-up on my part. I'm Brigid Schulte. I'm a writer and a journalist. I direct the *Better Life Lab* with a work-life, gender equality, and family-supportive Social Policy Program at New America, a nonpartisan think tank. Vicki is our senior fellow for paid leave policy and strategy, or strategy and policy. I'm sorry if I get that mixed up. I'm a little nervous.

She has been just really on the front lines of so much of the public policy trying to figure out, how do we make work and life work for families, for women, for individuals? She was at the National Partnership for Women & Families for many years. We're very lucky to have her here because Congress has just passed and the President assigned some of the most sweeping legislation after years and years of really a lack of movement on things like paid family leave and paid sick days. It's all happened again so fast.

It was changing as it was going and I thought this is a great moment for us to really take a minute to pause and reflect, what does this mean? What's really going on? What's good? What's missing? What's next and how could this change things? Vicki, let me turn it over to you. Let me just ask you to just pause and reflect. This is an enormous moment. You just wrote a piece on Medium that published about 10 minutes ago and you called it historic and necessary. Can you talk a little bit about what this current moment is and what is it going to mean for people?

VICKI SHABO, PANELIST: Sure. Well, it's really exciting to be here on this inaugural cast. Hang on.

BRIGID: There we go. Good.

VICKI: It says I'm muted. Can you hear me?

BRIGID: I can hear you. Can everybody hear her? Okay, yes. People are saying, "Yes, we can hear." Thank you, everybody.

VICKI: All right, cool. It's great to be here. I think this is a fun way to pass the time as we're social distancing. I'm actually a person who really prefers working in an office around other people. I'm always happy to reach out and have social contact. I know a lot of people feel the same. As you said, Brigid, this has been a really incredible couple of weeks with respect to congressional action on the kind of time that people need when they are sick, when they need to care for a loved one now with so many of us dealing

with kids who are out of school or childcare or adults in our lives who would otherwise be in care arrangements during the day.

We're in this really fast-paced and incredible moment as we're all trying to navigate this new world of working from home and remote lobbying and remote advocacy and Zoom calls at all hours to try to organize things. As you said, Congress did some pretty important work and their work is undone. Before I dive into that, I just want to set the stage a bit for participants that are less familiar with the US framework around access to leave, which has been laid bare as completely inadequate in this moment of crisis.

Overall, in the US, the law of the land as it relates to workers' ability to take time off, take time away from their jobs, to deal with their own health issue or a family member's health issue, or to welcome a new child is the Family and Medical Leave Act that was passed in 1993. It guarantees to workers and businesses with 50 or more employees, unpaid job-protected leave for up to 12 weeks to deal with their own serious health issue, to care for a parent, a child, or a spouse with a serious health issue, or to welcome a new child or for about the last decade for military families to deal with certain military caregiving purposes.

You might have noticed that I stressed unpaid and that's a limiting factor of the FMLA. In the absence of paid leave requirements, of which only a handful of states have, and about two handfuls of states have with respect to paid sick days, many people don't have the paid time that they need when an illness strikes or a serious family need arises.

BRIGID: Because isn't it true? If you have unpaid leave, I think the research shows that if you have a white-collar job or you work for a larger employer, you're more likely to have some kind of private paid leave program. For a lot of people, if you're an hourly worker or you work for a public organization, you really don't have access to any kind of paid leave, and then you can't afford to take time off. That's where you get these horrific statistics that one in four mothers returned to work within two weeks in the United States, which is just outrageous.

Like you're saying, we've got this really inadequate system. People like you have been working for decades to try to get that fixed to say we are the only advanced economy without paid maternity leave. How can that be in the 21st century? We are one of the advanced economies with no paid sick days. We're actually asking people to take a lot of risk on themselves and it leaves them with so little choice. We have to choose

between either going to work or paying your bills, which just is an untenable choice. This sweeping emergency legislation, what is this going to do?

VICKI: In this moment where it's clear that as a matter of public health, it's imperative that workers are sick be able to stay home. Congress took a first step. The bill that was passed and enacted into law last week, the Families First Coronavirus Response Act, mandates employers to provide up to 10 paid sick days for workers who work full-time, who are quarantined or isolated on the guidance of a health official or a public official, who are experiencing symptoms of COVID, who are caring for another individual who needs help or whose child's school is closed.

Again, 10 paid sick days. In this emergency, these sick days are being reimbursed by the government. A key difference with how the states and cities that have put paid sick days laws in place have structured them. It's certainly different than how we would structure it in a normal time. There are some key limitations with this provision. The other thing that Congress did was enact extended leave for school closures.

Millions of children are out of school right now. Parents need to be able to take care of them. What Congress said was if you can't work or telework and your child is home, you can take extended paid leave. Again, there are limitations. For both of these provisions, the paid sick days bucket and this extended school leave bucket, it only applies to people in businesses with under 500 employees or to public agencies.

BRIGID: Who does that leave out? That's enormous.

VICKI: Leaves out half the workforce. [inaudible 00:09:28] larger employers often provide paid sick time to their employees, but they don't always provide that paid sick time to their hourly workers, similar to the disparities we talked about before. In practical terms, what this means right now at this moment as we think about the businesses that are still open, we're thinking about large grocery store chains, pharmacy chains, big-box retail stores, warehouses which are staffing up in this moment, and other large companies where fast-food chains, for example, that are still open because people can carry the food out, that are literally on the front lines of serving all of the rest of us.

They may not have access to paid sick time even in this crisis when they feel sick, when they know that a family member or someone in their household has been exposed, or when their child is now out of school and they need to be able to care for that child. This

is a huge gap in what Congress did and it's something that needs to be addressed ASAP. Unfortunately, Congress didn't do that in this package that's about to be passed today or tomorrow. It means that we need to come back to keep demanding these changes going forward.

BRIGID: Let me ask you because there are some places that you'd mentioned, just talking about paid sick days. There are some states, there are some cities that have paid sick days laws, and then the research shows that, actually, people are healthier there. There isn't as much infection because then workers don't have to make that choice about coming to work or being able to pay a bill, which is huge.

You would take in a pandemic that that's something that lawmakers would take into account that this actually is good for public health. The other thing I found really striking, the CDC has done a report that in a previous norovirus outbreak, you still had people come like one in five restaurant workers still coming into work with symptoms like vomiting and diarrhea because they were afraid they wouldn't be able to pay their bills or they'd lose their jobs.

It sounds like you're saying that the way the bill has passed, all the people that we are now relying on in our isolated bubbles, the delivery workers, the restaurant workers, they may not be covered, so they may have to be making these really horrific decisions that now are life and death. When you say we need to take action, how likely is it? Where are we politically? Where's the resistance to doing this?

VICKI: Well, traditionally, businesses have stood in the way of policies like this. You mentioned the states. There are now about 12 states that have some type of paid sick days or paid time off law in places. Some of them do have carve-outs similar to not as big as this. For smaller businesses, some of them are more comprehensive. About two dozen cities. There are also longer-term paid family and medical leave insurance programs in place in five states. The resistance has traditionally come from the organized business community. In this particular case, what's really interesting is that businesses are being fully rebated for this cost, reimbursed for this cost.

The legislation that is currently before Congress that passed the Senate the other night, and it's going through the House actually, includes provisions that allow advanced credits against sick leave so that businesses can be reimbursed more quickly and includes a provision for small business loans that can be used to pay for payroll and

sick leave. The resistance here maybe-- It's also ideological where conservatives, Republicans, traditionally don't want government to grow.

I think what we're going to see over the next several weeks as Congress is gearing up to pass this other package is the importance of journalists who are amplifying the stories of workers on the frontlines, the importance of activist groups that are organizing those workers to make sure that their stories and their experiences are being heard, as well as work for professional advocates who are really then aggregating those stories and helping to make sure that lawmakers are seeing those stories, and to document the harms that are being caused in the health system, in businesses when workers are forced to go to work sick.

There's a lot to be done. Just one quick thing to say. I was really encouraged yesterday when Speaker Pelosi did a press conference on the work that she thinks needs to be done in the next package. One of the things she specifically called out was expanding the paid family and medical leave component to be not just the school leave.

That piece got whittled down to at the 11th hour in the last package, but actually to be able to make sure that people who need to be quarantined for more than 10 days, which is what the recommendation is, people who need to be able to care for an adult family member who's out of care, to be able to make sure that somebody who's caring for a child or a family member who is sick and then get sick themselves is able to take that extra time. I think it's great that it's on the Speaker's radar screen. We need to make sure that it's on every member of Congress's radar screen for this next package. When we're spending \$2 trillion, it's crazy to think that we can't afford this too.

BRIGID: Absolutely. We've got Linda, so what we'd love to do now is open it up. If people have stories or reflections they want to share, if they've got questions, this is a great opportunity to have a conversation. We're going to try to do this as unwieldy as it is on Zoom. Linda, can we unmute you? You made a really important point. Vicki, maybe you can address this as well, is that not only large employers were exempted, but also-- [chuckles] lovely cat-- nurses and health professionals and people who are literally putting their lives on the line. Linda, can you share your story?

LINDA, CALLER: Sure. Well, thank you so much for organizing this. I'm speaking on behalf of conversations I've had with my brother, who is a doctor in Boston, and my mom who's a retired nurse in Boston, who's actually going to be coming into the hospital to help out because there are shortages of nurses. There was a discussion about

how nurses are paid on an hourly basis. If they're not working, then they're not receiving their pay. There's also a discussion that having COVID-19 may not allow you to receive sick paid leave. That's a discussion that they've been having.

VICKI: One of the other outrageous carve-outs or potential carve-outs in the bill that Congress passed and another one of its big imperfections is that both employers of health providers and the Secretary of Labor can determine that health providers can be carved out of the right to sick leave under this Act, which if you think about, these are literally the heroes of this pandemic, the people who are caring for everybody else, who are risking their own lives with protective gear that's inadequate.

The idea that we would both have them risk their own personal health, but also have them then be exposed to more people who may have come to the hospital for a different reason is really nonsensical. Linda, I'm so glad that you pointed that out. It's another area that really needs to be fixed in this next wave of legislation.

BRIGID: Vicki, we also have a question from Trudy. She's wanting a little bit more clarity and that there is so much confusion. She's talking about like where-- the coronavirus families, what is that? What was this big \$2 trillion package? Where are all of these pieces? How does this all fit together?

VICKI: It's a great question and it's a bit mind-boggling. The first package dealt with health and health providers and it was the smallest of the packages and the most limited. The second one was much more expansive and included some unemployment protections mostly to shore up state systems, included food, nutrition, other healthcare purposes. That was the Families First Coronavirus Response Act. Sorry about the cat.

BRIGID: I love your cat. I'm sorry.

[laughter]

VICKI: Sorry, I got distracted there. [chuckles] You can come here. This third package is a \$2 trillion stimulus bill. It includes rebates to lots of American families, so direct cash. It included something we didn't talk about, which is pandemic unemployment assistance, which actually includes for the first time ways for workers who are not eligible for state unemployment insurance and who have family and medical leave-type circumstances as well as other circumstances directly related to COVID to receive payments if they're unemployed, partially employed, or unable to work.

There is a lot left undone. What we're hearing House leadership and Speaker Pelosi in particular talk about is a fourth package that they will be thinking about over the coming weeks and could take up later in April when the Senate is expected to come back. I think it's exciting from an advocacy perspective. There's so much that's been left undone. We've talked about paid leave.

Childcare is another huge piece of this puzzle. Not only are there the workers that we've talked about who are still on the front lines, who are showing up to workplaces, but their childcare is maybe shut down. On the childcare provider side, they too are businesses who are being forced into dire circumstances and, in some cases, forced to close because they don't have resources coming in anymore.

Childcare is a huge problem that has to be addressed in that next package. There's more increases in SNAP, food benefits, and other vital services where appropriations were provided as part of the stimulus, the \$2 trillion package, but it's not going to be enough. All of this really underscores the structural changes that need to be made to a number of these different programs in order to ensure that we're not in this position again if something unexpected strikes.

BRIGID: Haley, who's our deputy director at the *Better Life Lab*, she has just put in something in the chatbox. Can we unmute Haley? You can make that point to the group. Haley and Roselyn also of the *Better Life Lab*, in addition, I've done some work on it. Vicki has been instrumental as well. They have been tracking what the large companies are actually doing, saying that they're going to do, and then what the journalists are reporting what's actually happening on the ground. Haley, can we unmute you? Can you make the point that you just made in the chatbox and talk a little bit more about what's happening on the ground?

HALEY SWENSON: Sure. Thanks, Brigid. As Vicki said already, these companies that have more than 500 employees are carved out of the Families First bill, which means that they're left to voluntarily offer emergency paid sick policies to their workers. We saw a big rush of companies do this right at first to try to get ahead of it. Walmart put out what seemed like a good policy on paper, for example, and got some props for that in the media.

What we're seeing in the next wave of reporting is that most workers are finding these policies aren't working in practice. They're getting pushback from managers when they try to use them. They're really worried that they're going to be punished if they use

these policies, whatever they say, in their sort of written policy, whether they can actually take them. What I'm finding is we've been tracking this.

We have about 90 companies listed now online and you can check out-- I can even drop the link in here in just a second. You can check out what their policies have said. We're really finding that this is an issue. In my mind, I'm wondering what Vicki's seeing on this. It really seems that only something like federal legislation would actually be able to enforce these policies right now so workers can actually use them.

VICKI: Yes, that's a great point, Haley. Thank you so much for your work tracking down all of these policies and keeping your great resource updated. Yes, I mean, this is the case in general. Companies will often take a lead and do really important work establishing their own policies. Some companies do a fantastic job of that and are very thoughtful about how they not only put a policy in place but also have that policy trickle down to their managers so that frontline workers get the benefit of what's on paper. Sometimes it doesn't work that way. Unfortunately, in a circumstance like this, we're seeing the consequences of that.

As you said, the benefit of a statute is that companies have a legal obligation to follow the law. Federal agencies or in the case of state law, or local law, state or local agencies have the authority to enforce those laws. That's really what's needed. It's not the only thing that's needed. We know even when laws are in place, sometimes enforcement is lax or people don't know their rights. Having that statutory protection as a safeguard is critical to making sure that the structures are in place for people to be able to take the time that they need without retribution.

BRIGID: Next, we want to-- I think we've got Cindy Murray, who's a worker from Wall Street. Sorry, whoo, Walmart, [chuckles] on the phone line. Sorry, that was a little slip. We're going to try to figure out which phone line it is so we can unmute you. Bear with us. While we're doing that, Amy Hilbert Davis made a really great point in the chat. Amy, I think you're on mute. Can you come on into the conversation and make your point and share in the discussion?

AMY HILBERT DAVIS, CALLER: Of course. Hi, Brigid and Vicki, it's a real pleasure. It's a thrill to watch you both work together and to bring this audience together about the-- It's an amazingly important topic. What I keep thinking day in and day out as I work within corporations and I speak to family success and I work with employees to help them feel more successful at home, so this work at home, right? It's immense. We

all know it, especially if you've raised children. Brigid and I have had discussions about this.

Now, all of a sudden, the work at home is out there for everyone. It's on Facebook. It's on Instagram. People are talking about, "How am I going to make dinner and manage remote learning and do this?" What's so crazy is this is the work at home. It's been happening for centuries. Now, I love that the cameras are going home and seeing this work. I'm just so interested in what you can forecast, Vicki, about, is this going to change this work and done in the margins? What do you think?

VICKI: I think it's a fantastic question. I've been thinking a lot about that as I've just seen my own friends who are stay-at-home parents who aren't used to homeschooling and work-out-of-the-home parents who are now managing their work and their kids' school. I think that this moment is one that really could catalyze if we play it right and help people remember the emotions that they felt during this time that could really catalyze a transformational change around the value of care.

Whether that's the value of care that teachers in classrooms do for kids every day, whether that's the value of care that caregivers provide to the people that they're taking care of, and whether the value of care that parents whose work is in the home have and provide to their families and to society. Yes, I think we're all getting a taste of the value of care and how unappreciated it is and that's hopefully a wake-up call to many people.

BRIGID: That's great. Well, thank you so much for all of that. We're going to go to Cindy now. Cindy, thank you so much for waiting patiently. We weren't sure which number was yours. We weren't sure which one to unmute. Cindy, I understand you are on a break, sitting in your car, and very appreciative that you've taken a break where you work in a big-box store. We really want to hear-- You're on the front lines. You're out there helping people get their groceries.

Even in this social distancing, we still need to eat and survive. What's that like for you and what is it that you need in terms of feeling supported and having paid sick days and paid time off in case you get sick or family gets sick? Can you talk-- We have just about a minute or two left, but we started a little late. We're going to try to finish up, but we'd love to have some thoughts from you and hearing your story.

CINDY MURRAY, CALLER: Well, thank you so much for having me. This is such an important time. I work for Walmart, been here 20 years. We started an organization,

UFR, United for Respect. It's really rough here on the front lines. They tell us that we can self-quarantine if we needed to. The point about that is in my state, we have five sick days that we can have, right? I'm a 19-year associate. In order to get those hours, they pay us one hour for every 30 hours that I work.

It's hard for workers here to take the time to even self-quarantine even if they're sick. That's why they come to work sick because if you look at it, even though our state says we can have five, six days, we don't get those. Walmart went through what was called PTO hours. They were taking those now. Mind, I'm a 19-year associate. I get one hour for 30 hours I work. That's 19 years, so they go by the length of the years that you've been here to decide how much time like leave one hour for 30 hours, which if you think about that--

BRIGID: Cindy, if I could just jump in- [crosstalk] Yes, so if I could jump in, Cindy. What's it like for you when all of us were here on Zoom? We're social distancing. We're all stuck at home. You're going out to work every day. This pandemic is-- The United States just yesterday was-- we now have the most confirmed cases in the world. What does that like for you going to work every day?

CINDY: It's scary. I worry about taking this virus home. I am worried about the workers that are in the store. I worry about myself whether or not I will get this. The only thing I can do because I can't afford to stay home. Workers, not just me, other workers cannot afford the fact. That's why we want Walmart to step up to the plate. Maybe this time, maybe pay your workers a better sick time. Maybe give us better medical because if I get sick, unless I can prove that I got the coronavirus, will we be paid anything really from Walmart?

At this point, it's really rough on all workers and they are scared. When I look at the customers that are here, they're also scared. You can see the fear in their face that's actually really eerie. I have to continue to work. When I go home, I know you guys think this is crazy, but I carry an iPhone with me. I wear a mask, I wear gloves. We spoke out on Tuesday at a press conference about how Walmart needed to step up to the plate and disinfect their stores.

Now, they're doing that. I work in the fitting room. They, as of yesterday, shut the rooms down and while no one to try to clothes on due to that it can be-- It's too contagious for everyone. The fact still lies for workers. We're so low paid. I don't make

\$15 an hour and I've been here 19 years. If I go home and stay home, that gives me one hour every 30 hours. I don't have no PTO time. I don't have sick time.

I think this is a time in our country that we need to hold these companies that are billion-dollar industries. They need to be held accountable. They need to step up to the plate. They need to give-- In my state, there's five sick days. Why can't Walmart give these workers five sick days that are paid? Give them the hours for those five days. It's not happening at Walmart.

BRIGID: Cindy, you have just made such chillingly, important points. Thank you so much for sharing your story. When you're talking about Walmart stepping up to the plate, that's what this legislation has basically-- that's where we are. We're relying on companies in the goodness of their hearts to take action. That's what we're tracking and not all of them are. Is that really the right place to leave it? Is this really something that we really need the government to take, that we need our policies to be much more comprehensive?

With that, it's 1:34. I want to be very respectful of everyone's time. We said we'd take about 30 minutes. I just want to take a minute to thank everybody for coming. Cindy, thank you so much for sharing your story. Vicki, thank you so much for sharing your expertise. I want to thank my *Better Life Lab* team, who's just the best in the world. Thank you for supporting this. The New America team, David Shulman, who is just the best producer in the world. [chuckles]

Thank you all for joining with us today. We will be doing this every Friday at 1:00, these crisis conversations. You're all invited, Vicki, you too, to come next week. Next week, we'll have Eve Rodsky. She's the author of *The New York Times* bestseller *Fair Play*. To some of your points that you made, Amy, we're going to be talking about how the coronavirus might be really shifting things at home, the unfair division of labor at home. We'll be talking about that.

In the chats, please if you have other ideas, if there's things that you want to talk about or there are experts that you think would be good to have or stories to share, please let us know either in the chat or send me an email. DM me. Send me a Twitter, whatever. We really want this to be very much at the moment and useful for people. Thank you all for coming today. Wash your hands, stay safe, and I'll see you next week.