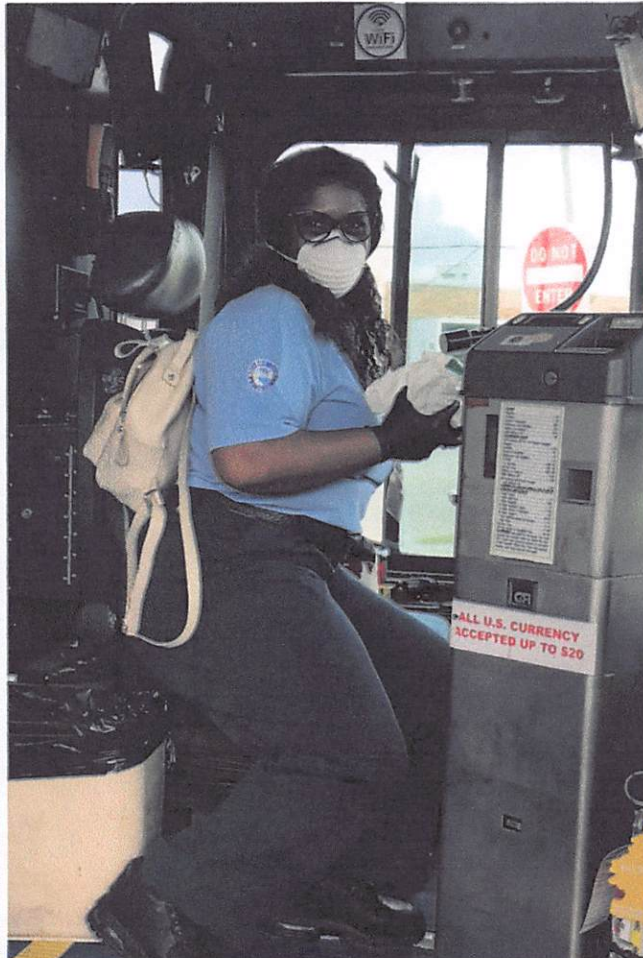




# ATU Guide to Federal and State COVID-19 Benefits

— APRIL 2020 —



## ATU COVID-19 MEMBER BENEFITS GUIDEBOOK

The novel coronavirus (COVID-19) pandemic has dramatically impacted our lives in a very short period of time. ATU has prepared this guidebook discussing some of the major programs and resources our members in the United States may be able to turn to at this time. This guide focuses primarily on federal benefits and programs, including the emergency leave and unemployment provisions of the two recent federal laws. Those laws are the Families First Coronavirus Response Act, H.R. 6201 (March 18, 2020),<sup>3</sup> and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. 748 (March 27, 2020).<sup>4</sup>

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<sup>3</sup> <https://www.congress.gov/bill/116th-congress/house-bill/6201>.

<sup>4</sup> <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.



## **I. Leave Programs Available to Working Members**

### **A. Contractual Leave**

You have access to leave benefits available under your collective bargaining agreement, including any special pandemic leave or other leave programs adopted in response to COVID-19. Contact your local union President, shop steward, or other union leader if you have questions about what leave and benefits are available to you under your union contract.

### **B. Emergency Paid Sick Leave for COVID-19**

**When does this go into effect?** It begins April 1 and ends on December 31, 2020.<sup>5</sup>

**Who is covered?** ATU members at public employers (of any size) are covered, including publicly-operated transit and school bus systems, and local government. ATU members at private transit and school bus contractors, and at over-the-road properties, will be covered only if the employer has fewer than 500 employees. Small businesses with fewer than 50 employees can be exempted.

**What are you entitled to?** Full-time employees covered by this law are entitled to 80 hours of paid leave. Part-time employees are entitled to the number of hours they receive on average over a two-week period. This sick leave is **in addition to** any existing sick leave provided for in these employees' collective bargaining agreements, and employers are prohibited from requiring employees to use their accrued paid leave prior to this newly-established leave.

**What can this leave be used for?** Eligible employees may take this leave for their own personal care if they are subject to a quarantine order related to COVID-19, have been told by a healthcare provider to self-quarantine related to COVID-19, or are experiencing COVID-19 symptoms and seeking a diagnosis.

Eligible employees may also take this leave to care for a family member who is subject to a quarantine order related to COVID-19 or has been told by a healthcare provider to self-quarantine related to COVID-19, or to care for a child whose school is closed or whose childcare is unavailable due to COVID-19.

**How much does it pay?** The leave is paid at full wage replacement (capped at \$511 per day) if it is used for an employee's own health and is paid at 2/3 wage replacement (capped at \$200 per day) if used to care for a family member.

**What should I do if I have any issues accessing this leave?** Talk to your local union President, your shop steward, or another union leader. If employers argue they are exempt from this requirement, that you don't qualify, or otherwise throw up any roadblocks, your local union may be able to resolve the issue.

**Can I use this leave intermittently?** If you need to use this leave due to you or a loved one experiencing symptoms of COVID-19 or a need to self-quarantine, you cannot use the leave

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<sup>5</sup> <https://www.dol.gov/agencies/whd/pandemic/ffcr-a-questions>.

intermittently: you must use it until you either use the full amount or no longer have a qualifying reason for taking the leave (unless you are teleworking). **If you need to use this leave because your child's school or childcare is closed, there is no legal barrier to you using this leave intermittently.** If your employer does not allow you to use this child-care leave intermittently, speak with your union leadership to try to negotiate increased flexibility from your employer. The federal Department of Labor encourages employers to be flexible and supports employers letting workers use this leave on a day-by-day basis.

#### C. Emergency Paid Family Leave for COVID-19

**When does this go into effect?** It begins on April 1 and ends on December 31, 2020.

**Who is covered?** ATU members at public employers (of any size) are covered, including publicly-operated transit and school bus systems, and local government. ATU members at private transit and school bus contractors, and at over-the-road properties, will be covered only if the employer has fewer than 500 employees. Small businesses with fewer than 50 employees may be exempted, and employees at employers with less than 25 employees may not be entitled to return to his or her job.

**What are the eligibility rules?** You must have been employed at least 30 calendar days by your employer. You must use this leave to care for a child whose school has been closed or whose childcare provider is unavailable due to COVID-19 related reasons. Current DOL guidance provides that unpaid traditional FMLA use may count against your 12-week allotment.<sup>6</sup>

**What am I eligible for?** Eligible employees are entitled to 12 weeks of job-protected emergency paid family and medical leave to care for a child whose school has been closed, or whose childcare provider is unavailable due to a public health emergency related to COVID-19.

**How much does it pay?** To not overlap with the new paid sick leave, the first ten days of this leave are unpaid; then the leave is paid at 2/3 wage replacement (capped at \$200 per day and \$10,000 total).

#### D. State Sick Leave Programs

Some states have adopted emergency sick leave laws providing additional sick leave to workers. Other states had pre-existing sick leave laws or other benefit programs which may be available to you. The AFL-CIO has assembled a list of state resources and benefits, which may be useful for you. This is available at: <https://aflcio.org/covid-19/state-resources>. ATU is also researching state programs and will provide state-specific updates as necessary.

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<sup>6</sup> See Questions 44 & 45, <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.



#### E. Traditional Unpaid Family Medical Leave Act Leave

If you are not eligible for the emergency paid family leave benefit (for employees who must care for their child whose school or child care location is closed), you may be eligible for unpaid Family Medical Leave Act (FMLA) leave.

**Who is eligible?** Employees at a covered employer who have

- have worked for their employer for at least 12 months;
- have at least 1,250 hours of service over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles.

**What qualifies for FMLA?** If you or a family member have serious health conditions, including those arising out of COVID-19, you may be eligible.

**What is the benefit?** Eligible employees may take up to 12 weeks of unpaid, job-protected leave (state laws or your union contract may make this benefit more generous). You are entitled to the continuation of group health insurance coverage under the same terms as if you had been working.

#### F. Workers' Compensation

**What is it?** Workers' compensation is a type of insurance program designed to ensure that workers who are injured on the job receive medical care and, sometimes, adequate financial support. Programs are typically run by each state, so the specific rules and eligibility determinations depend on the state.

**If I contract COVID-19 on the job, am I eligible for Workers' Compensation?** This is a developing situation, and most states have not issued clear guidance. However, if you were exposed to COVID-19 on the job and contract the disease, you may be eligible for workers' compensation benefits.<sup>7</sup>

**What should I do if I am exposed to COVID-19 in the workplace?** If you were exposed to COVID-19 while working, you should consider applying for workers' compensation. In at least one state, the state AFL-CIO has recommended that workers exposed to coronavirus (directly or indirectly) on a job site promptly file an employee claim with the state workers' compensation commission **before they have any symptoms**. The goal with that recommendation is to make it more likely that the member receive workers' compensation benefits if they later contract the disease. Because each state law is different, we will continue to monitor developments.

#### G. Call-Back Rights

If you are laid off, your recall rights depend on your collective bargaining agreement. Please contact your local union's President/Business Agent to learn more about the order in which

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<sup>7</sup> See, e.g., <https://www.labor.ca.gov/coronavirus2019/>.

members are called back to work, what job protections you have, and if you have any other rights under the contract.

## H. Examples

I'm an employee of a public transit system. My child's school is closed due to COVID-19 and I am their only caretaker, so I need to take care of them. Starting April 1, I'm entitled to two weeks paid leave at 2/3rds pay under the special paid sick leave program, and then another 10 weeks paid leave at 2/3rds pay under the special paid FMLA program (both capped at \$200/day). I can also use my sick leave or other leave provided under my collective bargaining agreement and any other agreement or policy my union has won at my workplace.

I am an employee of a public transit system. I am experiencing symptoms of COVID-19 and seeking a medical diagnosis. Starting April 1, I can take two weeks of special paid sick leave at 100% pay (capped at \$511 a day). After that, if I am still experiencing symptoms, I can use my contractual sick leave, any special pandemic leave my union has negotiated, and any state sick leave I am eligible for. If I was exposed to COVID-19 in the workplace, I may also want to file a workers' compensation claim. In addition, I can use regular, unpaid FMLA leave if this qualifies as a serious health issue to stay out of work on an unpaid basis while preserving my job.

I'm an employee of a large private company. My employer does not have to provide paid pandemic leave under the law, but I can use any leave negotiated for in my union contract. In addition, my union leadership, coworkers, and I can bargain and organize to win special pandemic leave agreements from our employer. Finally, I can take any paid sick leave I'm entitled to under state or local law, and unpaid FMLA.

## II. Income Support for Laid-Off Members

### A. Unemployment Insurance

**How does unemployment insurance work?** It's a state-run program where working people can turn for income assistance after losing their jobs. The specific eligibility rules are different in each state, but they typically require you to have lost your job (or had a significant reduction in hours, including a temporary furlough) through no fault of your own.<sup>8</sup>

**How do I apply?** Apply by contacting your state's unemployment insurance program. AFL-CIO has compiled a list of resources for each state's program, at <https://aflcio.org/covid-19/state-resources>.

**What are the usual benefits?** Benefits vary by state, but it is usually a percentage of your earnings from before you lost your job. In addition, the federal stimulus package signed into law on March 27, 2020, will make money available to provide a supplemental benefit of \$600/week, greatly increasing the average benefit.

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<sup>8</sup> <https://www.dol.gov/general/topic/unemployment-insurance>.



**How long will it last?** In most states, unemployment insurance lasts 26 weeks. However, the federal stimulus will extend that period to 39 weeks (just under 10 months).

**What about waiting weeks?** Many states have traditionally had “waiting weeks,” meaning you would not receive a check until a week or two after you apply. Some states have already waived these requirements, including California and New York,<sup>9</sup> and the federal stimulus package will make federal money available to eliminate waiting weeks nationwide. *If you are laid off, apply for unemployment insurance that day so that your benefits begin as soon as possible.*

**When does federal support start and end, and what is the special federal unemployment program?** For people entitled to standard unemployment benefits, the extra \$600 will begin when the state enters into an agreement providing for the benefits with the federal government. The extra payments expire on July 31, 2020. In addition, the stimulus bill will establish a special unemployment benefit for individuals who are not eligible for unemployment under state law, but are unable to work due to COVID-19-related reasons.

**Examples:** Your specific eligibility and benefit amount depends on a lot of factors, so the following are just examples of potential benefits. Your ultimate eligibility and benefit amount will be determined by the state government after you apply, and may be different than the example.

<b>Illinois<sup>10</sup></b>
If you earned \$45,000 a year before being laid off, you could qualify for:
Base Unemployment: \$407/week
Dependent Child Allowance: \$155/week
Non-Working Spouse Allowance: \$78/week
Federal Stimulus Addition: \$600/week

<b>California<sup>11</sup></b>
If you earned \$45,000 a year before being laid off, you could qualify for:
Base Unemployment: \$433/week
Federal Stimulus Addition: \$600/week

<b>New York<sup>12</sup></b>
If you earned \$45,000 a year before being laid off, you could qualify for:
Base Unemployment: \$432/week

<sup>9</sup> <https://labor.ny.gov/unemploymentassistance.shtm>; <https://www.gov.ca.gov/2020/03/12/governor-newsom-issues-new-executive-order-further-enhancing-state-and-local-governments-ability-to-respond-to-covid-19-pandemic/>

<sup>10</sup> <https://www2.illinois.gov/ides/IDES%20Forms%20and%20Publications/CLI110L.pdf>

<sup>11</sup> <https://www.edd.ca.gov/unemployment/UI-Calculator.htm>

<sup>12</sup> <https://labor.ny.gov/formsdocs/ui/TC318.3e.pdf>

Federal Stimulus Addition: \$600/week
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**What about for immigrants / non-citizens?** Many immigrants are eligible for unemployment compensation.

B. Food Stamps / SNAP

**What are they?** The Supplemental Nutritional Assistance Program (SNAP) is also known as Food Stamps. It's a program administered by state governments that provides families with additional money for food. It commonly provides families with a few hundred dollars to be spent on groceries every month, and the amount of benefits is based on the size of your family, your income, and expenses.

**What are the benefits?** Benefits vary by income, family size, and other factors. In addition, some states are adopting emergency benefit increases due to COVID-19.<sup>13</sup> The standard maximum benefits (before any emergency supplements) are in the following table. Different standard benefits apply in Alaska, Hawaii, Guam, and the U.S. Virgin Islands.<sup>14</sup>

Family Size	Maximum
1	\$194
2	\$355
3	\$509
4	\$646
5	\$768
6	\$921
7	\$1,018
8	\$1,164
Each Additional	Add \$146

**How do I apply?** Contact your local SNAP office by selecting finding your state on this map and using the contact information: <https://www.fns.usda.gov/snap/state-directory>. Many states have online applications. Be prepared to provide information about your income, family size, and other financial information.

**What about for immigrants / non-citizens?** Some non-citizens qualify for SNAP benefits. Even if you don't qualify yourself, your spouse or children may, so your household may be eligible for benefits on a reduced basis.<sup>15</sup> However, please note that the Trump Administration's new Public Charge rule means it may be more difficult for you to obtain a visa or lawful permanent resident status if you receive SNAP benefits for an extended period of time. To learn more about the Public Charge rule and whether it could apply to you and your family, visit <https://protectingimmigrantfamilies.org/know-your-rights/>.

<sup>13</sup> <https://www.fns.usda.gov/disaster/pandemic/snap-emergency-allotments>.

<sup>14</sup> <https://www.fns.usda.gov/snap/recipient/eligibility>.

<sup>15</sup> <https://www.fns.usda.gov/snap/eligibility/citizen/non-citizen-policy>.



### C. Other Resources

Many other resources are being made available during this crisis. To learn more about your local resources, contact your local 211 by dialing 211.

## III. Health Insurance for Laid-Off Members

### A. Medicaid

**What is Medicaid?** Medicaid is a government health insurance program that offers health insurance to millions of Americans. 36 states plus DC have expanded their Medicaid program to cover all families during periods of low income.<sup>16</sup> For many workers who have lost their jobs, that means high-quality free or extremely low-cost health insurance may be available for periods of unemployment.

In the other 14 states, you and your children may still qualify for Medicaid, but the rules are more restrictive.

**How do I qualify?** In Medicaid-expansion states, families will qualify based on their income. However, **some income is excludable, including some COVID-19 related benefits**, so even if you are over this income limit, don't be dissuaded from applying.<sup>17</sup> For example, in Washington state, here are the income limits for adults:<sup>18</sup>

Family Size	Income Limit
1	\$1,468 monthly
2	\$1,983 monthly
3	\$2,498 monthly
4	\$3,013 monthly
5	\$3,529 monthly
6	\$4,044 monthly
7	\$4,559 monthly

In states that have not expanded Medicaid, children will be eligible based on similar income limits. Adult eligibility will be based on other criteria.

**How do I apply for Medicaid?** To apply, find your state's Medicaid office at this link and fill out an application or contact the agency to learn more: <https://www.insurekidsnow.gov/coverage/index.html>. Medicaid programs may be called different things in different states, like Medi-Cal in California or Medical Assistance in Pennsylvania.

<sup>16</sup> <https://www.healthinsurance.org/mcicaid/>. However, Nebraska's expansion will not be fully implemented until later in 2020. <http://dhhs.ne.gov/Pages/Medicaid-Expansion.aspx>.

<sup>17</sup> See CARES Act Section 2104(h).

<sup>18</sup> <https://www.hca.wa.gov/health-care-services-supports/apple-health-mcicaid-coverage/individual-adults>.

## B. CHIP

The Children's Health Insurance Program (CHIP) may provide your children health insurance, even if your family makes too much to qualify for Medicaid. In some states, the coverage rules are similar to the Medicaid income limits listed above. Other states may cover more children. To learn more about your state's coverage and find out where to apply for benefits, visit: <https://www.insurekidsnow.gov/coverage/index.html>.

## C. Obamacare / Marketplace Health Insurance Exchanges

**What is an Obamacare / Marketplace plan?** The Affordable Care Act created a health insurance program where families can purchase insurance plans and receive some financial support to reduce the costs of premiums. This option is available to most families that make enough money that they cannot qualify for Medicaid.

**What is the benefit?** You select a health insurance plan that is right for you. Then, a portion of the premium may be covered by the federal government, depending on your income.

**Can I apply?** If you lost your health insurance in the last 60 days or if you expect to lose your health insurance in the next 60 days due to losing your job, you may qualify for what is called a Special Enrollment Period.<sup>19</sup> That means you may be able to sign up for a new Marketplace plan even though we are outside of the open enrollment period.

**How do I apply?** You can apply at <https://www.healthcare.gov/get-coverage/>. Some states have set up their own Marketplaces, so you may be directed to your state's separate program.

## D. COBRA

COBRA is a federal law that lets workers and their families continue work-based coverage after losing their jobs by paying the entire premium for coverage. Most members who lose their jobs and health insurance should receive a COBRA notice outlining this benefit. If you elect COBRA coverage, your work-based health insurance will continue. However, you have to pay both the premiums you paid before AND the employer's premiums, up to 102% of the cost to the plan.<sup>20</sup> In other words, COBRA coverage can be expensive for many households but it ensures you stay on your same health insurance.

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<sup>19</sup> <https://www.healthcare.gov/coverage-outside-open-enrollment/special-enrollment-period/>.

<sup>20</sup> <https://www.dol.gov/general/topic/health-plans/cobra>.