

The Honorable Alex Azar
Secretary of Health and Human Services
US Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

The Honorable Steven T. Mnuchin
Secretary of Treasury
US Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

The Honorable Eugene Scalia
Secretary of Labor
US Department of Labor
200 Constitution Ave NW
Washington, DC 20210

March 27, 2020

Dear Secretary Azar, Secretary Mnuchin, and Secretary Scalia:

The undersigned organizations write in response to the recently passed Families First Coronavirus Response Act, Public Law No: 116-127. The legislation extended emergency paid sick leave to many employees whose lives are impacted by COVID-19, including those with a diagnosis, under quarantine or isolation orders, who have been advised to self-quarantine, and caregivers for those with the virus or advised to self-quarantine. Caregivers who must take time to care for children because of school or child care provider closures due to COVID-19 are also included. The law also gave authority to the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor, to ensure that paid leave is available to employees “experiencing any other substantially similar condition specified [as a reason for leave].” As the language indicates, Congress intended your agencies to further extend paid sick leave through this provision. We ask you to clarify that, under this provision, paid sick leave extends to family caregivers for people with disabilities and older adults because of care provider closure or direct care workers unavailability due to COVID-19.

As with children who may no longer be able to attend school, many people with disabilities and older adults will also no longer be able to utilize their usual source of care. Direct care workers, such as direct support professionals, personal care attendants, and home health aides will come down with the virus and be unable to provide care—this is particularly concerning because of the current staffing crisis for these positions. Most, if not all, health care providers will struggle to replace direct care workers as the impact of the virus grows. In addition, day programs and other day-time

activities for people with disabilities and older adults across the United States are shutting down to prevent the spread of the virus. This will leave family members with new care responsibilities—preparing meals for their sibling with a disability or ensuring their parent or grandparent takes the appropriate dose of medication at the right time. These workers are being, and will be, impacted by COVID-19 even if they or the one for whom they are caring are not directly infected with the virus or under a self-quarantine order.

This will allow millions of people to take the time they need to care for themselves or family members and slow the spread of the virus, lowering utilization of the health care system and ensuring that people with disabilities and older adults will be able to receive care when they need it. Congress wisely included the "substantially similar condition" provision to empower you to extend paid sick leave to all whose ability to work is directly affected by COVID-19. We believe that extending this leave to workers who must now care for a loved one due to reduced access to direct care providers aligns perfectly with the spirit and letter of the law.

We stand ready to work with you on this issue and are available to meet or consult about how to best enact this crucially important policy. Please contact Bethany Lilly (lilly@thearc.org) with any questions or to set up a meeting.

Sincerely,

ADAPT

ADAPT of Texas

Addiction Connections Resource

Alzheimer's Association

Alzheimer's Impact Movement

American Association on Health and Disability

American Council of the Blind

American Diabetes Association

American Muslim Health Professionals

American Network of Community Options & Resources (ANCOR)

American Therapeutic Recreation Association

Association of Assistive Technology Act Program

Association of People Supporting Employment First (APSE)

AUCD

Autism Society of America

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Brain Injury Association of America

Center for Law and Social Policy (CLASP)

Center for Public Representation
Christopher & Dana Reeve Foundation
CommunicationFIRST
Community Catalyst
Council for Learning Disabilities
Disability Rights Education & Defense Fund
Easterseals
Economic Policy Institute
Family Values @ Work
Family Voices
Georgetown Center on Poverty and Inequality
Human Rights Campaign
Indivisible
The Jewish Federations of North America
Justice in Aging
Lakeshore Foundation
Legal Aid at Work
MAZON: A Jewish Response to Hunger
MomsRising
Muslim Public Affairs Council (MPAC)
National Adult Day Services Association
National Alliance on Mental Illness
National Association of Area Agencies on Aging (n4a)
National Association of Councils on Developmental Disabilities
National Association of Nutrition and Aging Services Programs (NANASP)
National Association of Social Workers (NASW)
National Center for Learning Disabilities
National Center for Lesbian Rights
National Committee to Preserve Social Security and Medicare
National Consumer Voice for Quality Long-Term Care
National Council on Independent Living
National Domestic Workers Alliance
National Down Syndrome Congress
National Employment Law Project
National Health Law Program
National Human Services Assembly
National Partnership for Women & Families
NETWORK Lobby for Catholic Social Justice
Network of Jewish Human Service Agencies

Paralyzed Veterans of America

Personal Attendant Coalition of Texas (PACT)

Public Advocacy for Kids (PAK)

RespectAbility

RESULTS

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The Arc of the United States

The Leadership Conference on Civil and Human Rights

Union for Reform Judaism

United Spinal Association

United States International Council on Disabilities

Women's Institute For A Secure Retirement

YWCA USA