**The following explanations and instructions are updated and slightly modified from those prepared by the Center for Public Representation and The Arc, found at** <https://drive.google.com/file/d/1oxvs5Pqk8Hy17tyBikj8pUhEaIcepHEm/view>.

**URGENT: Please submit comments by Friday, April 10, to encourage DOL to provide all people with disabilities and their caregivers impacted by COVID-19 with paid leave!**

The US Department of Labor (DOL) is hosting an [online dialogue](https://ffcra.ideascale.com/) right now that ends **this Friday, April 10** to gather ideas it will use in developing its guidance, resources, tools, and outreach related to changes in paid leave made by the [Families First Act](https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201enr.pdf) in response to the COVID-19 pandemic (a summary of the paid leave provisions can be found [here](https://republicans-waysandmeansforms.house.gov/uploadedfiles/overview_table_paid_leave.pdf)).

The Families First Corona Virus Response Act (referred to as the **FFCRA**) extended emergency paid leave to caregivers who need to stay home. DOL’s recently published [temporary rule](https://www.federalregister.gov/documents/2020/04/06/2020-07237/paid-leave-under-the-families-first-coronavirus-response-act) implementing the paid leave provisions of the Family First Act extended emergency paid leave to *parent* caregivers who need to provide care to an *adult* family member with a disability or an older adult *because their care worker is sick or their day program has closed* using its authority to “ensure consistency” within the paid leave provisions of the Families First Act. *[You may note that some of the comments submitted to DOL were written before DOL decided to allow paid leave for the care of adults.]*

The rule did not, however, provide emergency expanded *family and medical leave* to caregivers who need to stay home to care for people who are *under orders to self-isolate due to a disability or other underlying health condition.* As of now, such caregivers are only eligible for paid ***sick*** leave. We believe that DOL can and should use its authority to ensure that the leave provided to caregivers in the Act is consistently applied to all caregivers who need to take leave due to their unexpected additional responsibilities in the wake of the COVID-19 pandemic.

Furthermore, while parent caregivers providing care to an adult family member with a disability or an older adult because their *care worker is sick or their day program has closed* are allowed to take ***intermittent*** *sick leave* if their employer agrees, such intermittent leave is *not* provided to caregivers who need to stay home to care for people who are *under orders to self-isolate* due to a disability or other underlying health condition. DOL says this is because, in the context of people providing care to family members due to program closures or a sick care worker, "the absence of confirmed or suspected COVID-19 in the employee’s household reduces the risk that the employee will spread COVID-19 by reporting to the employer’s worksite while taking intermittent paid leave. This is not true, however, when the employee takes paid sick leave for other qualifying reasons." However, if the "concern related to COVID-19" that causes a caregiver to remain home is that the person they are caring for is "particularly vulnerable to COVID-19" but that person does not have and is not suspected to have COVID-19, that caregiver is *also* at reduced risk of spreading COVID-19 because they also don't have confirmed or suspected cases in their household. We ask that intermittent leave be applied consistently to ensure any caregiver taking paid sick leave for a qualifying reason that does not involve a confirmed or suspected COVID-19 case be provided the same leave flexibilities. **Please submit a comment to DOL and urge them to use their authority to ensure all caregivers receive the leave they need during this crisis.**

The Families First Act also provided the Secretary of Labor with the authority to exempt health care providers and emergency responders from paid sick leave, which DOL did in its rule. However, we ask DOL to narrow the exemption to “carry out the purposes” of the paid sick leave provisions of the Families First Act and allow health care providers and emergency responders to be exempted only from paid sick leave related to caregiving, and not from paid sick leave if they themselves contract or are suspected of having contracted COVID-19. Emergency paid sick leave was provided in the Families First Act to slow the spread of COVID-19 and protect those most vulnerable to it by giving people the assurance that they can stay home if it is suspected or confirmed that they have COVID-19 and the same flexibility should be provided to the workers on the front lines of this crisis, to protect not only them, but also their patients. **Please submit a comment to DOL and urge them to narrow the exemption to paid sick leave for health care providers and emergency responders to protect everyone and slow the spread of COVID-19.**

Instructions for participating in the online dialogue can be found [here](https://ffcra.ideascale.com/a/pages/get-started). Note that you will need to [register](https://ffcra.ideascale.com/a/register) before submitting comments. Template comments are included below.

**Submitting Comments**

1. Once you’re registered and ready to submit your comment, you’ll need to select the “topic” for your comment. *You may want to comment in more than one topic.* The topics are:

● Employers and Employer Groups

● Employees and Employee Groups

● State and Local Government Officials

● FFCRA Compliance Assistance Tools campaign (newly added; related to the way the DOL communicates with stakeholders)

2. After you’ve selected the topic, you’ll need to provide a title for your comments that is 128 characters or less. Suggested titles:

● Make sure all caregivers, health care providers, and emergency responders are provided with the paid leave they need

● All caregivers need the same flexibility to take paid leave during the COVID-19 crisis

● Keep everyone safe by making sure caregivers and others have the paid leave they need

● Important issues for people with disabilities

3. Then, in the description box, you can copy and paste whatever comments you have prepared. Below are template comments that you can edit and personalize. If you have a personal story about needing paid leave or not being able to access paid leave and you are comfortable sharing, we would urge you to share it!

**Organizational Template Comments:**

My name is [Name] and I’m writing on behalf of [Your organization]. We thank you for clarifying in your recently published rule implementing the paid leave provisions of the Families First Act that parent caregivers who need to take time to provide care for adults with disabilities because of care provider closure or unavailability of direct care workers due to COVID-19 are eligible for emergency paid leave under the Families First Act. However, we ask that you also consider using your authority to ensure all caregivers eligible for leave under the Act are treated consistently.

The rule, “Paid Leave Under the Families First Coronavirus Response Act,” published in the Federal Register on April 6, provided some important clarifications regarding caregiver eligibility for paid leave under the Families First Act. However, while parent caregivers who need to take time to provide care for adults with disabilities because of care provider closure or unavailability of direct care workers due to COVID-19 are eligible for both emergency sick and family and medical paid leave, caregivers who need to stay home to care for people who are under orders to self-isolate due to a disability or other underlying health condition are, as of now, only eligible for paid *sick* leave. We believe that DOL can and should use its authority to ensure that the leave provided to caregivers in the Act is consistently applied to all caregivers who need to take leave due to their unexpected additional responsibilities in the wake of the COVID-19 pandemic, and as such, that those caring for people who are under orders to self-isolate due to a disability or other underlying health condition should be eligible not only for emergency paid sick leave, but also for the emergency expanded family and medical leave provided to other caregivers. *If these caregivers do not have access to paid family leave, and therefore go to work, there is a danger that they will bring the virus home to their vulnerable family member.*

Furthermore, while parent caregivers providing care to an adult son or daughter with a disability because their care worker is sick or their day program has closed are allowed to take ***sick*** leave **intermittently** if their employer agrees, such intermittent leave is not provided to caregivers who need to stay home to care for people who are under orders to *self-isolate* due to a disability or other underlying health condition. We ask DOL to remedy that oversight to ensure all caregivers are treated consistently. The reason DOL provided for allowing intermittent use of sick leave for those providing care due to program closures or a sick care worker is that “the absence of confirmed or suspected COVID-19 in the employee’s household reduces the risk that the employee will spread COVID-19 by reporting to the employer’s worksite while taking intermittent paid leave.” However, if the person an employee is caring for is "particularly vulnerable to COVID-19," but that person does not have and is not suspected to have COVID-19, that caregiver is also at reduced risk of spreading COVID-19 because they also don't have confirmed or suspected cases in their household. Any caregiver taking paid sick leave for a qualifying reason that does not involve a confirmed or suspected COVID-19 case should be provided the same leave flexibilities and we respectfully ask DOL to clarify that.

We would also ask that you narrow the exemption from paid sick leave available for health care providers and emergency responders from paid sick leave to better “carry out the purposes” of the paid sick leave provisions of the Families First Act. Health care providers and emergency responders should not be exempt from paid sick leave if they themselves contract or are suspected of having contracted COVID-19. Emergency paid sick leave was provided in the Families First Act to slow the spread of COVID-19 and protect those most vulnerable to it by giving people the assurance that they can stay home if it is suspected or confirmed that they have COVID-19 and the same flexibility should be provided to the workers on the front lines of this crisis, to protect not only them, but also their patients. Thank you.

**Personal Template Comments:**

My name is [Name] and I am [a person with a disability/a family member of a person with a disability]. I am writing to ask that you use your authority to make sure all caregivers are eligible for the same leave and provided with the same flexibility under the Families First Act. The Act does provide both paid sick leave and expanded family and medical leave to parent caregivers who have to take time to care for an adult family member with a disability due to program closure or a sick care worker. However, caregivers for those who have been advised to self-isolate due to a disability or other underlying health condition that makes them “particularly vulnerable to COVID-19” are only eligible for paid *sick* leave. [My disability/my family member’s disability] puts [me/them] at high risk of complications from COVID-19 and my doctor has advised [me/them] to quarantine to avoid becoming exposed [additional details if you would like]. Caregivers of people who need to self-isolate should be treated the same as other caregivers impacted by the COVID-19 outbreak. Those caregivers should be given not only the paid sick leave, but also the paid family and medical leave provided to other caregivers. *If they do not have access to paid family leave, and therefore go to work, there is a danger that they will bring the virus home to their vulnerable family member.* If they must go to work, or can work remotely, they should also have the same ability to take *intermittent* paid sick leave so that they don’t have to choose between their job and [caring for a loved one].

As [a person with a disability/a family member of a person with disability] it is also really important to me that health care providers and emergency responders are given paid sick leave if they themselves contract or are suspected of having contracted COVID-19. Emergency paid sick leave is needed to slow the spread of COVID-19 and protect people like [me/my loved one] who are more likely to be endangered if [we/they] are exposed to it. Paid sick leave allows people to stay home if it is suspected or confirmed that they have COVID-19, avoiding unnecessary exposure to others. The same flexibility should be provided to the workers on the front lines of this crisis, to protect not only them, but also their patients. Thank you.