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Wade Henderson

June 1, 2021

Majority Leader Chuck Schumer  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20515

Minority Leader Mitch McConnell  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20515

Chairman Ron Wyden  
Senate Committee on Finance  
221 Dirksen Senate Office Building  
Washington, DC 20515

Ranking Member Mike Crapo  
Senate Committee on Finance  
239 Dirksen Senate Office Building  
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Wyden, and  
Ranking Member Crapo,

On behalf of the Employment Task Force of The Leadership Conference on Civil and  
Human Rights, we write to share our priorities for upcoming recovery legislation. We  
appreciate the work that Congress has already done to address the devastating health and  
economic impacts of COVID-19, but more is needed to ensure an equitable economic  
recovery that meets the needs of all working people in our nation, including those hardest-hit  
by the pandemic.

The priorities we set forth below represent just a small subset of the totality of policy  
proposals held by the civil rights community for an equitable recovery. The COVID crisis  
has laid bare the structural racism and barriers to opportunity that are entrenched in our  
society. No one set of policy proposals can undo all of the structural barriers to equal  
opportunity that have denied so many people of color, women, immigrants, people with  
disabilities, and other marginalized and multi-marginalized communities access to economic  
security. Our coalition remains ready to work with you to build an America as good as its  
ideals, and the following policy priorities are but one start.

### **Congress must renew pandemic unemployment insurance benefits.**

Congress must ensure that federal pandemic unemployment benefits — set to expire on  
September 6, 2021 — continue to be available throughout the economic crisis. Although we  
have certainly made progress combatting the virus, the crisis is not over. Nearly 10 million  
people in this country are still unemployed, and because of systemic racism, communities of  
color are still experiencing higher rates of unemployment than white workers.<sup>1</sup>

<sup>1</sup> In April, the unemployment rate stood at 6.1 percent, with higher rates for Black (9.7 percent), Latino (7.9 percent), and Asian American (5.7 percent) workers than for White workers (5.3%). U.S. Department of Labor, Bureau of Labor Statistics, "The Employment Situation — April 2021," <https://www.bls.gov/news.release/pdf/empisit.pdf>.

Federal pandemic unemployment benefits are providing necessary relief to millions of people and have been nothing short of a lifeline for working people on the economic margins – low-wage workers who do not have the savings or access to resources that can sustain them through a crisis. This is especially true for many working people of color who —because of years of discrimination in employment, education, housing, and lending — suffer from racial wealth gaps that make it more difficult to withstand job loss. With fewer resources to draw on, nearly half of Black and Latino families, for example, have reported increased food insecurity or the inability to fully pay their mortgage, rent, or utilities because of the pandemic — almost double the percentage reported by White families.<sup>2</sup>

No matter who we are, where we come from, or how much we have in our wallets, most of us believe that our family’s health and well-being come first. While the pandemic has been hard and people want to get back their daily lives, including work, we simply cannot go back to business as usual without making some investments in our communities. Employers must make workplaces safe and accessible for all people — from those who work in offices to those who stock our grocery store shelves and serve our meals in restaurants. We must also ensure that families have access to caregiving support and that everyone who wants one can access a vaccine. Until then, people will continue to face obstacles to returning to work and will need financial support to continue to weather this crisis.

**Congress must enact key structural reforms to the unemployment insurance system.**

While the renewal of pandemic unemployment insurance programs is critical to meet the immediate needs of individuals who have not yet returned to work, the current crisis has also shown just how crucial it is to strengthen the overall unemployment insurance (UI) system.

On a national average, UI benefits only replace about 44 percent of a worker’s earnings,<sup>3</sup> and as low as this figure is, it actually masks the true UI crisis. First, many states have much lower replacement rates than the national average replacement rate. These states also tend to have the highest percentage of UI recipients who are Black.<sup>4</sup> For example, while the average state UI benefit is around \$350 per week, the average benefits in Louisiana and Mississippi are less than \$200 per week.<sup>5</sup> Second, eligibility requirements in far too many states are positively draconian and shut out workers with very low wages, those who need to leave jobs for compelling circumstances, and those who work part time.

Thus, we need to look at enacting better federal standards for benefits including mandating the following:

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<sup>2</sup> Steven Brown, Urban Institute, “How COVID-19 is Affecting Black and Latino Families’ Employment and Financial Well-Being,” May 6, 2020, <https://www.urban.org/urban-wire/how-covid-19-affecting-black-and-latino-families-employment-and-financial-well-being>.

<sup>3</sup> U.S. Department of Labor, Employment and Training Administration, “UI Replacement Rates Report, January 2020 — December 2020,” [https://oui.doleta.gov/unemploy/repl\\_ratio/repl\\_ratio\\_rpt.asp](https://oui.doleta.gov/unemploy/repl_ratio/repl_ratio_rpt.asp).

<sup>4</sup> The Century Foundation, Unemployment Insurance Data Dashboard, “Who is Getting UI?,” <https://tcf.org/content/report/unemployment-insurance-data-dashboard/> (accessed May 21, 2021).

<sup>5</sup> U.S. Department of Labor, Employment and Training Administration, “Monthly Program and Financial Data: Summary Data for State Programs, By State, Report Period for 03/2021,” <https://oui.doleta.gov/unemploy/claimssum/5159report.asp> (accessed May 21, 2021).

- A duration of at least 26 weeks of benefits.
- Adequate replacement rates so that workers can truly make ends meet while looking for a new job.
- Making sure that the earnings necessary to qualify for UI in the first place do not exclude a significant portion of a state's low-wage workforce.
- Ensuring coverage of part time-workers and those who must leave their jobs for compelling circumstances, including for reasons related to domestic violence, sexual assault, or stalking.
- Expansion of eligibility to support new entrants and other unemployed workers without the work history to qualify for UI.

Finally, Congress needs to invest in upgrading the infrastructure of states' UI programs, both in terms of technology and staffing. The Department of Labor should play a significant role in overseeing modernization of the state technology in order to ensure that it is built to allow for easy access by everyone who qualifies for UI.

### **Congress must enact a universal, comprehensive paid leave program**

The current global health crisis has shined a light on how critical paid family and medical leave is for our nation's workforce. Early in the pandemic, the spread of COVID-19 in our workplaces highlighted the harmful, life-endangering health and economic consequences faced by working people — disproportionately low-wage workers, chiefly women and people of color — who lack access to paid sick days and paid family and medical leave. Too many working people have been forced to make an impossible choice between providing for their own or their families' well-being and making ends meet. For workers of color, this choice is even more stark as decades of systemic racism and discrimination have made people of color less likely to be able to withstand a financial emergency related to job loss or lack of pay. In particular, for many women of color, lack of paid family and medical leave can lead to devastating financial insecurity as women of color are more likely to be key breadwinners for their families.<sup>6</sup>

The creation of a permanent, comprehensive, inclusive paid family and medical leave policy would give millions of people in the United States the opportunity to meet their caregiving responsibilities while promoting and protecting the economic security of working people and their families. We therefore urge Congress to support federal legislative solutions that would:

- Guarantee at least 12 weeks of paid time off for a worker to address their own serious health issue, to care for a family member or loved one, including a new child, or to address circumstances related to domestic violence, stalking, and sexual assault.
- Provide three days of paid bereavement leave.
- Provide adequate wage replacement, particularly for low-wage workers, while on leave.

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<sup>6</sup> More than two-thirds of black mothers, 55 percent of Native American women, and 41 percent of Latina women are the sole or primary breadwinners for their families. Sarah Jane Glynn, Center for American Progress, "Breadwinning Mothers Are Critical to Families' Economic Security," Mar. 29, 2021, <https://www.americanprogress.org/issues/women/news/2021/03/29/497658/breadwinning-mothers-critical-familys-economic-security/>.

- Cover workers in all companies, no matter their size, and make public employees, part-time, low-wage, contingent, and self-employed workers eligible for paid leave.
- Acknowledge the needs of all families by allowing individuals to take paid leave to care for siblings, grandparents and grandchildren, spouses of family members, and other chosen family.
- Ensure that workers do not face retaliation or job loss for taking family and medical leave.

### **Congress must make bold investments in the HCBS infrastructure**

To ensure an inclusive and equitable recovery — one that includes all workers — Congress must make investments in the care infrastructure. Despite the essential role that care workers play in our communities, care jobs, largely performed by women of color and immigrants, are underpaid and undervalued as the legacies of racial and gender exclusions from core workplace laws continue to shape this sector. The current care crisis makes it critically important that the economic recovery centers women of color in order to create opportunities for all.

We support the inclusion of \$400 billion in Medicaid home and community based services (HCBS) in the next recovery package. This investment will help to create nearly 1 million new home care jobs and potentially transform millions more into higher quality family sustaining union careers in an industry powered by women of color. Critically, this investment will also reduce the financial burden on families, allow many women to return to work, and make it possible for more people with disabilities and older adults, particularly those from marginalized communities who face significant structural barriers to access, to receive long-term services and support in their homes and communities.

By 2028, we will need to fill an estimated 4.7 million home care jobs, but we face workforce shortages and high turnover rates because of poor wages, benefits, and growth opportunities.<sup>7</sup> Too many home care workers — 87 percent of whom are women, more than half Black, Latina and Asian women, and three in ten immigrants<sup>8</sup> — are paid poverty wages and are not provided benefits, including healthcare or paid sick leave. In fact the median annual earnings for home care workers in 2018 was only \$17,200.<sup>9</sup> By investing in HCBS, the largest payer for these services and jobs in the country, and adding the right conditions to funding, we can both expand access to high quality affordable services for those who need them and improve the quality of these jobs by raising pay, increasing benefits, improving training, and providing better opportunities for workers to have the choice to join together in unions.

Importantly, however, this is only one necessary investment in the care infrastructure that is required to create an inclusive and equitable recovery. Since the beginning of the pandemic, nearly two million

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<sup>7</sup> PHI, “Envisioning the Future of Home Care: Trends and Opportunities in Workforce Policy and Practice,” <https://phinational.org/resource/envisioning-the-future-of-home-care-trends-and-opportunities-in-workforce-policy-and-practice/> (accessed on June 1, 2021).

<sup>8</sup> PHI, “Direct Care Workers in the United States: Key Facts,” <https://phinational.org/resource/direct-care-workers-in-the-united-states-key-facts/> (accessed on June 1, 2021).

<sup>9</sup> PHI, Workforce Data Center, “Direct Care Worker Median Annual Earnings, 2018,” <http://phinational.org/policy-research/workforce-data-center/#tab=National+Data&nav=Earnings> (accessed on May 21, 2021).

women have left the workforce, in part due to increased and unmet caregiving needs.<sup>10</sup> The pandemic has made what we've always known even clearer: that our nation's care workers make all other work outside the home possible. More must also be done to make high quality childcare affordable and accessible to working families and to support the childcare workforce, largely women of color who often face low-wages, limited opportunities, and inadequate benefits. We therefore support calls from member and allied organizations to include major federal investments in recovery legislation that will build an equitable child care system that ensures families have access to high-quality, affordable child care and that provide caregivers and early childhood educators with living wages, benefits, and other workplace rights and protections, including the choice to join a union and bargain collectively.<sup>11</sup>

As Congress works to address the economic impact of COVID-19, we urge you to take the necessary steps, including those outlined here, to ensure an equitable recovery that leaves no one behind and that meets the needs of those communities that were marginalized before the pandemic and who have suffered the most from its devastating economic and health effects. If you have any questions, please contact Gaylynn Burroughs, senior policy counsel at The Leadership Conference, at [burroughs@civilrights.org](mailto:burroughs@civilrights.org).

Sincerely,

The Leadership Conference on Civil Rights  
A Better Balance  
Alianza Nacional de Campesinas  
American Association of University Women (AAUW)  
Bazelon Center for Mental Health Law  
Feminist Majority  
Futures Without Violence  
Justice for Migrant Women  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
National Association of Councils on Developmental Disabilities  
National Council of Jewish Women  
National Employment Law Project  
National Employment Lawyers Association  
National Network to End Domestic Violence  
National Organization for Women  
National Partnership for Women & Families  
National Women's Law Center  
Oxfam America  
Service Employees International Union  
Union for Reform Judaism  
Voices for Progress

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<sup>10</sup> Claire Ewing Nelson and Jasmine Tucker, National Women's Law Center, "Fact Sheet: Women Need 28 Months of Job Gains at April's Level to Recover Their Pandemic Losses (May 2021)," <https://nwlc.org/wp-content/uploads/2021/05/April-Jobs-Day-Final-2.pdf>.

<sup>11</sup> National Women's Law Center, "Building a Comprehensive Child Care and Early Learning System: The Case for a \$700 Billion Investment in Child Care over the next 10 years," <https://nwlc.org/wp-content/uploads/2021/04/700B-Justification-fact-sheet.pdf> (accessed on June 1, 2021).



Women Employed