

Voices for Utah Children Statement: COVID-19 and How the State Of Utah S

Published: Friday, 20 March 2020 12:47

Written by: Moe Hickey

On March 11, 2020, Governor Gary Herbert took the necessary step of declaring a state of emergency in Utah in order to address the coronavirus (COVID-19) pandemic. As the state moves forward with immediate activity to address the health implications of this global pandemic, we also urge lawmakers to consider enacting policies that will help mitigate its economic fallout for families and children in Utah.

Health Care

The immediate challenge is to ensure that all Utahns get access to critical health care. No Utahn should be denied access to care or feel afraid to get the care they need. Quickly identifying and treating those who have the virus, while taking all community public health precautions, will enable us to reduce the spread and help to flatten the curve.

We know this pandemic will present unique challenges to Utah's health care system and to Utah families. In the past two years we have seen one of the largest increases in children lacking health insurance coverage in the nation. This outbreak should remind us that not one of us is truly safe when some of us are vulnerable. We need to immediately create a path for those uninsured children to be provided coverage until this emergency is over.

The state should ensure that the costs of testing and treatment for the coronavirus are fully covered to ensure that all Utah residents can get the care that will protect them, their families and their communities.

In these times, it is also critical that we remove any barriers to care or eligibility, especially for our most vulnerable Utahns. Utah should immediately halt its Medicaid work requirement and new premium payment requirement. At a time of such unprecedented economic change, this will only create additional barriers for families, while enforcement and implementation will waste valuable state resources. The state should suspend other waiver requests to CMS that will further deny care to individuals and families.

In addition, Utah must adopt policies that will ensure children and families can stay covered, which means extending renewal periods, grace periods for returning

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information and application processing times. This will not only keep families safe, but state eligibility workers as well.

Finally, we call on the state to support outreach and information to help all Utahns feels safe and welcome getting care, and also to provide information about how Utah kids and families can immediately connect with affordable coverage.

In the longer term, we should commit ourselves to covering all children and families in our state, so no one is left without coverage in times like this. And we must work in partnership to strengthen our health care system and our safety net providers, so we are equipped to meet the needs of all children regardless of ethnicity, nationality, immigration status, or where they live in the state. We must ensure families have access to the comprehensive care, including physical, dental, mental and behavioral health care, to ensure all kids can stay on track, stay healthy and thrive.

Family Economic Security

Guaranteeing all workers paid sick leave is a proven way to slow the spread of disease and would disproportionately benefit working families who earn low incomes. We are supportive of the action taken at the federal level on March 19, 2020 (the Families First Coronavirus Response Act or FFCRA) and encourage Utah to take immediate action to publicize the protections provided. Here is an outline of the provisions related to paid sick leave and family/medical leave:

Paid Sick Days for Public Health Emergencies

- **Two weeks (or 10 work days) of paid sick leave**
 - Applies to public employers of all sizes and private employers with fewer than 500 employees
 - DOL has discretion to exempt businesses with fewer than 50 employees from providing paid sick days for employees to care for a child whose school or place of care is closed
 - DOL has discretion to exempt certain health care providers and emergency responders
- **Purposes:**
 - To obtain a medical diagnosis or care if experiencing symptoms
 - To comply with a recommendation from a public health official

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- To care for an individual who is self-isolating because of a diagnosis or is experiencing symptoms
 - When taken for this purpose, rate of pay is reduced to 2/3
- To care for a child if school or place of care is closed
 - When taken for this purpose, rate of pay is reduced to 2/3
- Maximum payment is \$511 per day/\$5,110 total for self-care, \$200 per day/\$2,000 total for family care
- **Impact on existing policies:**
 - Sick time under the bill must be made available to workers *in addition* to any employer provided leave
 - Employer cannot require an employee to use accrued time before emergency time
 - Employer cannot require an employee to find replacement workers
- The law broadly allows for caregiving for an individual under quarantine due to COVID-19. **It does not limit caregiving to certain family members.**
- **Sunsets on December 31, 2020**

Emergency Paid Leave

- Amends the FMLA to allow for paid leave in the event of a public health emergency.
- **Purpose:**
 - The employee is unable to work/telework because the employee's child's school or place of care is closed, or the child's usual care provider is unavailable, due to a COVID-related public health emergency.
- **Family member:**
 - Son or daughter under age 18
- **12 weeks of job-protected emergency paid leave**
 - First 10 days may be unpaid
 - For subsequent leave, employer must pay employee at 2/3 wage replacement, up to \$200 per day and \$10,000 total
- **Applies to employers with fewer than 500 employees**
 - DOL has discretion to exempt businesses with fewer than 50 employees
- **Available to employees who have been on the job for at least 30 days**
 - DOL has discretion to exempt certain health care providers and

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emergency responders

- Employers of health care providers and emergency responders may elect to exclude such employees from this leave

- **Job Protection**

- Employee has a right to job restoration under the FMLA
- Exception for employers with fewer than 25 employees under certain conditions

- **Sunsets on December 31, 2020**

Workers who do become unemployed, are furloughed, or have their work hours cut due to business downturns or sickness will be the first to feel the economic pain. We should do all we can to speed up the application process for unemployment insurance and comply with the FFCRA requirements for millions of dollars in federal aid by temporarily providing benefits with no waiting period, waiving employer penalties and job search requirements, and maximizing eligibility levels and benefits so no one is left behind. We should also protect those who face losing their employer-provided health insurance benefits because of an economic downturn.

Utah needs to adopt official language defining “essential services” immediately. Here is a sample of a definition being used by other state agencies:

“Essential services and sectors include but are not limited to food processing, agriculture, industrial manufacturing, feed mills, construction, trash collection, grocery and household goods (including convenience stores), home repair/hardware and auto repair, pharmacy and other medical facilities, biomedical and healthcare, post offices and shipping outlets, insurance, banks, gas stations, laundromats, veterinary clinics and pet stores, warehousing, storage, and distribution, public transportation, and hotel and commercial lodging.”

Another major problem is that our state has a growing homeless population, both sheltered and unsheltered. The unsheltered homeless lack the ability to self-quarantine and do not have regular access to medical care. The homeless will need shelter, medical treatment, and emergency homeless services. Therefore, the state must urgently convert its unused/underused spaces into shelters.

Lastly, we should place a moratorium on all foreclosures and evictions until we lift the state of emergency. No Utah families or individuals should be made homeless

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because of this crisis.

Young Children

With school and child-care facility closures, and work disruptions, a pandemic presents unique challenges for families with young children. In order to maintain a strong early learning and care system through this pandemic, lawmakers should enact practical policies to ensure that families of preschool-aged children are supported and to protect child-care workers and centers – many of which are small businesses operating on very slim margins – from an economic crisis. School-level reactions to the needs of families with young children – such as continuing to run school-based food programs – are very encouraging. We also need to support families with young children who are not yet school aged, including infants and toddlers, but who continue to have nutritional needs at this time. We recommend that state officials direct food retailers to set aside WIC-approved foods for families participating in that program, while also increasing flexibility for families with regards to food purchased as part of the WIC program.

We are pleased to note that state leaders have adjusted child-care subsidy payment policies to account for this unprecedented strain on our child-care sector. We encourage state and local leaders to invest in a wage supplement program for early childhood care and education provider. Such programs must include not only child-care center workers, but also home-based and family child-care providers. Payment policies should be adjusted so they are based on enrollment of children, rather than attendance. Finally, the state should do an immediate review of all safety net programs statewide and streamline all processes during this crisis.

Food security

In Utah, we have a large number of children that depend on school meals for consistent access to food. Based on our most recent data, 36.1 percent of our children participate in the free and reduced-price school lunch program. As schools in Utah will be closed until at least March 30, the state must take immediate steps to ensure that children enrolled in these meal programs have some other access to the meals they will be missing at school.

The state should also be taking steps to minimize food insecurity including:

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increasing the state Supplemental Nutrition Assistance Program (SNAP) supplement to provide more benefits for recipients; establishing a food distribution system to provide meals for food-insecure families; extending the certification for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to 60 days; streamlining SNAP by exempting families from certain requirements, such as work or education and training requirements; and lastly, making SNAP application available online, by mail, or telephone.

Juvenile Justice

The current situation demands that we refrain from creating unnecessary groupings of people. To that end, we strongly encourage law enforcement throughout the state to restrict arrests and citations of young people to only those most serious, injurious offenses. With very few exceptions, youth should not be taken to detention centers, as our juvenile justice professionals are already working overtime to maintain the cleanliness and safety of those facilities. In addition, as non-essential court activities have been delayed, a reduction in arrests and citations now will prevent unnecessary overwhelm of the juvenile court system when normal operations come back online.

We also strongly recommend that juvenile justice facility managers - including those who operate official state and county youth facilities, as well as community-based placements such as treatment facilities and group homes, exercise the utmost caution with the young people in their care. At the same time, this caution regarding health and safety must be balanced with an understanding of the need of these youth to maintain connections with their family, friends and loved ones. We encourage flexibility with regards to the use of technology for video and telephone visits while people engage in social distancing at the governor's recommendation. If this situation should persist past the next two weeks, juvenile justice administrators should consider instituting health-related protocols (such as taking of temperature, monitoring for other symptoms, and issuance of personal protective equipment) that would allow family members and other loved ones to visit youth in custody.

Economy

The Coronavirus Recession has already begun, is going to hit faster than any previous recession, is immune in some ways to traditional stimulus (because social distancing limits government's ability to restore consumer spending before the

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pandemic is addressed), and states need to act fast to take full advantage of the coming federal actions and make the recession shorter and shallower rather than longer and deeper (such as with inaction and budget cuts).

We must resist the urge to cut expenditures on vital services like education and health care. We have seen first-hand how important these areas have been in the current crisis.

Given the immediate need for support, we believe that this is the time to use a portion of our rainy-day fund. The additional money will help officials respond to the outbreak without jeopardizing commitments lawmakers made to fund important priorities in the recently completed legislative session.

We should look at a tax increase on those most able to afford them and reinvest that revenue into specific areas identified during the crisis. This would be a solid investment in the long-term health and prosperity of our state.

Summary

Given the rapidly evolving nature of this crisis, we recognize that many of the recommendations listed above are currently being discussed at both the state and federal level. We encourage our state leaders to take bold and decisive measures to ensure the health and well-being of all the residents of our great state. The focus of Voices for Utah Children is to advocate on behalf of the children and families of Utah. We will continue to update developments as we receive information. Please feel free to contact me directly with any questions or concerns. I can be reached at moe@utahchildren.org.

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