

Fact Sheet:
Health and Economic Recovery Omnibus Emergency Solutions Act
(HEROES Act - H.R. 6800)

To date, two comprehensive stimulus bills have been passed by Congress and signed by the President to address the Coronavirus pandemic. The first is called The Families First Coronavirus Response Act (H.R. 6201 - Families First Act). The second is the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748 - CARES) Act. On May 15, the House of Representatives passed a third comprehensive stimulus bill called the Health and Economic Recovery Omnibus Emergency Solutions Act (HEROES Act – H.R. 6800) by a vote of 208 – 199 and largely along party lines. The bill will now move to the Senate where Senate leadership will begin negotiations.

- **Hazard Pay:**

The HEROES Act provides \$200 billion in funding for “pandemic premium pay” that employers could use to pay essential workers an additional \$13 per hour for the time they have worked from Jan. 27, 2020, until 60 days after the last day of the COVID-19 public health emergency. Employers would have to apply for grants from the government to pass that pay premium on to their employees. There is a cap imposed of \$10,000 per worker. The definition of which workers are eligible for premium pay is broadly defined. Includes public and private employees.

- **Worker Safety and Access to Personal Protective Equipment (PPE):**

- ***OSHA Enforceable Standard:*** The HEROES Act requires issuance of an OSHA emergency temporary standard to protect from occupational exposure to airborne infectious disease within 7 days of enactment of the bill. The bill also requires that a permanent standard be issued within two years of enactment. \$100,000,000 in additional funds are appropriated to OSHA for implementation with \$70,000,000 specifically tagged for hiring compliance officers. The OSHA standard is compelled for both private and public employees including states that are not OSHA opt in. The bill defines a process for identifying which workers should be covered by the standard that would include a role for labor unions specifically. Also, prohibits retaliation against workers who speak out about unsafe conditions (to a government agency, media, on social media, and more) or who bring their own PPE to work.

- ***Production and availability of PPE:*** Expands the use and oversight of Defense Production Act (DPA) authorities to increase the production and supply of personal protection equipment (PPE) and needed medical supplies.

- ***Distribution of PPE:*** States that not later than 7 days after the date of enactment, the President, in coordination with a number of different federal agencies shall submit to the appropriate congressional committees a report assessing the immediate need for PPE and other materials produced using the DPA and the plan for meeting those needs. The report must also include, based on “meaningful consultations with relevant stakeholders,” an assessment of the need for personal protective equipment and other supplies for essential workers. The definition of “relevant stakeholder includes labor unions.

- **Aviation Industry Safety:**

The HEROES Act requires the Department of Transportation (DOT), in coordination with other appropriate federal agencies, to develop a national aviation preparedness plan for communicable disease outbreaks. The provision requires these agencies to consult with industry stakeholders, including aviation labor unions, when developing this plan. Requires facemask use by passengers and aircraft crewmembers during flights and boarding. Requires air carriers to provide PPE, including facemasks, gloves, hand sanitizer and alcohol wipes to all customer-facing employees, including pilots, flight attendants and customer service agents. Mandates CDC-compliant cleaning of aircraft and air carrier facilities, and ensures that employees responsible for the cleaning are provided appropriate PPE. Mandates that federal employees, including air traffic controllers and FAA systems specialists, are provided with appropriate PPE, and that federal aviation facilities are cleaned according the CDC guidance.

- **Rail Industry Safety:**

The HEROES Act imposes a mask-wearing requirement for passengers on Amtrak and major public transit agencies. Amtrak must provide employees who interact with customers, including conductors, engineers, onboard, ticket agent, station agent, red caps, with masks, gloves and hand sanitizer. Trains, stations and facilities owned or used by Amtrak have to be cleaned in accordance with CDC guidelines. Amtrak must develop guidelines for notifying employees if another employee tests positive. Amtrak must report on any difficulties in procuring PPE.

- **Pension Protection:**

The HEROES Act addresses the multiemployer pension funding crisis with a proposal called the *Emergency Pension Plan Relief Act* which requires the federal government to set up a special partition program at the Pension Benefit Guaranty Corporation (PBGC) to rescue financially troubled multiemployer pension plans without cuts to benefits. The Teamsters Union supports the *Emergency Pension Plan Relief Act* and have urged that it be retained in the final stimulus bill that moves to the President's desk. Unfortunately, the HEROES Act also includes the controversial *GROW Act*, which permits the creation of so-called composite plans. The Teamsters union opposes the *GROW Act* and we have urged that it not be included in the final stimulus bill.

- **Unemployment Insurance:**

The CARES Act expanded eligibility for unemployment insurance (UI) to include workers not traditionally covered -- self-employed workers, independent contractors, freelancers, workers seeking part-time work, and workers who do not have a long-enough work history to qualify for state UI benefits. The CARES Act also increased the maximum number of weeks for which an individual can receive unemployment benefits by an additional 13 weeks and funded an additional \$600 per week on top of the maximum unemployment amount determined by each state. The HEROES Act further extends all of these CARES Act benefits through Jan. 31, 2021. These extensions apply also to railroad

employees that are covered by the Railroad Unemployment Insurance Act.

- **Mandated Paid Sick and Family Leave**

The Families First Act created a federal mandate for paid leave which required all public employers and private employers with 500 or fewer employees to provide two weeks paid sick leave for employees (part-time or full) and 10 weeks paid family leave in certain circumstances (see additional IBT COVID-19 coronavirus policy resources for further detail). For both types of leave, authority was given to the Secretary of Labor to exclude certain health care providers or emergency responders from the definition of eligible employees and to exempt small businesses with fewer than 50 employees. The HEROES Act improves upon the Families First Act paid leave mandate by eliminating the exemption from coverage for larger employers as well as the ability for employers to exclude health care providers and emergency responders from coverage. The HEROES Act also expands the circumstances in which a worker may qualify to take federally mandated paid leave and extends the entire program through 12/31/2021.

- **Individual Stimulus Checks and Consumer Protections:**

The CARES Act provided individuals with an adjusted gross income of \$75,000 or less with direct stimulus of up to \$1,200 (\$2,400 for joint tax returns) and \$500 for each qualifying child under age 17. Payments phased out for Americans who earn more than \$75,000 or \$150,000 for a joint return. The HEROES Act extends and expands that stimulus by providing another \$1,200 per adult and an additional 1,200 per child (up to 3 children) not excluding adult dependents. The HEROES Act also temporarily bans foreclosures, evictions, adverse credit score impact and aggressive collection practices by debt collectors for the duration of the COVID-19 coronavirus pandemic and in some cases 120 days beyond.

- **Direct State and Local Government Assistance (H.R. 6201 /H.R. 748)**

The CARES Act provided \$150 billion to states, territories, local and tribal governments to use for *expenditures* incurred due to the public health emergency with respect to COVID-19. The HEROES Act provides nearly \$1trillion in additional aid. Importantly, the HEROES Act provides flexibility in how the money may be spent by allowing states to use the funds not just for unanticipated COVID related expenses, but also to address revenue short falls. The bill also provides significantly more direct aid to localities with \$375 billion reserved for direct funding to local governments.

Medicaid: Increases federal Medicaid funds to states and territories by increasing the FMAP percentage for each state and territory by 14 percent. To receive the FMAP increase, states must provide coverage without cost-sharing for COVID-19 testing and testing-related services during the emergency period.

Education: \$90 billion for a State Fiscal Stabilization Fund for grants to states to support statewide and local funding for elementary and secondary schools and public postsecondary institutions.

Corrections and Law Enforcement: \$600 million in Pandemic Justice Response Act grants to include \$500 million to prevent, detect and stop COVID-19 in correctional institutions. \$25 million for COVID-

19 testing at correctional institutions. \$300 million for Byrne/JAG criminal justice funding to prevent, prepare for and respond to COVID-19, including the purchase of PPE.

Transit Systems: Provides nearly \$15 billion to state departments of transportation to help fund road and bridge infrastructure projects along with \$15.75 billion in assistance to public transit agencies, both of which have seen drastic declines in usage in the past two months.

Highways: The HEROES Act provides \$15 billion in Highway formula money for activities eligible under section 133(b) of Title 23 (the Surface Transportation Block Grant Program), for administrative and operations expenses, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, information technology needs, and availability payments. Preserves Davis Bacon and Buy America protections.

Child Care: \$7 billion for child-care support through the Child Care and Development Block Grant (CCDBG).

- **COBRA and Health Care Coverage:**

The HEROES Act provides for a two-month open enrollment period to allow individuals who are uninsured, for whatever reason, to enroll in coverage through the Affordable Care Act, Medicare, and Medicare Advantage. Requires coverage of items and services related to the treatment of COVID-19 in group and individual market health plans and waives cost-sharing requirements for consumers during the COVID-19 public health emergency. Provides full federal premium subsidies, through January 2021, to allow workers to maintain their employer-sponsored coverage if they are eligible for COBRA due to a layoff or reduction in hours, and for workers who have been furloughed but are still active in their employer-sponsored plan.

- **Support for Small Business and Non-Profits:**

Expands Paycheck Protection Program to nonprofits of all sizes and types. Removes the 500-employee cap. Includes all 501(c) employers as eligible, e.g., social welfare, unions, chambers.