



**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS®**

900 Seventh Street, NW
Washington, DC 20001
202.833.7000
www.ibew.org

LONNIE R. STEPHENSON
International President

KENNETH W. COOPER
International
Secretary-Treasurer

April 7, 2020

VIA EMAIL

To: All IBEW Local Unions in the United States with Government Employees

Re: Federal COVID-19 Legislation – Public Employees

Dear Sisters and Brothers:

On March 31, 2020, I provided you with a summary of the unemployment compensation and paid leave provisions in the Families First Coronavirus Relief Act (“FFCRA”) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act’s unemployment compensation provisions make no distinction between public and private sector employees who are unable to work for COVID-19 related reasons. However, FFCRA draws some important distinctions between the rights of public and private sector employees to paid leave, which I will explain below.

The Emergency Paid Sick Leave Act requires employers to provide employees with 2 weeks of paid leave if they have to be out of work for various COVID-19 related reasons. The Act applies to all private sector employers with fewer than 500 employees, and to all Federal, state and local agencies, with any number of employees. In other words, it applies to all public employers regardless of size.

The Sick Leave Act also generally applies to all private and public sector employees, regardless of how long they have worked for the employer. There are, however, exceptions: First, private and public employers that employ health care providers or emergency responders may deny their employees the paid leave benefits under the Sick Leave Act. Second, the Office of Management and Budget has authority to exclude certain categories of Federal employees from the Act’s requirements.

The application of the Emergency Family Medical Leave Expansion Act is more complicated, at least for federal employees. The Emergency Family Leave Act amended the Family and Medical Leave Act to provide 2 weeks of unpaid leave and 10 weeks of paid leave to employees who have to be out of work because their children’s school is closed or daycare provider is unavailable for COVID-19 related reasons. Like the Paid Sick Leave Act, it generally applies to all private sector employers with fewer than 500 employees. And it applies to all state and local government agencies, regardless of size. However, the FMLA itself has two separate titles: Title I, which applies to the private sector, state and local government and some Federal employees, and Title II, which applies to most Federal employees. The Emergency Family Leave Act amended only Title I. Most civil service employees in Federal agencies therefore are not entitled to this expanded leave family leave. The only Federal employees covered by Title I, and





**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS®**


All IBEW Local Unions in the United States
with Government Employees
April 7, 2020
Page 2

therefore eligible for Emergency Family Leave benefits, are employees of the U.S. Postal Service, the U.S. Postal Regulatory Commission, part-time employees who do not have a regular tour of duty; employees with intermittent or temporary appointments of less than a year; and employees of the Government Accountability Office and Library of Congress.

The Emergency Family Leave Act also has the same exceptions as the Paid Sick Leave Act: health care providers and emergency responders can deny their employees leave, and OMB can exempt certain categories of otherwise-covered federal employees.

With best wishes, I am

Fraternally yours,


Lonnie R. Stephenson
International President

LRS:jls

Copy to Kenneth W. Cooper, International Secretary-Treasurer
All International Vice Presidents in the United States
Brian Baker, Senior Executive Assistant to the International Officers
Sherilyn K. Wright, Executive Assistant to the International President
Darrin E. Golden, Senior Executive Assistant to the International Secretary-
Treasurer

