



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

September 2, 2020

DELIVERED ELECTRONICALLY

President Donald Trump  
Members of the Wisconsin Congressional Delegation

CC: Secretary of Labor Eugene Scalia

President Donald Trump and Honorable Members of the Wisconsin Congressional Delegation,

We are writing today to express our serious concerns that Wisconsinites are falling through the cracks of the federal Pandemic Unemployment Assistance (PUA) program. As our country continues to grapple with the effects of an unprecedented public health crisis, this program is meant to be the final stopgap for people who are unable to work or who lost their jobs due to the COVID-19 pandemic.

Over the past months, state legislative offices have often been the first point of contact for many constituents regarding their questions and concerns about unemployment benefits. State legislative offices have been working -- often for months -- with constituents to provide guidance on the available programs, and to coordinate with the Wisconsin Department of Workforce Development on individual cases.

In recent weeks, legislative offices have increasingly heard from constituents who seem to be falling through the cracks of the PUA program. On July 14, the Wisconsin Department of Workforce Development requested additional guidance from the U.S. Department of Labor on this issue. Specifically, the Wisconsin Department of Workforce Development asked for a clarification of whether the "quit as a direct result of COVID-19" qualifying scenario may be interpreted to include fact patterns that are not related to the claimant's own post-COVID-19 medical issues.

The only prior guidance from the U.S. Department of Labor on this issue (UIPL 16-20) provides the following: "An individual was diagnosed with COVID-19 by a qualified medical professional, and although the individual no longer has COVID-19, the illness caused health complications that render the individual objectively unable to perform his or her essential job functions, with or without a reasonable accommodation."

This guidance does not contemplate other fact patterns that a plain language reading of the CARES Act - and the lived experience of Wisconsinites - would say are a direct result of the COVID-19 pandemic. Specific examples that the Wisconsin Department of Workforce Development has identified, and that our constituents have experienced, are:

1. Quit to take care of someone as a result of COVID-19. After the reason for the original quit no longer exists -- for example, the person being cared for recovers, or a child's school or childcare center reopens -- the claimant's former employer might not rehire them. That person has quit due to COVID-19 and is now unemployed.
2. Quit because employer has done something which would put the employee at greater risk for contracting COVID-19, such as:
  - a. Not enforcing social distancing for employees or customers.
  - b. Not providing personal protective equipment to employees.
  - c. Not requiring other employees or customers to wear face masks.
  - d. Not complying with state or local health orders regarding COVID-19.
3. Quit to take care of a family member who once had COVID-19 in cases where COVID-19 caused health complications for the family member that leaves the family member unable to self-care.

To date, the U.S. Department of Labor has not provided further clarity on this issue. In the meantime, our constituents are being denied benefits they desperately need when they are without work during a pandemic through no fault of their own. It is our strong concern that due to a lack of guidance on this issue, the PUA program is not working as intended. Each day without guidance from the U.S. Department of Labor has devastating and life-altering impacts upon the lives of Wisconsinites.

We have constituents who were unable to work during the early days of this pandemic because of their own health issues, health issues in their family, or the need to care for their children or grandchildren when schools and daycares were closed. Some of these constituents are now able to work again, but do not have jobs waiting for them. They lost their old jobs because of COVID-19, and they need and deserve benefits until they are able to secure new employment. We believe PUA was intended to help them.

Either through guidance from the U.S. Department of Labor or through additional legislation from the U.S. Congress, Wisconsinites need immediate clarity on whether these situations are covered by the Pandemic Unemployment Assistance program. We ask you to work together to address these issues as quickly as possible and ensure that as many people as possible who are out of work because of COVID-19 can receive benefits under PUA.

Sincerely,



Representative Mark Spreitzer



Representative Gordon Hintz



Representative Dianne Hesselbein



Representative Steve Doyle



Senator Janis Ringhand



Senator Mark Miller



Representative Jimmy Anderson



Representative Jill Billings



Representative David Bowen



Representative Jonathan Brostoff



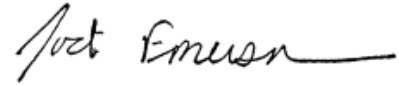
Representative Marisabel Cabrera



Senator Tim Carpenter



Representative Dave Considine



Representative Jodi Emerson



Senator Jon Erpenbach



Representative Jason Fields



Representative Evan Goyke



Representative Gary Hebl



Senator LaTonya Johnson



Representative Deb Kolste



Senator Chris Larson



Representative Tip McGuire



Representative Beth Meyers



Representative Nick Milroy



Representative LaKeshia Myers



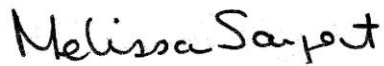
Representative Greta Neubauer



Representative Tod Ohnstad



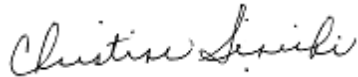
Representative Daniel Riemer



Representative Melissa Sargent



Representative Katrina Shankland



Representative Chris Sinicki



Representative Amanda Stuck



Senator Lena Taylor



Representative Sondy Pope



Senator Fred Risser



Senator Patty Schachtner



Senator Jeff Smith



Representative Shelia Stubbs



Representative Lisa Subeck



Representative Robyn Vining

A handwritten signature in black ink that reads "Don Vruwink". The letters are cursive and connected, with a prominent loop at the start of the word "Don".

Representative Don Vruwink

A handwritten signature in black ink that reads "JoCasta Zamarripa". The signature is written in a cursive style with some capital letters.

Representative JoCasta Zamarripa

Representative Kalan Haywood