



December 30, 2020

Wendell Young, IV, President
United Food and Commercial Workers
3031-A Walton Road, Suite 201
Plymouth Meeting, PA 19462

RE: COVID-19 Emergency Paid Sick Leave
Commencing January 1, 2021

Dear Mr. Young:

The Commonwealth continues to be committed to supporting employees who are impacted by the COVID-19 pandemic while also maintaining the operational needs of agencies to provide services to Pennsylvania citizens. The Families First Coronavirus Response Act of 2020 (FFCRA) provides emergency paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA) for certain employees impacted by COVID-19. HR-WS002, issued by the Commonwealth on April 1, 2020, provided guidance on the use of leave under EPSLA and EFMLEA through December 31, 2020. As the parties are aware, both the EPSLA and EFMLEA expire on December 31, 2020.

Toward the goal of continuing to support our workforce through this pandemic, the Commonwealth will provide to eligible employees in agencies under the Governor's Jurisdiction (including the Pennsylvania Liquor Control Board) up to ten (10) days of emergency paid sick leave (ES) beginning January 1, 2021 through either December 31, 2021 or the expiration of Governor Wolf's Proclamation of Disaster Emergency (whichever occurs first), if the federal government fails to extend or amend EPSLA to provide additional leave entitlements in 2021. Should any federal or state legislation be passed that provides for an additional COVID-19-related paid leave entitlement during 2021, ES Leave under this side letter shall end on the effective date of that new legislation. The ES Leave provided for in this side letter is not available for qualifying events related to childcare as was available to a limited number of eligible employees under the FFCRA. Eligibility for this new leave is as follows:

1) Eligibility

- (a) ES Leave is available to an eligible employee if the employee is unable to work or telework due to the qualifying events as outlined below, and the employee is able to provide documentation, as soon as practicable, to establish the qualifying event.
- (b) ES Leave is not available if the employee's worksite is closed and the employee is unable to work or telework.
- (c) Permanent ('P'), Nonpermanent ('N'), Official Board Members ('E') and Per Unit ('U') employees are eligible employees for ES Leave, except as otherwise provided for in this sideletter. Employees working as Annuitants ('A') are not eligible for ES Leave under any circumstance.

- (d) ES Leave is available to an otherwise eligible employee on their first day of employment with the Commonwealth.
- (e) Use by an employee of EPSLA leave in 2020 does not disqualify the employee from use of ES Leave available pursuant to this side letter if the employee is otherwise eligible due to a qualifying event in 2021.
- (f) Benefit eligibility varies for full-time and part-time employees.
 - i. Full-time employees, defined as those who work 37.5 or 40 hours per week, are eligible for up to ten (10) days (75/80 hours) of ES Leave.
 - ii. Part-time employees, defined as those who work less than 37.5 or 40 hours per week, are eligible for up to ten (10) days of ES Leave. Part-time employees are entitled to leave for their average number of normally worked hours in a two-week period. If the normal scheduled hours are unknown, or vary in a two-week period, the number of hours of leave to which a part-time employee is entitled shall be determined based on a six (6)-month average of daily hours. If the employee has been employed for less than six (6) months, the number of hours shall be determined based on the average daily hours from the date of hire through the last workday prior to the first day of ES Leave.

2) Qualifying Events

- (a) ES Leave is capped at ten (10) days total regardless of whether the employee has one or more qualifying events as provided for below:
 - (1) Employee is subject to a Federal, State, or local quarantine or isolation order, issued by a governmental entity, related to COVID-19.
 - i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
 - iii. Leave under criterion a.1(i) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.
 - (2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - i. Employee shall receive up to ten (10) days of ES Leave
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.

- iii. Leave under criterion a.2(i) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.
- (3) Employee is experiencing symptoms of COVID-19 and is affirmatively seeking a medical diagnosis.
- i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
- (4) Employee is caring for an individual who is subject to an order as described in criterion a.1(i) or advised to self-quarantine as described in criterion a.2(i), above.
- i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive 66.67% of their regular hourly rate of pay, up to \$200 per day or \$2,000 in total.
 - iii. Leave under criterion a.4(i) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.

3) Forfeiture and Expiration of Leave

- (a) Employees are not entitled to reimbursement for any unused ES Leave upon their termination, resignation, retirement, or other separation from employment.
- (b) ES Leave does not carry-over from one year to the next and expires on December 31, 2021 or the date the Emergency Proclamation expires, whichever occurs first.
- (c) If, subsequent to the execution of this side letter, any federal or state legislation is passed that provides for an additional COVID-19-related paid leave entitlement during 2021, ES Leave under this side letter shall end on the effective date of that new legislation.

4) Paid and Unpaid Absences.

- (a) Employees on an approved paid or unpaid absence on January 1, 2021, may be eligible to utilize ES leave beginning on January 1, 2021 provided the employee is on leave due to a Qualifying Event under criteria 4.b.(1) through 4.b.(4) above and is otherwise available for work.

In addition to the ES leave provided above, the Commonwealth shall also provide up to ten (10) days of administrative leave (AL) beginning January 1, 2021 through either December 31, 2021 or the expiration of Governor Wolf's Proclamation of Disaster Emergency (whichever occurs first), to those employees in agencies under the Governor's jurisdiction (including the Pennsylvania Liquor Control Board)

who have exhausted all ES Leave entitlements provided herein, as well as all earned and anticipated annual and sick leave entitlements. Eligibility for said administrative leave shall be the same as that outlined above for ES Leave as identified in criteria (1)-(4) above.

It is distinctly understood that this agreement shall not set precedent and is without prejudice to either party's position on any current or future matters. Please indicate your concurrence with the above understanding by signing below and returning a copy of the executed agreement to this office.

Sincerely,



John P. Gasdaska, Director
Office of Employee Relations & Workforce Support



12/31/2020

Wendell Young, IV, President, UFCW

Date

copy: Reid V. Walsh, Deputy Secretary, Human Resources & Management, OA
Ed Phillips, Director, Bureau of Employee Relations, OA
Pam Andrews, Bureau of Employee Benefits, OA
David Goetz, Pennsylvania Liquor Control Board



PLCB COVID-19 Member Resources

Nothing is more important to the Local 1776KS team than the safety and well-being of our members, who heroically continue to work during this devastating COVID-19 pandemic. We have worked with the PLCB to improve a wide array of policies, from leave and sick time provisions to securing more stringent standards for cleaning worksites, to enhanced protections such as installation of Plexiglas panels. We have created this executive summary to help you navigate your employer's COVID-19 policies and safety protocols, leave of absence provisions, healthcare benefit updates and other important information.

This executive summary is for your general information only and is not a substitute for your Contract or existing policies and procedures. Members with particular questions about the improvements summarized below are encouraged to contact their Union Representative.

Safety Precautions:

Store Safety and Security Tips

Safety in our stores involves dealing with theft, violence, shoplifting incidents and injury prevention. While we may be operating in a slightly different capacity it is still important to take precautions.

During this time take the following safety precautions:

- Block visibility into the store by covering all windows
- Secure all doors
 - If a door is unlocked for any reason (ex: shipment, or to take the trash out, etc.) an employee should stand by the door until it is locked again
- Limit traveling into and out of the store
- Do not congregate around the front entrance
- Use the buddy system to leave work and return to your car
- Follow current procedures to safely:
 - Lift heavy objects
 - Stack boxes
 - Use a box cutter
 - Clean spills

Maintain a Healthy Environment

Your safety is our number one priority. To decrease the spread of covid-19 and minimize the impact it will have on your workspace please review and follow the below guidelines:

- Stay at home if you are sick, or live with someone who is
- Wash your hands for at least 20 seconds often, especially after interacting with someone else or sneezing, coughing or blowing your nose



PLCB COVID-19 Member Resources

- Practice safe distancing
- Wear a face mask while working
- Clean and disinfect your workspace frequently

Stay at Home if You are Sick

- If you have symptoms (fever, cough, or shortness of breath) notify your GM or PIC immediately and stay at home
- Monitor your symptoms and seek medical attention if you have trouble breathing
- Follow the guidance of your healthcare provider
- Use the below criteria to determine if you should return to work:
 - If you have not been tested
 - It has been over 72 hours since you have had a fever
 - Your symptoms have improved
 - It has been at least 7 days since your symptoms first appeared
 - If you tested positive
 - You no longer have a fever
 - Your symptoms have improved
 - You receive 2 negative tests in a row
- If you live with someone who has symptoms use the above criteria to determine if you can return to work

Wash Your Hands

Wash your hands for at least 20 seconds, frequently. Follow these steps:

1. Wet hands and apply enough soap to create a lather
2. Rub palms together
3. Rub the back of hands
4. Interlink fingers
5. Cup fingers
6. Clean the thumbs
7. Rub palms with fingers

If soap and water are not readily available, **use a hand sanitizer that contains at least 60% alcohol**. Cover all surfaces of your hands and rub them together until they feel dry.

Practice Social Distancing

Covid-19 is primarily spread between people who are in close contact with one another. To protect yourself and coworkers maintain a safe distance of approximately 6 feet when possible.

Wear a Mask



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Wearing a mask does not replace social distancing; it is an additional safety precaution. Make sure your mask is snug against the side of your face and covers your nose and mouth. If wearing a cloth mask, you should wash it after every shift. Masks that can't be cleaned should be disposed of after your shift.

When removing your mask do so from behind, do not touch the front of the mask and be sure not to touch your eyes, nose or mouth and wash your hand immediately. If you sneeze and/or cough while your mask is off, do so into your elbow to cover your nose and mouth. Then wash your hands or use sanitizer immediately.

Cleaning and Disinfecting

A key part of keeping everyone safe is making sure that stores are clean and disinfected throughout the day to prevent the spread of Covid-19.

To clean and disinfect your store throughout the day:

1. Put on disposable latex gloves before cleaning and disinfecting

Note: Gloves should be disposed of immediately after cleaning. If you have an allergy to latex, alert your GM and alternative gloves can be ordered.

2. Saturate paper towels in the disinfectant liquid

3. Clean high touch surfaces throughout the store with disinfectant-saturated paper towels every 30 minutes.

Note: High touch surfaces include: Tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, sinks, etc.

4. Remove gloves carefully when done cleaning to avoid contaminating yourself and the surrounding area.

Note: To remove gloves grasp the outside edge near your wrist, peel away from hand, turning the glove inside-out, hold in the opposite gloved hand, slide an ungloved finger under the wrist of the remaining glove, peel off from inside, creating a bag for both gloves and discard immediately.

5. Dispose of gloves and paper towels immediately.

6. Wash your hands for at least 20 seconds

Shared Equipment Cleaning

Whenever possible you should not share tools such as tape dispensers, scanners, keyboards and phones. If you must share equipment you should wipe them down with disinfectant before each use.



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Workers Compensation and COVID-19

PROTECT YOUR RIGHTS

COVID-19 IS COVERABLE BY THE PENNSYLVANIA WORKERS' COMPENSATION ACT

- The Pennsylvania Workers' Compensation Act (Act) covers all injuries, diseases, and illnesses which occur during the course and scope of employment.
- To be covered under the Act, you **MUST** provide NOTICE that: (1) you have been diagnosed with COVID-19 and (2) it was due to your exposures on the job.
- The Employer **MUST** let the you know whether it will accept (Notice of Compensation Payable), temporarily accept (Notice of Temporary Compensation Payable), or deny (Notice of Compensation Denial) the claim within 21 days of you providing notice.
- If you do not receive a response OR the claim is denied, you must file a Claim Petition to protect your potential right to important wage loss and/or medical benefits.
- IT IS CRITICAL THAT ALL claims for COVID-19 should be filed as there is no way to know the long-term physical and/or financial impact that the virus could have on you or your family.
- Willig, Williams and Davidson is working with UFCW Local 1776 during this crisis to ensure that all claims are properly handled. If you have any questions or concerns regarding your rights with regard to your employment and COVID-19, please contact the Head of our Workers' Compensation Department, Michael G. Dryden, Esq., at 215-656-3645 or mdryden@wwdlaw.com.

Mental Health Consultants:

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As a UFCW 1776Ks member, you are entitled to 5 free sessions.



A Guide to Utilizing Telehealth for the First Time

As large focus of a therapist's work is centered on creating strong therapeutic relationships by fostering a safe and comforting environment. This is traditionally done through in-person therapy; however due to the latest developments of COVID-19 many therapists are transitioning their practices to online services through the use of HIPPA compliant telehealth platforms. MHC is approving telehealth services to allow for timely, accessible, and most of all safe behavioral health services during this challenging time.

Benefits to Telehealth:

- Individuals are able to access their behavioral health services from the comfort and safety of their homes.
- Research shows that therapy offered via telehealth is found to be just as effective as in-person sessions.
- Telehealth allows individuals to maintain a sense of routine by remaining consistent with their regularly scheduled therapy appointments.
- Telehealth prevents disruption to already established goals and treatment.
- Therapists are able to provide timely support, coping and stress management skills to those who are struggling with the rapidly changing updates surrounding COVID-19.
- When utilizing telehealth services there is no additional cost to you. Your copay or coinsurance remains the same.

What to Expect:

For telehealth services, all you need is a computer, tablet, or cell phone that is equipped with video and microphone capabilities. Your provider will be utilizing a HIPPA compliant telehealth platform that they can share with you prior to your first appointment. It is most effective for you to treat your telehealth sessions as you would any other in-person appointment. Follow the tips below to have a successful telehealth experience:

- Find a quiet, private place that you can go to to participate in your telehealth session.
- Test out the equipment ahead of time. Speak with your provider prior to your first telehealth session and make sure you are able to access and connect with their telehealth platform without any difficulty.
- Make sure your laptop, tablet or cell phone is equipped to share both your video camera and microphone on your device.
- If using a laptop computer try connecting directly to the internet through an Ethernet cord to allow for a better connection during your session.
- Speak with your provider ahead of time to discuss any questions or concerns you may have about participating in telehealth services.

Need further assistance? Call MHC 1.800.255.3081