

Health Emergency Labor Standards Act (HELSEA)

1) Requires creation of a workplace infectious disease standard

Directs Labor and Industries (LNI) to establish a safety standard rule for workplaces where workers are exposed to contagious or infectious diseases.

2) Establishes new employment standards during a pandemic

During a public health emergency, as declared by the President or the Governor, the following employment standards go into effect:

- Provides a **presumption for worker's compensation coverage** during a public health emergency for "**HELSEA Frontline Employees**" (see definition).
- Requires employers to **accommodate employees' voluntary use of PPE**. And if employers require employees to wear masks and gloves, the employer must provide the required equipment.
- Provides **protection from retaliation or discrimination** for employees who raise reasonable concerns about infection control in their workplace. Provides whistleblower protection and permits qui tam action.
- Mandates **reporting requirements**: employers of 50 or more employees must notify LNI when more than 10% of their workforce becomes infected during a public health emergency.
- Lowers the **eligibility threshold for paid family and medical leave** when the qualifying period includes a public health emergency.
- Requires every employer, of "**HELSEA Frontline Employees**" who earn up to \$1.00 over the legal minimum wage, to provide **health emergency pay** of an additional 25% of the state minimum wage for each hour worked.
- Requires every employer to provide additional **paid sick leave** when an employee is exposed or infected and unable to work or telework. Full time employees become eligible for 80 additional hours of paid sick leave (pro-rated for part time employees). Provides a dollar-to-dollar credit towards state B&O tax for any dollars paid as leave under this provision if there is no federal assistance for similar leave.
- Requires every employer with 50 or more employees to provide employer-paid **childcare leave** when schools and childcare centers are closed. Provides a dollar-to-dollar credit towards state B&O tax for any dollars paid as leave under this provision if there is no federal assistance for similar leave.

HELSEA FRONTLINE EMPLOYEES

- First responders, including emergency medical service providers, paramedics, law enforcement officers, firefighters, and ambulance drivers
- Employees working at a hospital, health care facility, nursing home, or assisted living facility
- Food processing, distribution, meatpacking, and farm workers (including floriculture)
- Maintenance, janitorial and food service workers at any facility treating patients
- Drivers and operators employed by a transit agency or public entity providing mass transportation to the general public
- Daycare and childcare workers at licensed facilities
- Workers employed by a pharmacy, drug, retail, or grocery store open to the public
- Workers in restaurants and hotels open to the public
- Home care aides and home health aides
- Correctional officers
- Educational employees teaching classes in person and on site