

BILL CASSIDY, M.D.
LOUISIANA

WASHINGTON, DC OFFICE:
SUITE SH-520
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202)224-5824

United States Senate
WASHINGTON, DC 20510-1806

COMMITTEES:
FINANCE
ENERGY AND NATURAL
RESOURCES
HEALTH, EDUCATION, LABOR,
AND PENSIONS
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

May 20, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

The coronavirus (COVID-19) pandemic has emerged as one of the greatest challenges the United States has faced in a generation. It has profoundly impacted public health, altered Americans' way of life, and temporarily decimated entire sectors of our nation's economy. While Congress has taken important steps to assist workers across the country during the COVID-19 pandemic, we respectfully and urgently request that you advance a commonsense measure that would support our nation's independent workers. There are millions of gig workers in the American economy that are feeling the severe impact of a nation in lockdown, with "stay at home" orders resulting in a massive reduction in market demand and a loss in income.

As the COVID-19 outbreak continues in the United States, several platform companies acted quickly by providing compensation for gig workers during the public health emergency. For instance, rideshare companies are providing paid sick leave for those drivers who were diagnosed with COVID-19 or directed to quarantine by a doctor or public health official. This provides financial support for those who need it, but just as importantly, it helps to slow the spread of COVID-19 among the public at large. Normally, these actions would raise questions about the employee-employer relationship and risk the independent status that these workers prefer. However, these are not normal times, and these companies are doing the right thing by providing a temporary safety net to reduce the economic need for workers to continue interacting with other members of the public if they feel ill or are developing symptoms of COVID-19. As federal policymakers, we should be encouraging proactive measures like this that help to reduce the risk of transmission of COVID-19.

Even though states are working to establish programs to implement the provisions enacted in the CARES Act, there are numerous reports of significant technical and legal hurdles.¹ In the interim, businesses should have a "safe harbor" guarantee that they can continue to assist independent workers without the risk of triggering complex worker classification issues during this public health emergency. Not only are these companies providing this compensation at zero

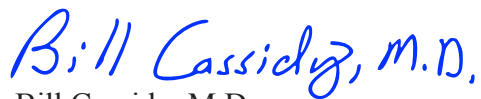
¹ Cassella, Megan, and Rebecca Rainey. "Gig Workers Struggle to Claim Unemployment Relief." *POLITICO*, 15 Apr. 2020, www.politico.com/news/2020/04/15/workers-struggle-to-claim-unemployment-relief-188814.

cost to the government or taxpayers, it is also the right thing to do, will assist overall public health efforts, and is exactly the type of action we should be incentivizing during this environment.

We request you include this safe harbor provision in upcoming COVID-19 related legislation in order to support the health and safety of independent workers and the American public. It will provide much-needed legal clarity during these very uncertain times.

Thank you for your consideration of this important matter.

Sincerely,



Bill Cassidy, M.D.
United States Senator



Mike Braun
United States Senator



Tim Scott
United States Senator



Kelly Loeffler
United States Senator