



INSTITUTE for the American Worker

Labor Provisions in the HEALS Act

Bill name: Health, Economic Assistance, Liability Protection and Schools (HEALS) Act

In late July 2020, Congressional Republicans offered a series of bills in response to the COVID crisis. The package collectively is known as the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act. Highlights of the key labor provisions included in the bills are included in this backgrounder.

The Senate Republican Policy Committee has a list of bills and provisions in the HEALS Act which is available here: <https://www.rpc.senate.gov/policy-papers/update-on-the-coronavirus-response-heals-act>

Paycheck Protection Program (PPP)

Legislation authored by Sens. Rubio (R-FL) and Collins (R-ME) as part of the HEALS Act, their "[Continuing Small Business Recovery and Paycheck Protection Program Act](#)," extends and modifies the Paycheck Protection Program (PPP) to provide additional funds to businesses and their employees that are still struggling due to the pandemic. The bill would permit additional PPP loans to struggling businesses and second-draw PPP loans for small businesses that already received a PPP loan earlier in the year but continue to suffer due to the pandemic. Existing PPP loan conditions would be improved to allow increased loan forgiveness for small loans, expanded forgivable expenses like business supplies and worker protection, and new PPP loan calculations for farmers and ranchers. It would also provide new money for investing in hard-hit small businesses, manufacturing startups, and low-income communities.

Liability Protections

The "[SAFE TO WORK Act](#)" from Sen. Cornyn (R-TX), part of the HEALS Act, would provide temporary liability protections to businesses, health care workers, schools, nonprofits, and churches. Businesses and those other entities would not be liable for Coronavirus exposure if they made "reasonable efforts" to "comply with the applicable government

standards and guidance," including guidance from OSHA or CDC. The liability protection runs from December 1, 2019 through October 1, 2024 or when the Coronavirus public health emergency has been declared ended.

Further, employers could not be found liable for injuries related to COVID-19 testing at the workplace (Sec. 182). The bill also includes a limitation on violations of a host of federal labor and employment laws if the business is complying with Coronavirus-related guidance. These labor and employment laws are: Occupational Safety and Health Act, Fair Labor Standards Act, Age Discrimination Act, Worker Adjustment and Retraining Notification (WARN) Act, Title VII of the Civil Rights Act, Title II of the Genetic Information Nondiscrimination Act, and Title I of the Americans with Disabilities Act (Sec. 181).

Gig Economy Safe Harbor

Sec 214 of Chairman Grassley's portion of the HEALS Act, the "[American Workers, Families, and Employers Assistance Act](#)," includes a safe harbor provision for independent contractors and gig economy companies. Under this provision, digital marketplace platform companies could provide some benefits to independent contractors without risking their independent contractor status. These benefits can include financial assistance, health care benefits related to COVID-19, PPE, cleaning products, and training.

A similar proposal was introduced as a standalone bill, the "[Helping Gig Economy Workers Act](#)," by Sen. Mike Braun (R-IN) and Rep. Carol Miller (R-WV).

Unemployment Insurance

The CARES Act included an unemployment insurance bonus of \$600 per week. By statute it expired on July 31, 2020, though due to state UI system technicalities and CARES Act technicalities, it ended in most states on July 25, 2020. The HEALS Act—specifically Title I of Chairman Grassley's "[American Workers, Families, and Employers Assistance Act](#)"—provides the correction needed to extend the \$600 weekly bonus through the end of July. In August and September, the federal UI bonus would be continued at \$200 per week (in addition to what the state UI provides). Starting in October, the federal UI bonus would combine with the state UI benefit to equal 70 percent of previous wages, capped at \$500 in federal bonus funds. States with UI systems unable to perform such wage calculations could apply for waivers from the Department of Labor.

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