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April 2, 2020

Janel Forde

Director

Illinois Department of Central Management Services

401 S. Spring, Stratton Building Room 715

Springfield, IL 62706-4100

Dear Director Forde:

Yesterday your office issued guidance with regard to implementation of the newly-enacted Families First Coronavirus Response Act which provides for paid sick leave of up to ten days when employees or family members are COVID-19 symptomatic or quarantined and expanded family leave rights when employees lack child care because of COVID-19 precautions.

First I want to point out that the information provided in the notice to employees that your office distributed is not entirely accurate. It states in Q and A format:

**“Are there any employees excluded from the Families First Coronavirus Response Act?”**

*Yes. Health Care Providers and Emergency Responders may be excluded from these provisions. Agencies, in conjunction with CMS, are working to identify employees considered to be a Health Care Provider and/or an Emergency Responder excluded from this Act.”*

In fact **no** employees are per se “excluded from the Families First Coronavirus Response Act”. Rather, the Act allows employers to decide to exclude certain employees, i.e. Health Care Providers and Emergency Responders.

While we recognize that the law permits employers to exclude these employees from coverage under the Act--and that the USDOL guidelines allow for very broad interpretation of which jobs might fall within those designations—such exclusion is a decision made by the employer and is not mandated or required by the Act.

AFSCME strongly objects to any state employees being excluded from coverage under this law. I want to make very clear that we do not believe it is in the best interest of the State of Illinois for CMS to make such exclusions. We are calling on the Administration to permit **all** state employees to access these new leave rights—which are urgently needed in many instances.

State employees are keenly aware that they provide vitally important services on which Illinois residents depend—and that in many instances they are serving some of our state’s most vulnerable citizens. Tens of thousands have remained on the job since the onset of this pandemic, often in conditions that pose considerable risk to themselves and to their families. Moreover, some number of these employees may face heightened risk if they are pregnant or have underlying health conditions.

Family concerns have been especially challenging for parents of young children. For weeks now state employees have struggled to fulfill their responsibilities at work when there are almost no reliable child care options available to them. We know that the Governor’s Office has been working to establish emergency child care for all those deemed “essential” pursuant to Executive Order 10, but those expanded options have been slow to develop and are not available in many areas of the state.

There’s no doubt that some agencies have worked to reduce risks and address employees’ health and family concerns. However, in far too many instances, the frenetic pace of the outbreak has resulted in unreasonable demands being made on employees, jeopardizing their health and safety.

We understand the critical importance of maintaining adequate staffing levels, especially in 24-hour facilities. However, we believe that need must be balanced against the need to safeguard employee health, support employees’ families, and maintain employee morale.

We are confident that such a balance can be established if the State of Illinois does not act to exclude any employees from coverage under the Families First Coronavirus Response Act, but instead works constructively with our union to protect the health and lives of employees and those who depend on them.

We therefore are calling on CMS to immediately revise the guidelines it has distributed to agencies and to clearly state that agencies should work to enable every employee who chooses to exercise his or her rights under the new Act to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Roberta Lynch", with a long horizontal flourish extending to the right.

Roberta Lynch  
Executive Director