



March 16, 2020

The Honorable Nancy Pelosi
Speaker of the House
H-232, The Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
House Minority Leader
H-204, The Capitol
Washington DC 20510

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

The Honorable Chuck Schumer
Senate Minority Leader
S-221, The Capitol
Washington, D.C. 20515

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

On behalf of the National Community Pharmacists Association (NCPA) and the National Grocers Association (NGA), we applaud Congress and the Administration for their recent actions to protect the American people by moving quickly to address the Coronavirus (COVID-19) outbreak. However, we have significant concerns with the paid sick leave provisions in H.R. 6021, the Families First Coronavirus Response Act. NCPA represents America's community pharmacists, including over 21,000 independent community pharmacies. NGA represents the nation's 8,500 independent grocery stores in all 50 states as well as their wholesalers and suppliers. Together our members employ around 1.2 million Americans on a full-time or part-time basis and provide pharmacy and grocery products to millions of Americans every day. Our organizations are serving on the front lines of responding to the coronavirus public health crisis by providing food and medicine to Americans in this time of need.

While well-intentioned, H.R. 6201 could potentially have disastrous unintended consequences on the ability of our members to continue serving the public throughout this crisis. Division E of the legislation requires that employers immediately provide 14 days of paid sick leave, while Division C immediately expands the Family Medical Leave Act (FMLA) to require all employers provide up to 12 weeks of paid family and medical leave. Although it's critical to encourage sick or quarantined workers to stay home and minimize the risk of spread, we are concerned that the bill's broad employee paid leave justifications¹ would leave supermarkets and pharmacies shorthanded during a time of crisis. Our industries are already facing staffing challenges at a time of unprecedented demand, and our members need flexibility in managing their workforce to ensure the public continues to have access to food and medicine. The Department of Homeland Security defines healthcare services, pharmacy and food supply employees as critical infrastructure industry workers. In addition to the bill's current paid leave exemptions for emergency responders and healthcare workers, we recommend that Congress extend the exemption to all critical infrastructure industry workers, including food and pharmacy supply chain workers. The vast majority of our members already have paid sick leave policies and are requiring staff to stay home if they are sick.

¹ H.R. 6201, Sec. 110(a)(2)(A) in Division E and Sec. 5102(a) in Division C

Secondly, although small to medium-sized businesses would be reimbursed by the federal government through refundable tax credits, businesses may struggle to remain viable long enough to be able to claim the credit. Independent supermarkets and pharmacies carefully manage their cash flow, and the bill presumes liquidity and a tolerance for debt that simply does not exist in the current crisis. When you add in disruptions posed by COVID-19 with this new federally mandated paid FMLA and sick leave, our members may not be able to stay afloat at a time when they are needed most to care for their communities.

While the paid leave requirements sunset at the end of the year, many small to medium-sized pharmacies and grocery stores will struggle to maintain adequate staffing levels while juggling the cost of the new mandate as cashflow is squeezed during the pandemic response. For this reason, NCPA and NGA ask that Congress consider how to provide relief to pharmacies and grocers from the mandatory leave requirement of H.R. 6021, the Families First Coronavirus Response Act, so that our industries can continue to do what they do best, provide food and medicine to the American public.

Sincerely,



Karry K. La Violette
Senior Vice President of Government Affairs & Director of the Advocacy Center
National Community Pharmacists Association



Christopher Jones
Senior Vice President of Government Relations & Counsel
National Grocers Association

cc:

The Honorable Mike Pence
Vice President of the United States

The Honorable Steve Mnuchin
Secretary of the Treasury