

April 10, 2020



SAG-AFTRA



Creative Professionals' Priorities for the Next Phase of COVID-19 Legislation

We urge Congress to provide continued economic support for creative professionals, including the members of our unions, by enacting the following priorities in the next COVID-19 related legislation. Economic relief is crucial for the more than four million people working in the arts, entertainment, and media industries. They power a sector responsible for 4.2 percent of the United States' GDP and a positive trade balance. Their work occurs in public venues and on job sites requiring close personal contact. Some continue to work during this crisis. For example, news media professionals are risking their health to collect and disseminate information critical to the public's safety and stagecraft professionals have been drafted into service erecting temporary hospitals and treatment centers. Most other creative professionals, however, will likely be some of the last workers able to return safely to their jobs due to expected longer-term social distancing requirements.

Protect professionals designated as essential workers

- Require the Occupational Safety and Health Administration to issue an Emergency Temporary Standard to protect workers from occupational exposure to infectious diseases, including COVID-19.
- For any professional deemed an essential worker:
 - Guarantee access to employer-provided personal protective equipment (PPE).
 - Require employers to implement and enforce workplace social distancing policies that limit exposure to COVID-19.
 - Require employers keep essential workers who become infected with COVID-19 on payroll, remain responsible for affected workers' health care costs, and cover any family care costs accrued by affected workers as a result of treating a COVID-19 diagnosis.
 - Require hazard pay as additional compensation for working outside their homes during the COVID-19 pandemic.
 - Provide flexibility or alternative work options for workers deemed essential but who live with immunocompromised individuals.

Preserve access to affordable, quality healthcare

- Subsidize 100 percent of a person's COBRA costs for one year.
- Extend COBRA eligibility to 36 months.
- Provide economic support for multiemployer plans that are waiving cost-sharing or keeping ineligible members on their plans for reasons related to the COVID-19 pandemic.

Protect the pension funds of creative professionals

- Allow multiemployer pension plans to:
 - Freeze zone status for at least one year, based on provisions similar to the Worker, Retiree, and Employer Recovery Act of 2008.
 - Smooth investment and contribution base unit ("CBU") losses in the funding standard account, and investment losses in the development of the actuarial value of assets, following provisions similar to the Pension Relief Act of 2010.
- Institute a special partition program at the PBGC to deal with critically endangered multiemployer plans without increasing burdens on healthy pension plans.
- Shore up the PBGC through government funding, not through the robbing of healthy pension plans.

Provide economic support for organizations in the arts, entertainment, and media industries that gets people back to work

- Appropriate \$4 billion in emergency supplemental funding to ensure nonprofit arts organizations and public broadcasting stations can continue operations, keep people employed, and be ready to immediately resume productions when it is safe to do so.
 - The \$4 billion should be administered by the National Endowment for the Arts, National Endowment for the Humanities, and the Corporation for Public Broadcasting. No less than 60 percent of the \$4 billion should be in the form of direct grants. Any federal money distributed by a state or local arts agency must comply with the conditions of a direct grant.
 - For live theater employers unable to receive federal arts funding, ensure access to low-interest loans for the purpose of operational continuity, continued employment, and the ability to resume productions when it is safe to do so.
 - Any organization accessing supplemental federal arts funding or a low-interest loan must attest that it will adhere to conditions no less stringent than Sec. 4003(c)(3)(D)(i) of the CARES Act. (e.g. minimum employment requirements, layoff prohibitions, outsource/offshore prohibitions, non-abrogation of collective bargaining agreements, union neutrality, etc.)
- Extend and enhance the Section 181 film tax deduction.

- Restore the long-standing business tax deduction for live entertainment event ticket purchases.

Create a journalism-specific stimulus program to protect the dissemination of news and information

- Provide news media organizations with access to an affordable loan program or a grant program that enables continued operations and keeps journalists and other news media professionals employed.
 - Require that 80 percent of any loan or grant going to a news media organization be spent on journalism, including payroll costs associated with gathering and distributing news and information.
 - Condition loan or grant access on an organizational attestation that it will adhere to conditions no less stringent than Sec. 4003(c)(3)(D)(i) of the CARES Act. (e.g. minimum employment requirements, layoff prohibitions, outsource/offshore prohibitions, non-abrogation of collective bargaining agreements, union neutrality, etc.)
- Appropriate and direct federal advertising dollars for programs where community outreach is needed for spending on local media.

Ensure tax fairness for middle class creative professionals

- Pass H.R. 3121, the Performing Artist Tax Parity Act of 2019, bipartisan legislation that would update the Qualified Performing Artist tax deduction, allowing middle class creative professionals to deduct necessary business expenses.

Prohibit post-employment restrictive covenants for journalists and other media employees until December 31, 2020

- To ensure journalists and other media employees are able to find and accept new work during the COVID-19 pandemic, prohibit employers from enforcing any anti-competitive restrictive covenant.

Provide fair access to government economic support for all nonprofits

- Allow all nonprofits, including labor unions, access to the Paycheck Protection Program, not just 501(c)3 organizations.

Extend and expand existing COVID-19 economic support programs

- Expand the Families First Coronavirus Response Act's paid leave provisions to professionals working for companies with 500 or more employees.
- Extend the CARES Act's unemployment insurance provisions, including Federal Pandemic Unemployment Compensation, Pandemic Emergency Unemployment Compensation, and Pandemic Unemployment Assistance, through December 31, 2020.

If you have any questions, please contact DPE Assistant to the President/Legislative Director, Michael Wasser at (202) 638-0320 ext. 11 or mwasser@dpeaflcio.org