



Lorelei Salas
Commissioner

March 26, 2020

VIA EMAIL

42 Broadway
8th Floor
New York, NY 10004

nyc.gov/dca

Frederick W. Smith
Chairman & CEO
FedEx Corporation
942 South Shady Grove Road
Memphis, TN 38120

David P. Abney
Chairman & CEO
United Parcel Service
55 Glenlake Parkway, NE
Atlanta, GA 30328

Bradley S. Jacobs
Chairman & CEO
XPO Logistics, Inc.
Five American Lane
Greenwich, CT 06831

Re: COVID-19 and Worker Health

Dear Mssrs. Smith, Abney & Jacobs,

We write to you with great urgency and concern about your companies' practices regarding worker health during the COVID-19 crisis. In a *New York Times* article entitled, "Terrified Package Delivery Employees Are Going to Work Sick," multiple workers from your companies gave accounts of pressure to show up for work (and fear of losing their jobs if they did not) when exhibiting symptoms consistent with COVID-19. Public health experts agree that one way in which all employers can help curtail the spread of COVID-19 is to ensure that sick or symptomatic workers are not encouraged by policies or structures to show up (also known as sick presenteeism). To varying degrees, each of your companies have taken some steps to improve benefits for sick employees during this crisis, but they do not go far enough. For example, linking sick time eligibility to a positive COVID-19 test is unhelpful. At this time, there are not enough tests available to the general public, and the test results are not available rapidly enough, to make this a workable standard. Waiting until a test comes back positive is much too late to avoid infection of others.

In expressing these concerns to you, we recognize that your companies are integral to commerce in the United States. Collectively, you transport millions of letters and packages each day in the country, and you rely on a workforce of approximately more than a million people to make that happen. Our residents and their families are counting on your ability to continue to operate in order to obtain needed supplies, food, medicine, and comfort goods to get through a very challenging stretch. We are relying on your workforce to help limit the number of places residents must shop or number of times they must go out in the public. Your services can be a critical component to making necessary restrictions effective as our communities look to bend the curve and slow the rate of transmission of COVID-19. In addition, your sizable workforce is relying on continued operations to obtain income from their jobs.

Our jurisdictions have varying regulations and obligations when it comes to ensuring the health and safety of workers, protecting consumers, and guarding the public health. In addition to your required compliance with these regulations, we urge you to take further steps to reduce the spread of COVID-19. Doing more will ensure the health of your workforce and save lives in our hospitals and in our communities. To that end, we respectfully request that you take immediate steps to rectify this critical public health issue. You must immediately end any policies that may cause an employee who is sick or who is worried about symptoms of COVID-19 to show up for work and risk infecting others, and implement the following:

- Communicate plainly and clearly to all workers that they are encouraged not to show up for work if they are sick or experiencing even mild symptoms of illness;
- Ensure that all managers and supervisors, including those responsible for staffing, understand that pressuring workers to show up ill or with symptoms will not be tolerated and will result in disciplinary action;
- Provide at least 80 hours of dedicated sick time (above and beyond any paid time off currently available) immediately to all workers;
- Allow workers to pool and share additional sick time with one another for COVID-19-related purposes without any restrictions;
- Guarantee that workers' will not lose their jobs if they miss work time because they become sick with COVID-19; and
- Finally, in recognition of the increased risks your workers are taking and the public interest they are serving in facilitating delivery, follow the example of businesses that are increasing wages for workers who are performing critical services during a national crisis.



Thank you for the continued services that your companies provide to our communities. Should you have any questions, feel free to contact [REDACTED] [REDACTED] Office of Labor Standards and Policy, New York City Department of Consumer and Worker Protection, via email at [REDACTED] or telephone at [REDACTED]. We appreciate your prompt attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to be "Lorelei Salas".

Lorelei Salas
Commissioner
Department of Consumer and Worker Protection
City of New York

Peter S. Holmes
City Attorney
City of Seattle

Jeneé Jahn
Interim Director
Office of Labor Standards
City of Seattle

Andrew Fox
Director of Labor Standards
Department of Business Affairs and Consumer
Protection
City of Chicago

Richard Lazer
Deputy Mayor of Labor
City of Philadelphia