



THE COMMONWEALTH OF MASSACHUSETTS
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March 25, 2020

SENT BY EMAIL TO: nicolesj@amazon.com

Whole Foods Market, Inc.
John Mackey, Chief Executive Officer
550 Bowie Street
Austin, TX 78703

Amazon.com, Inc.
Jeffrey P. Bezos, President, Chief Executive Officer, and Chairman of the Board
410 Terry Avenue North
Seattle, Washington 98109

Re: Request for Adoption of Broader Paid Sick Leave during COVID-19 Crisis

Dear Mr. Mackey and Mr. Bezos,

We, the states of Massachusetts, California, Connecticut, Delaware, Illinois, Maryland, Michigan, Minnesota, New Mexico, New York, Oregon, Pennsylvania, Virginia, Washington, and the District of Columbia, are writing to you because we are concerned that the paid sick leave policies of Whole Foods and Amazon (collectively, “the Companies”) are inadequate to protect the public health during the developing COVID-19 crisis. We recently learned that the Companies provide only two weeks of paid sick leave to employees who are “diagnosed with COVID-19 or who are placed into quarantine.” The Companies have also offered additional unpaid leave, though have only committed to doing so through the end of March, and has set aside \$25 million to establish an emergency fund for certain delivery service partners. We urge you to adopt a more generous paid leave policy for the Companies’ employees and independent contractors (collectively, “the workers”) in order to curb the spread of the coronavirus during the current pandemic.

The Centers for Disease Control and Prevention (CDC) issued an “Interim Guidance for Businesses and Employers: Plan, Prepare and Respond to Coronavirus Disease 2019.”¹ Among its “Recommended Strategies for Employers to Use Now” are the following:

- Actively encourage sick employees to stay home.
- Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [38.0° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.
- Ensure that your sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.
- Maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that more employees may need to stay at home to care for sick children or other sick family members than is usual.

If our understanding of the Companies’ current COVID-19 sick leave policies is correct, these policies are inconsistent with these recommendations. By limiting paid sick leave to only those employees who have been diagnosed with COVID-19 or who have been placed into quarantine, the Companies are placing their other employees, their customers, and the public at large at significant risk of exposure to COVID-19. The Companies’ narrow criteria is particularly insufficient given the realities of the public health crisis, where the lack of access to COVID-19 testing has been widely reported. This would seriously undercut efforts to promote “social distancing” in order to “flatten the curve” of infections and to avoid overloading our already strained health care system.

Grocery stores such as Whole Foods remain one of the few places where people are regularly congregating in close quarters, and thus it is especially important to ensure that they do everything they can to minimize the risk of infection. And with many local stores and businesses closed during this crisis, consumers are relying even more than ever on online shopping. Indeed, we are aware that Amazon recently announced plans to hire 100,000 new employees to meet this unprecedented demand. Thus, Amazon warehouses and other locations are a significant site for possible transmission of the virus both from worker to worker, and to the general public in homes across our states.

For the reasons stated above, the States urge the Companies to take extra care to avoid the spread of COVID-19. Under the recently-enacted Families First Coronavirus Response Act (hereafter, “Act”)², all employers with fewer than 500 employees in the United States must provide the following:

- Two weeks (80 hours) of fully paid time off (up to \$511 per day) to full-time employees to self-quarantine, seek a diagnosis, or receive treatment for COVID-19;
- Fully paid time off (up to \$511 per day) to part time employees for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis , or receive treatment for COVID-19;

¹ <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

² <https://www.congress.gov/bill/116th-congress/house-bill/6201>

- Two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) to full-time and part-time employees to care for a family member or to care for a child whose school has closed, or whose care provider is unavailable due to COVID-19; and
- 12 weeks of job-protected leave to full-time employees and part-time employees to take care of their children in the event of a school closure or in the event their child care provider is unavailable due to COVID-19, including no more than two weeks of unpaid leave, followed by no less than 10 weeks of paid leave, at a rate of no less than two-thirds of the employee's usual pay.

The CDC's guidance and the Act are common-sense measures that are vital to slow the spread of the coronavirus. Doing so will require an unprecedented level of cooperation, collaboration, and shared sacrifice across society, including individuals, businesses, the educational system, the health care system, community institutions, and government. We all have a part to play.

Many of our states are experienced in enforcing our earned sick time laws. We know that when workers are not provided with paid sick days, they go to work sick, which puts other workers and their customers in danger. Given the contagiousness of the coronavirus and the danger it presents, particularly to elderly and vulnerable individuals, forcing workers to make this choice is simply a risk we cannot afford to take. We know that the Companies are concerned about the health and well-being of their workers, their customers, and their communities too.

For all the reasons stated, we ask the Companies to provide to their employees with what smaller employers are required to provide under the Act, and to also:

1. Expand the Companies' two-week paid sick leave policy beyond employees "diagnosed with COVID-19 or placed into quarantine" to include individuals covered by the Act, such as those (i) experiencing COVID-19 symptoms and seeking medical diagnosis, (ii) caring for individuals diagnosed with COVID-19 or advised to self-quarantine, or (iii) unable to work due to the need to care for a child whose school has been closed or whose child care provider is unavailable due to COVID-19 precautions;
2. Provide 12 weeks of paid leave at a rate of two-thirds of their regular pay (up to \$200 per day) to your full-time employees and part-time employees who are unable to work due to the need to care for (i) their children (as provided by the Act) whose school has closed or whose child care provider is unavailable due to COVID-19 precautions, (ii) themselves or a family member who is experiencing COVID-19 symptoms and seeking a medical diagnosis, diagnosed with COVID-19 or advised to self-quarantine.
3. Set aside adequate funds for the Companies' workers, such as deliver service partners and Amazon Flex participants, who are classified as independent contractors so that they may receive a comparable benefit, as they are likewise deserving of such protections during this pandemic.

Given the immediate public health and public safety crisis, it is our hope that we can reach agreement as soon as possible. Let us know if you have any questions. You can reach out to Cynthia Mark at 617-963-2626 or Cynthia.Mark@mass.gov. Thank you, and we look forward to hearing from you.

Sincerely,



MAURA HEALEY
Massachusetts Attorney General



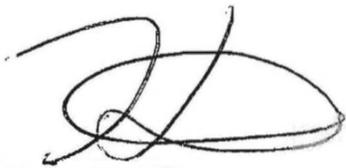
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California Attorney General



WILLIAM TONG
Connecticut Attorney General



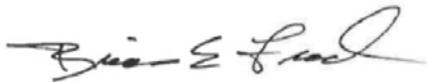
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