



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 2, 2020

SENT VIA EMAIL

Douglas McMillon
Chief Executive Officer
Walmart, Inc.
702 S.W. 8th St.
Bentonville, Arkansas 72716
Doug.McMillon@wal-mart.com

Re: Walmart's Sick Leave and COVID-19 Reporting Policies

Dear Mr. McMillon:

We, the states of California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Pennsylvania, Washington, and the District of Columbia, are writing to express concern about the spread of the COVID-19 virus at Walmart Inc. ("Walmart") stores and Walmart's efforts to protect its employees and customers from infection. It has been well reported that employees in Walmart stores around the country have been exposed to and have contracted COVID-19 at an alarming rate. Several Walmart stores have been closed due to high rates of infection amongst their employees, including stores in Massachusetts and Colorado.

In light of this increasing spread of the COVID-19 virus in Walmart stores around the country, we are concerned that Walmart has not taken adequate steps to protect its employees and the public. Our offices continue to receive reports of overcrowded stores and a general failure by Walmart to implement measures to ensure that customers and employees maintain a distance of six feet from each other, and to monitor compliance with such measures. Many of our offices have also received reports of failure by Walmart to adequately sanitize its stores, even after learning of confirmed COVID-19 cases in its workforce. In addition, we have heard complaints from Walmart employees that they are not being informed of their potential exposure to individual workers who

have been diagnosed with COVID-19. We are concerned by reports we have received that Walmart employees who have been exposed to COVID-19 or who have symptoms of COVID-19, but are undiagnosed due to the lack of testing capacity, are pressured to return to work by store managers. Similarly, we are concerned by reports we have received that symptomatic employees are allowed to work without being properly screened.

The pressure that workers feel to keep working even if they are sick or symptomatic is directly related to Walmart's inadequate paid leave policies. We understand that Walmart does not provide its employees with additional paid time off to care for sick family members or to care for children whose schools are closed or care providers unavailable due to the pandemic, and provides two weeks of fully paid leave only to employees who are either mandated to quarantine by a healthcare provider, government, or Walmart itself, or who have a *confirmed* COVID-19 diagnosis. We also understand that Walmart offers up to 26 weeks of partial pay of 50% to employees who are confirmed to be COVID-19 positive. As communities across the nation continue facing shortages in testing kits and as workers are often needed at home—to care for a family member who has to quarantine or a child whose care provider is unavailable due to the pandemic—Walmart's restricted COVID-19 emergency leave remains woefully short of the basic standards set by the federal Families First Coronavirus Response Act (“FFCRA”) to confront this pandemic. In this time that Walmart has seen increasing profits and expansion, it is incredibly disappointing that Walmart has failed to provide even the minimum protections and benefits to its employees that are required of smaller employers under the FFCRA. We believe it is unconscionable that low-wage, hourly Walmart employees must forgo a paycheck in order to protect their colleagues and the public. Walmart's limited paid leave policies, and the pressure that workers feel to continue working, even if they are ill or symptomatic, hampers the ability of our states to protect public health.

To adequately protect consumers and employees, we ask that Walmart: (1) confirm it is adhering to all applicable state directives; and (2) commit to:

1. Monitoring enforcement of social distancing guidelines, including six feet of separation between customers and employees;
2. Establishing and implementing a plan in case of exposure to a probable or confirmed case of COVID-19, which includes: cleaning and disinfecting all shared areas such as offices, bathrooms, break rooms and shared electronic equipment, informing employees and customers about incidence of confirmed COVID-19 cases within its stores, and promptly alerting employees who were in close contact (within about 6 feet for 10 minutes or more) with a confirmed case of COVID-19 from the period 48 hours before symptom onset, while maintaining confidentiality in accordance with CDC Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019;
 - a. If any employee who was in close contact with a suspected or confirmed case of COVID-19 remains asymptomatic, the employees should adhere to the practices set forth by the CDC in its April 8, 2020 Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19;

- b. If the affected employee becomes sick during the workday, the person should be sent home immediately. Surfaces in the employee's workspace should be cleaned and disinfected. Information on other employees who had contact with the ill employee during the time the employee had symptoms and 48 hours prior to symptoms should be compiled;
3. Providing non-medical masks for employees to wear;
4. Installing shields or other barriers at registers and check-out areas to physically separate cashiers and customers, and using every other register. After each hour, rotate customers to a previously closed register to allow adequate cleaning of the area;
5. Assigning an employee to wipe down carts and handbaskets after each use;
6. Reducing the number of customers Walmart allows in its stores as may be necessary to ensure that workers and customers at its stores can remain six feet away from each other at all times; and
7. Informing State and local health departments in each signatory state about the number of confirmed COVID-19 cases in each of Walmart's stores.

Furthermore, we call on Walmart to adopt a policy of paid leave which provides the minimum protections required of smaller, less resourced employers under the FFCRA. Specifically, we call on Walmart to offer the following benefits:

- a) Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay when the employee is unable to work because the employee is quarantined (pursuant to federal, State, or local government order or advice of a health care provider), *and/or* experiencing COVID-19 symptoms and seeking a medical diagnosis;
- b) Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay when the employee is unable to work because of a bona fide need to care for an individual subject to quarantine, or to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19; and
- c) Up to an additional 10 weeks of paid expanded family and medical leave at a rate of at least two-thirds the employee's regular rate of pay when an employee is unable to work due to COVID-19 or has a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Additionally, we ask that you provide our respective offices with all documents and records containing information related to Walmart's policies and practices at stores located in the signatory states related to:

1. The policies and practices in place to protect employees against the spread of COVID-19, including but not limited to:
 - a. The measures in place to ensure that workers maintain six feet of separation between each other and customers; and

- b. The Personal Protective Equipment that is being provided to employees generally, and specifically to employees that are working within six feet of each other, and any guidance, training, or policies about its use.
2. Information provided to employees and to the public about the risks posed by COVID-19;
3. Walmart's polices regarding:
 - a) Identifying employees presenting symptoms of COVID-19;
 - b) Separating employees presenting symptoms of COVID-19 from other employees;
 - c) Notifying employees at the facility about confirmed COVID-19 cases;
 - d) Identifying employees that may have come into close contact with confirmed COVID-19 cases;
 - e) Notifying employees in close contact with confirmed COVID-19 cases about their potential exposure;
 - f) Separating employees in close contact with confirmed COVID-19 cases from the rest of Walmart's workforce;
4. Walmart's paid sick leave and emergency family medical leave policies; and
5. A breakdown by state identifying the number of employees currently on leave of absence due to COVID-19 who are receiving or have received paid leave and the amount of such leave.

In light of the immediate public health crisis and the urgency for Walmart employees, we ask that you or your representatives respond no later than June 8, 2020. It is our sincere hope that our offices can reach a satisfactory resolution of these concerns promptly and fairly. Should you wish to discuss this letter further, you can reach out to Alvar Ayala at aayala@atg.state.il.us or Harpreet Khara at hkhara@atg.state.il.us. Thank you for your prompt attention to this matter and we look forward to hearing from you soon.

Sincerely,



KWAME RAOUL
Illinois Attorney General



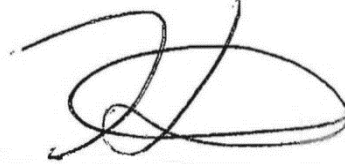
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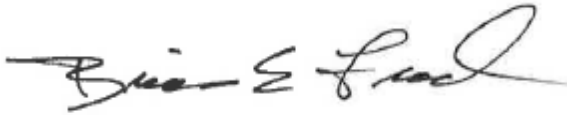
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