

Virginia's health board moves to loosen pandemic safety rules as the state cuts unemployment benefits for thousands

Nick Barrickman
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Last month, the state of Virginia's Safety and Health Codes Board moved to reduce several restrictions it had put on businesses operating in the state for the purpose of reducing the spread of COVID-19. The move comes alongside Virginia's across-the-board reopening in August of K-12 public schools for in-person learning, as well as a mounting social crisis stemming from the ending of the federal eviction moratorium and enhanced unemployment assistance.

The state's public health restrictions had been put in place July 2020 during the second wave of the COVID-19 pandemic. The measures, according to the *Richmond Times-Dispatch*, consist of "mask-wearing, sanitation of work areas and employee education about COVID-19 prevention." Other requirements include having businesses with at least 11 employees formulate an infectious disease and preparedness plan. The rules were later included permanently in state health guidelines in January 2021.

The board's 10-4 vote to loosen restrictions will allow employers to give a "good faith" effort to show they are compliant with Centers for Disease Control and Prevention (CDC)'s recommendations. They no longer have to include vaccinated employees in their outbreak preparations. By meeting these less-onerous goals businesses will be deemed in compliance with the state's own guidelines. While rendered essentially useless, the state rule will remain on the books until formally changed by Democratic governor Ralph Northam.

According to the *Times-Dispatch*, "[v]arious business groups opposed the rules, which they argued [were] inflexible." The publication cites comments from Nicole Riley, the Virginia state director of the

National Federation of Independent Businesses (NFIB). "They [employers] are more comfortable with [the CDC's guidelines], and that is what they know. The awareness is much higher on what CDC guidelines are than another state regulation," she stated. The NFIB and other business groups sought a total repeal of the rules.

Throughout the first months of the pandemic the Northam administration sought to posture as more enlightened and public health-conscious than Republican-led states. This threadbare veneer has been shattered in the course of the pandemic, as Virginia has made haste to abandon all basic social distancing and masking requirements, leaving the state's residents on their own amid an unparalleled public health emergency.

According to recent numbers, the state is reporting upwards of 3,000 positive cases a day. This contrasts with positive numbers amounting to less than 100 cases detected daily in June. Likewise, hospitalizations are up. In the first days of September there were 1,725 COVID-19 hospitalizations, an increase over June of about 800 percent.

The Northam government has forced school districts to reopen almost entirely on an in-person basis. While masks and vaccinations have been mandated among public school staff, unvaccinated children have been crammed into classrooms at near-capacity. COVID-19 infections among these groups are being hid from the public.

In addition to the state's abandonment of public safety, Virginians face a social crisis that is among the worst in the United States. As of spring 2021, the Virginia Employment Commission (VEC), the state's

unemployment assistance system, was dead last in the country in its response to the crush of applications requesting pandemic-related aid.

For months, Virginians have been left unable to determine if their applications for unemployment insurance and other 2020 CARES Act assistance programs had even been received by the VEC, let alone accepted or rejected. In May, a federal judge ruled in a class action lawsuit brought by angry Virginia residents that the VEC must give a determination to all applicants by Labor Day, September 6, 2021.

With consummate cynicism, the VEC sought to have the federal courts dismiss the lawsuit in August. “The backlog of outstanding unemployment benefits adjudications is effectively gone,” VEC Commissioner Ellen Marie Hess told the presiding judge in United States District Court at the time.

This request was rejected by Judge Henry Hudson, who noted in his ruling that *the court itself* was “frequently” receiving calls from applicants who have received no assistance from the state. “The Court continues to frequently receive telephone calls from individuals reporting difficulties processing their claims and communicating with the VEC,” he wrote.

Numerous claimants reacted to the VEC’s ploy with outrage on social media. “They’re just denying people to move through cases to look like they did their jobs,” reads one comment on a Facebook forum.

As in other states, evictions and utility shutoffs have resumed in Virginia. The Democratic Party-controlled state General Assembly allowed a ban on utility shutoffs to lapse on August 31, citing the existence of \$120 million in aid to help vulnerable Virginians with paying their bills. However, “[i]t’s not clear if that money will cover all of the debt that has accumulated,” states local station WRIC.

While Virginia’s Democratic Party-controlled government has moved to pull the rug out from under the state’s most vulnerable residents, business approval has remained a top priority. According to CNBC’s “America’s Top States for Business” report published in July, Virginia “was our Top State before the pandemic in 2019, and is back on top coming out of it.”

“This is Virginia’s fifth win, having previously taken the title in 2007, 2009, 2011 and 2019—more times than any other state,” writes an accompanying article in CNBC. According to the “Top States” report, Virginia

was awarded 1,587 points out of a possible 2,500. It scored second in workforce education level and near the bottom in terms of cost of living.



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