



# COVID-19 "Wage Replacement" Laws

- PAID SICK LEAVE, PAID FAMILY LEAVE, STATE DISABILITY, WORKERS COMPENSATION, CHILDCARE LEAVE
- BENEFITS TO REPLACE LOST WAGES DURING THIS CRISIS

# NEW FEDERAL LAWS

- FAMILIES FIRST CORONAVIRUS RESPONSE ACT
- NEW TRILLION DOLLAR LAW YET TO COME

# FAMILIES FIRST CORONAVIRUS RESPONSE ACT

- Effective April 2, 2020, through December 31, 2020
- Applies to All Employers w/ Less than 500 Employees
- Creates 2 New Paid Leave Programs
  - Emergency Paid Sick Leave Act
  - Emergency Family & Medical Leave Expansion Act

# 1. FF Emergency Paid Sick Leave Act

- If
  - You are subject to quarantine or isolation order related to COVID 19, or
  - You are advised by a health care provider to self-quarantine, or
  - You are experiencing symptoms and seeking medical diagnosis, or
  - You are caring for someone subject to quarantine or with symptoms, or
  - You are caring for children because schools closed due to COVID 19, or
  - You are experiencing ‘any other substantially similar conditions’
- You are eligible if you fulfill **any 1** of these 6 conditions

# Paid Sick Leave – Part Two

- Entitled to 80 hours of additional paid sick leave from your employer if full time
- Entitled to fraction of 80 hours equal to fraction of 40 hour job you have: Pro Rated
- Paid at regular rate of pay up to \$511/day, or total of \$5,110 if for 1, 2, 3: your own problem
- Paid at \$200/day up to \$2000 if for 4,5,6 – caring for someone else
- May take this **before** they take other benefits (other vacation, sick leave, PTO)

## 2. FF Emergency Family & Medical Leave Act Expansion

- If employed for at least 30 days with employer
- If employer has fewer than 500 employees
- If you have serious illness, or need to care for family member w serious illness, OR
- IF YOU HAVE TO CARE FOR CHILDREN UNDER 18 BECAUSE OF SCHOOL CLOSURE

# FF Emergency FMLA Expansion – Part Two

- Unpaid leave for first 10 days (use sick leave then)
- Pay is at least 2/3 regular rate of pay times usual number of hours
- But no more than \$200/day and \$10,000 total
- Can **add it** to other kinds of paid leave already available
  - Vacation, Sick Leave, PTO, State benefits, etc.

# Job Restoration Rights

- Employer must make reasonable effort to re-employ after crisis or 12 weeks after leave starts (we shall see which applies...)
  
- AND EXTENDED SNAP (FOOD STAMP) BENEFITS
- AND SCHOOL LUNCH REPLACEMENT PROGRAM
- AND MILLIONS MORE TO FOOD BANKS





# CALIFORNIA LAWS

SOMETHING OLD, SOMETHING NEW

# CALIFORNIA 'WAGE REPLACEMENT'

- Paid Sick Leave Act
- Paid Family Leave Act
- Unemployment Insurance
- State Disability Insurance
- Workers' Compensation

# 1. Paid Sick Leave Act

- State Law requires employers to provide up to 3 days of paid sick leave a year
  - (must have worked 30 days w/i year, 90 day employment period)
  - Accrues at 1 hour per 30 worked, or 3 'frontloaded' at beginning of year
- May be used if you or family member for whom you must care is quarantined
- Most CBAs & MOUs have MORE, so this is often not important

## 2. Paid Family Leave

- If unable to work because you are caring for a family member who is ill or who is quarantined because of COVID 19
- Up to 8 weeks of paid leave (starting 7/1/20); for now still 6 weeks
- Paid at 60 to 70% of wages
- From \$50 to \$1300 per week
  
- May need medical certification of the quarantine

# 3. Unemployment Insurance

- Laid off or hours “substantially reduced” due to COVID-19 “shelter in place” or “lack of work”
- Partial wage replacement, about 60% of wages, ranges from \$40/wk to \$450/wk
- For 26 weeks.....so far....may be more.....
- Apply at [www.edd.ca.gov](http://www.edd.ca.gov)
- (only California benefit not for undocumented – because of Fed funding)

## 4. State Disability Insurance (SDI)

- If you are unable to work due to medical quarantine or illness”
- Certified by medical professional
- Benefit is 60% to 70% of wages, from \$50 to \$1300/wk, for 52 weeks
- May apply for **UI and SDI** – see what EDD does – UI is 26wks while SDI is 52 weeks
- Go to [www.edd.ca.gov](http://www.edd.ca.gov) to apply for UI and/or SDI

# 5. Workers' Compensation

- If you cannot work because of a work related injury, you may get
  - 1. TDI, and 2. PD, and 3. Medical Expenses
- If you think you have become infected at work place, you can file
- Best way....go to workers comp attorney
- Key benefit for health care workers to use
- More info: [www.dwc.ca.gov](http://www.dwc.ca.gov)

BE CAREFUL, BE SAFE, BE  
HEALTHY

TOGETHER WE WILL SURVIVE THIS

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