

Essential Training on Paid Sick Leave for Public Health Programs

Ensuring Equity in COVID vaccination, testing, isolation & quarantine

July 29, 2021, 3 -4pm

- Sebastián Sánchez,** Associate Secretary for Farmworker Liaison and Immigrant Services,
Labor & Workforce Development Agency
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Health Officer, Napa County
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Deputy Health Officer, San Mateo County



LABOR & WORKFORCE DEVELOPMENT AGENCY (LWDA)

The LWDA is an executive branch agency that provides leadership to protect and improve the well-being of California's current and future workforce. LWDA oversees seven major departments, boards, and panels that serve California businesses and workers.



Agricultural Labor Relations Board "La ley laboral"



PERB
California Public Employment Relations Board



Employment Training Panel

State of California
Unemployment Insurance Appeals Board



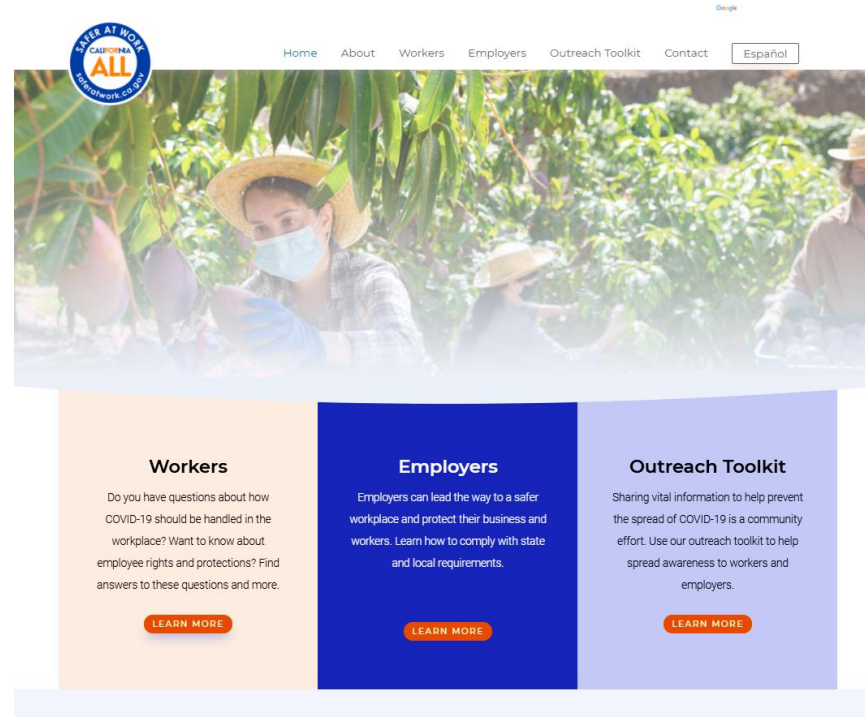
EDD Employment Development Department
State of California

CALIFORNIA
Workforce Development Board



www.labor.ca.gov

www.saferatwork.ca.gov



LEGAL AID AT WORK

- Non-profit organization **founded in 1916**
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- Work & Family; Gender Equity & LGBTQ Rights; National Origin & Immigrants' Rights; Wage Protection; Unemployment Benefits; Racial Economic Justice; Disability Rights



Free legal info, fact sheets

We offer know-your-rights trainings, 100-plus fact sheets, other online resources.

GET INFO



Clinics, helplines

We provide individualized legal advice and help, by phone and in person.

FIND CLINIC



Litigation

We bring class and individual actions, limited representation, impact litigation.

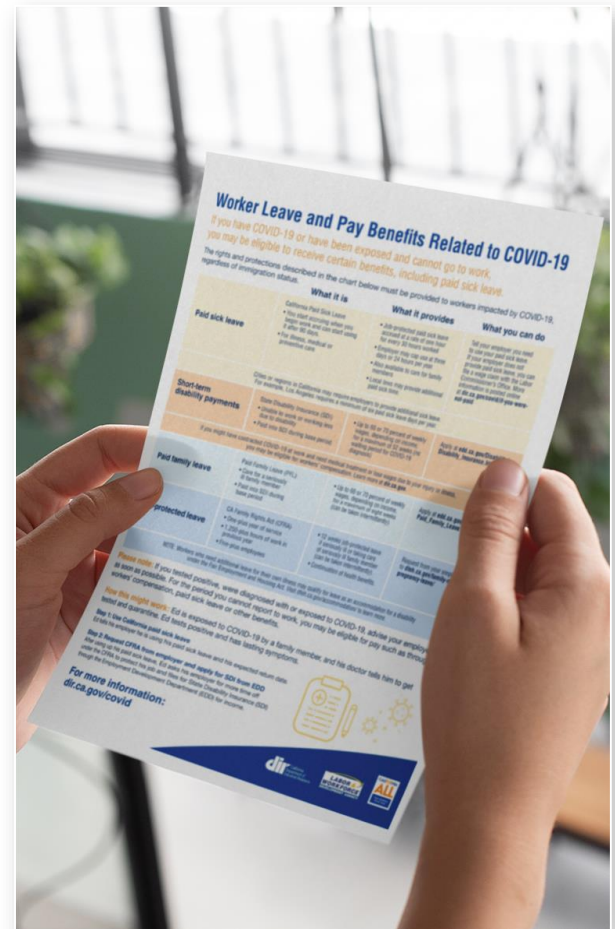


Policy advocacy

We draft and promote laws and policies to strengthen civil and workplace rights.

Participants understand:

1. Policies & rights that protect the health of workers
2. Fact sheets for cases, contacts, patients
3. How to utilize outreach toolkit with public health services



Proposal:

Standard Information about Sick Leave For each suspected/confirmed COVID case/contact across each public health and healthcare touchpoint

| What | How? | Where? |
|----------------------------|--|--|
| Public Information | Standard information | County govt/LHD webpages Healthcare system webpages |
| Testing | CA Testing Taskforce | Online registration (web link) Testing site (printed copy) Emailed result (web link) |
| Case/Contact Investigation | Web-based training Software integration | Letters Telephone Healthcare providers |
| Engagement w/ businesses | County taskforce Environmental health | Meetings for economic recovery Visits at worksites? |

Key Questions for CDPH-CCLHO: On April 1, 2021

1. *Assessment:* Is this impactful and feasible?
2. *Recommendation:* How should CCLHO and CDPH collaborate with California Labor & Workforce Development Agency and Legal Aid at Work?
3. Which particular LHDs, health officers, or other key stakeholders should be very involved with implementation?

Impact of Paid Sick Leave on Health Outcomes & Public Health

Mechanisms on Individual Health

1. “Presenteeism” increases virus transmission
2. Rest from work helps in healing and recovery
3. Job protection impacts physical/mental health and healthcare access
4. Income security

Impact on Public Health & Health Equity

1. Workplace transmission decreases when employees gain access to paid sick leave
2. Previous study: Sick leave policies reduce influenza-like illness by 40%
3. Analysis: Sick Leave policies reduced COVID case by 56% (400 fewer confirmed cases/day per state)
4. Inequitable access to rights & information

COVID-19

By Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth

COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States

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HEALTH AFFAIRS 39, NO. 12 (2020): 2197-2204
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Nicolas R. Ziebarth (nrz2@cornell.edu) is an associate professor in the Department of Policy Analysis and Management, Cornell University.

ABSTRACT This analysis examines whether the coronavirus disease 2019 (COVID-19) emergency sick leave provision of the bipartisan Families First Coronavirus Response Act (FFCRA) reduced the spread of the virus. Using a difference-in-differences strategy, we compared changes in newly reported COVID-19 cases in states where workers gained the right to take paid sick leave (treatment group) versus in states where workers already had access to paid sick leave (control group) before the FFCRA. We adjusted for differences in testing, day-of-the-week reporting, structural state differences, general virus dynamics, and policies such as stay-at-home orders. Compared with the control group and relative to the pre-FFCRA period, states that gained access to paid sick leave through the FFCRA saw around 400 fewer confirmed cases per state per day. This estimate translates into roughly one prevented case per day per 1,300 workers who had newly gained the option to take up to two weeks of paid sick leave.

The US is one of very few Organization for Economic Cooperation and Development (OECD) countries that does not guarantee universal access to paid sick leave for all workers.¹⁻⁴ Twenty-seven percent of all US employees and 17 percent of all US full-time employees cannot take paid sick leave. In the food and accommodation industries, more than half of all employees cannot take paid sick leave.^{5,6}

Amid the outbreak of coronavirus disease 2019 (COVID-19), the question of whether a lack of paid sick leave contributes to the spread of disease has gained new relevance. Focusing on the pre-pandemic era, research has shown that employees who lack paid sick leave are more likely to go to work sick, have financial hardships, skip preventive health care, and spread contagious diseases.¹⁻⁴ Economic models suggest that “contagious presenteeism” behavior—working while sick with a contagious disease—decreases when employees gain access to paid sick leave, as they are more likely to stay home when ill.¹⁵ Using variations in city- and state-level sick pay mandates across localities and over time, research has shown that increasing sick leave coverage causally reduces the spread of influenza.^{16,17}

After fifteen years of partisan disagreement over the federal Healthy Families Act,¹⁷ which proposes a federal sick leave mandate, the COVID-19 crisis led to the passage of a separate bipartisan emergency sick leave bill. On March 14, 2020, the House of Representatives passed the Families First Coronavirus Response Act (FFCRA), voting 340-40 in favor of passage. On March 18, 2020, the Senate approved the bill 90-8, and President Donald Trump signed it. The bill contains a provision that allows employees to take two weeks of COVID-19-related emergency sick leave coverage at full pay (up to a cap). In addition to other provisions, such as extended unemployment benefits, the bill also contains up to twelve weeks of paid family leave at two-thirds of daily pay for parents to take care of their chil-

DECEMBER 2020 39:12 HEALTH AFFAIRS 2197

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Why This Matters baseline rights:

Employers are allowed to fire employees for taking time off from work except for where the law prohibits it.

Leave protections have different eligibility requirements that may leave out workers depending on their tenure or the size of their employer.

Some leaves rights require medical certifications.

Not all leave rights require employers to provide pay.



LWDA COVID-19 Outreach Campaign

- Slow the spread of COVID-19 by strategically targeting high-risk industries and regions.
- Promote worker agency and cultivate culture of ("high road") employer compliance as part of California's public health and economic recovery framework.

| COVID-19 Workplace Outreach Project (CWOP) | Public Awareness Campaign | Training and Technical Assistance |
|---|---|--|
| <p>53 groups funded, including community-based organizations, worker centers, and Central Labor Councils</p> | <ul style="list-style-type: none"> • Radio ads | <ul style="list-style-type: none"> • Legal Aid at Work – Family and Work Program |
| <p>Target Regions: LA/OC/IE, San Diego and Imperial, Central Valley, Central Coast, Bay Area, Sacramento Region</p> | <ul style="list-style-type: none"> • General and Ethnic Media Channels | <ul style="list-style-type: none"> • UC Davis Western Center on Agricultural Health and Safety |
| <p>Target Industries: Agriculture, food processing (incl. meatpacking), janitorial (incl. housekeeping and hospitality), food services, warehouse/logistics, manufacturing (incl. Garment)</p> | <ul style="list-style-type: none"> • Social Media Posts | <ul style="list-style-type: none"> • UC Berkeley Labor and Occupational Health Program (LOHP) |
| <p>Key Messages: Workplace health and safety, paid sick leave, workers' compensation, anti-retaliation</p> | <ul style="list-style-type: none"> • Infographics • New microsite: saferatwork.ca.gov | <ul style="list-style-type: none"> • UCLA Labor and Occupational Safety and Health Program (LOSH) |

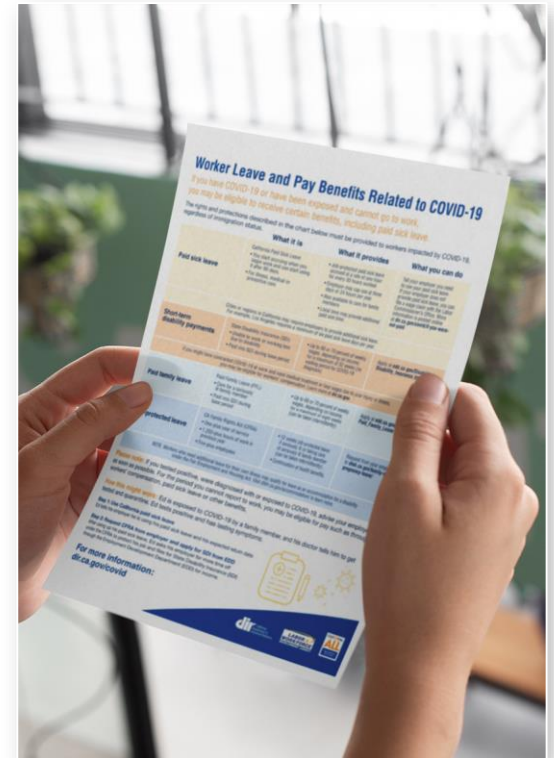


OVERVIEW

We will cover several options for **COVID-19 leave** and **pay**:

- Paid Sick Leave (PSL)
- Supplemental COVID-19 Paid Sick Leave
- Short term Disability Insurance (DI)
- Paid Family Leave (PFL)
- Job-protected leave (CFRA)
- Exclusion Pay

All of these rights and benefits are available **regardless of immigration status**.



Resource:

Worker Leave & Pay Benefits

- All of these rights and benefits are available regardless of immigration status.
- Translated in many languages
- Download at [Saferatwork.ca.gov](https://saferatwork.ca.gov)

<https://assets2.brandfolder.io/bf-boulder-prod/wrcqns634bn7w6gmfn8km4/v/58483076/original/Infographic%20-%20COVID-19%20Workforce%20Leave%20Rights%20-%20SPSL%20-%20English.pdf>




Worker Leave and Pay Benefits Related to COVID-19

If you have COVID-19 or have been exposed and cannot go to work, inform your employer immediately. You may be eligible to receive certain benefits, including paid sick leave.

The rights and protections described in the chart below must be provided to workers impacted by COVID-19, regardless of immigration status.


| | What it is | What it provides | What you can do |
|--|--|---|--|
| Paid Sick Leave (PSL) | California PSL <ul style="list-style-type: none"> • You start accruing when you begin work and can start using it after 90 days. • For illness, medical or preventive care | <ul style="list-style-type: none"> • Job-protected PSL accrued at a rate of one hour for every 30 hours worked • Employer may cap use at three days or 24 hours per year. • Also available to care for family members • Local laws may require additional paid sick time. | Tell your employer you need to use your PSL. If your employer does not provide PSL, you can file a wage claim with the Labor Commissioner's Office. More information at dir.ca.gov/covid/if-you-were-not-paid.html |
| Supplemental Paid Sick Leave (SPSL) | 2021 COVID-19 (SPSL) <ul style="list-style-type: none"> • Unable to work due to COVID-19 • Care for a family member who is unable to work or telework due to COVID-19 • To get or recover from the vaccine • All employees of businesses with 26 or more employees • Care for child whose school or childcare is closed due to COVID-19 | <ul style="list-style-type: none"> • Up to 80 hours leave in addition to PSL • For full-time or part-time workers • Can be used from 1/1/21 to 9/30/21 | Tell your employer you need to take SPSL or request payment for sick leave you took because of COVID-19 since 1/1/21. If your employer does not provide SPSL, you can file a wage claim at dir.ca.gov/dlse/HowToFileWageClaim.htm |
| Short-term Disability Payments (SDI) | State Disability Insurance (SDI) <ul style="list-style-type: none"> • Unable to work or working less due to disability • Paid into SDI during base period | <ul style="list-style-type: none"> • Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of 52 weeks (no waiting period for COVID-19 diagnosis) | Apply at edd.ca.gov/Disability/Disability_Insurance.htm |
| If you might have contracted COVID-19 at work and need medical treatment or lose wages due to your injury or illness, you may be eligible for workers' compensation. Learn more at dir.ca.gov/covid/if-you-get-sick-at-work.html . | | | |
| Paid family Leave (PFL) | Paid Family Leave (PFL) <ul style="list-style-type: none"> • Care for a seriously ill family member • Paid into SDI during base period | <ul style="list-style-type: none"> • Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of eight weeks (can be taken intermittently) | Apply at edd.ca.gov/Disability/Paid_Family_Leave.htm |
| Job-Protected Leave (CFRA) | CA Family Rights Act (CFRA) <ul style="list-style-type: none"> • One-plus year of service • 1,250-plus hours of work in previous year • Five-plus employees | <ul style="list-style-type: none"> • 12 weeks job-protected leave if seriously ill or taking care of seriously ill family member (can be taken intermittently). • Continuation of health benefits. | Request from your employer or go to www.dfeh.ca.gov/family-medical-pregnancy-leave/ |

NOTE: Workers who need additional leave for their own illness may qualify for leave as an accommodation for a disability under the Fair Employment and Housing Act. Visit www.dfeh.ca.gov/accommodation/ to learn more.



An example of using leave:
Ed is exposed to COVID-19 by a family member, and his doctor tells him to get tested and quarantine. Ed tests positive and has lasting symptoms.

Step 1: Use SPSL and PSL
Ed tells his employer he is using his paid sick leave and his expected return date.



Step 2: Request CFRA from employer and apply for SDI from EDD
After using up his SPSL and PSL, Ed asks his employer for more time off under the CFRA to protect his job and files for SDI through EDD for income.

For more information visit saferatwork.ca.gov





An example of using leave:
Ed is exposed to COVID-19 by a family member, and his doctor tells him to get tested and quarantine. Ed tests positive and has lasting symptoms.

Basic:

Step 1: Use SPSL and PSL

Ed tells his employer he is using his paid sick leave and his expected return date.



Extended or multiple:

Step 2: Request CFRA from employer and apply for SDI from EDD

After using up his SPSS and PSL, Ed asks his employer for more time off under the CFRA to protect his job and files for SDI through EDD for income.

Worker Leave and Pay Benefits Related to COVID-19

If you have COVID-19 or have been exposed and cannot go to work, inform your employer immediately. You may be eligible to receive certain benefits, including paid sick leave.

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| Supplemental Paid Sick Leave (SPSL) | 2021 COVID-19 (SPSL) <ul style="list-style-type: none"> • Eligible to work from COVID-19 • Care for a family member who is unable to work or otherwise due to COVID-19 • To get recovery from the vaccine • All employees of businesses with 50 or more employees • Care for child while enrolled or children in closed due to COVID-19 | <ul style="list-style-type: none"> • Up to 80 hours leave in addition to PSL • For full-time or part-time workers • Care for sick leave from 10/1/21 to 9/30/21 | Tell your employer you need to take SPSL or request payment for sick leave you took because of COVID-19 since 10/1/21. If your employer does not provide SPSL, you can file a wage claim at dca.gov/askdc . How do I get my claim filed? |
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| <small>If you might have contracted COVID-19 at work and need medical treatment or lose wages due to your injury or illness, you may be eligible for workers' compensation. Learn more at dca.gov/askdc/psl-get-sick-at-work.html.</small> | | | |
| Paid Family Leave (PFL) | Paid Family Leave (PFL) <ul style="list-style-type: none"> • Care for a seriously ill family member • Paid into SDI during being period | <ul style="list-style-type: none"> • Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of eight weeks (can be taken intermittently) | Apply at edd.ca.gov/Disability or Paid_Family_Leave.com |
| Job-Protected Leave (CFRA) | CA Family Rights Act (CFRA) <ul style="list-style-type: none"> • One year of service • 1,250 plus hours of work in previous year • Five-plus employees | <ul style="list-style-type: none"> • 12 weeks job-protected leave if seriously ill or taking care of seriously ill family member (can be taken intermittently) • Continuation of health benefits | Request from your employer or go to www.dhs.ca.gov/family-medical-protections/leave/ |

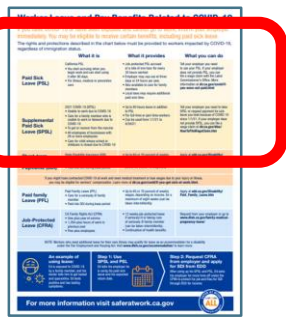
NOTE: Workers who need additional leave for their own illness may qualify for leave as an accommodation for a disability under the Employment and Housing Act. Visit www.dhs.ca.gov/askdc/psl-get-sick-at-work.html to learn more.

An example of using leave:
Ed is exposed to COVID-19 by a family member and his doctor tells him to get tested and quarantine. Ed tests positive and has lasting symptoms. Ed tells his employer he is using his paid sick leave and his expected return date.

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For more information visit saferatwork.ca.gov



Step 1: Use SPSL and PSL

Ed tells his employer he is using his paid sick leave and his expected return date.



Paid Sick Leave (PSL)

What it is

- California PSL
- You start accruing when you begin work and can start using it after 90 days.
- For illness, medical or preventive care

What it provides

- Job-protected PSL accrued at a rate of one hour for every 30 hours worked
- Employer may cap use at three days or 24 hours per year.
- Also available to care for family members
- Local laws may require additional paid sick time.

What you can do

Tell your employer you need to use your PSL. If your employer does not provide PSL, you can file a wage claim with the Labor Commissioner's Office. More information at dir.ca.gov/covid/if-you-were-not-paid.html

Supplemental Paid Sick Leave (SPSL)

- 2021 COVID-19 (SPSL)
- Unable to work due to COVID-19
- Care for a family member who is unable to work or telework due to COVID-19
- To get or recover from the vaccine
- All employees of businesses with 26 or more employees
- Care for child whose school or childcare is closed due to COVID-19

- Up to 80 hours leave in addition to PSL
- For full-time or part-time workers
- Can be used from 1/1/21 to 9/30/21

Tell your employer you need to take SPSL or request payment for sick leave you took because of COVID-19 since 1/1/21. If your employer does not provide SPSL, you can file a wage claim at dir.ca.gov/dlse/HowToFileWageClaim.htm



Step 2: Request CFRA from employer and apply for SDI from EDD

After using up his SPSL and PSL, Ed asks his employer for more time off under the CFRA to protect his job and files for SDI through EDD for income.

| | | | |
|--|--|---|--|
| <p>Short-term Disability Payments (SDI)</p> | <p>State Disability Insurance (SDI)</p> <ul style="list-style-type: none"> • Unable to work or working less due to disability • Paid into SDI during base period | <ul style="list-style-type: none"> • Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of 52 weeks (no waiting period for COVID-19 diagnosis) | <p>Apply at edd.ca.gov/Disability/Disability_Insurance.htm</p> |
|--|--|---|--|

If you might have contracted COVID-19 at work and need medical treatment or lose wages due to your injury or illness, you may be eligible for workers' compensation. Learn more at dir.ca.gov/covid/if-you-get-sick-at-work.html.

| | | | |
|---------------------------------------|---|---|--|
| <p>Paid family Leave (PFL)</p> | <p>Paid Family Leave (PFL)</p> <ul style="list-style-type: none"> • Care for a seriously ill family member • Paid into SDI during base period | <ul style="list-style-type: none"> • Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of eight weeks (can be taken intermittently) | <p>Apply at edd.ca.gov/Disability/Paid_Family_Leave.htm</p> |
|---------------------------------------|---|---|--|

| | | | |
|--|---|--|---|
| <p>Job-Protected Leave (CFRA)</p> | <p>CA Family Rights Act (CFRA)</p> <ul style="list-style-type: none"> • One-plus year of service • 1,250-plus hours of work in previous year • Five-plus employees | <ul style="list-style-type: none"> • 12 weeks job-protected leave if seriously ill or taking care of seriously ill family member (can be taken intermittently). • Continuation of health benefits. | <p>Request from your employer or go to www.dfeh.ca.gov/family-medical-pregnancy-leave/</p> |
|--|---|--|---|

Resource: **SAMPLE REQUEST FOR SUPPLEMENTAL PAID SICK LEAVE**

Dear **[employer]** _____ ,

I am requesting 2021 COVID-19 Supplemental Paid Sick Leave from **[date]** _____ to **[date]** _____ .

I need paid sick leave because (circle one):

- I am subject to a quarantine or isolation period or have been exposed and am following the guidance of California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer
- I have COVID-19 symptoms and am seeking a diagnosis
- I am getting a COVID-19 vaccine
- I am recovering from a COVID-19 vaccine
- I need to care for a family member who is ill with or exposed to COVID-19
- I need to care for my child because their normal care is unavailable because of COVID-19 on site.

Please let me know if you have questions.

I can be reached at **[phone number or email]** _____ .

Thank you,

[name] _____



<https://legalaidatwork.org/wp-content/uploads/2021/07/COVID-19-Supplemental-Paid-Sick-Leave-Request.pdf>



saferatwork.covid19.ca.gov

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[About](#)

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[Employers](#)

[Outreach Toolkit](#)

[Contact](#)

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Together, we can work safer.

Know your workplace rights, responsibilities, and resources.

Workers

Do you have questions about how COVID-19 should be handled in the workplace? Want to know about employee rights and protections? Find answers to these questions and more.

[LEARN MORE](#)

Employers

Employers can lead the way to a safer workplace and protect their business and workers. Learn how to comply with state and local requirements.

[LEARN MORE](#)

Outreach Toolkit

Sharing vital information to help prevent the spread of COVID-19 is a community effort. Use our outreach toolkit to help spread awareness to workers and employers.

[LEARN MORE](#)

Sections: All Flyers, Posters, & Infographics

- English
- Spanish
- Amharic
- Arabic
- Armenian
- Chinese (Simplified)
- Chinese (Traditional)
- Farsi
- Hindi
- Hmong
- Japanese
- Khmer
- Korean
- Laotian
- Marshallese
- Portuguese
- Punjabi
- Tongan
- Vakaviti
- Vietnamese
- New Today
- New This Week

LABELS <<

Resources and Materials





















- All Vaccine
- Social Media (click to expand options)
- General Outreach (click to expand options)
- Labor (click to expand options)
 - Labor - Vaccine
 - Labor - COVID-19 Prevention
 - Labor - Employer-Focused
 - Labor - Worker-Focused
 - Labor - Industry (click to expand options)
 - Partner Resources (click to expand options)

Labor (click to expand options) > Labor - Worker-Focused X

Filters 28 Any of these terms Q tags.strict:"SPSL"

Organize by section Sort by

Flyers, Posters, & Infographics 1-32 of 48 Assets

| | | | | |
|--|---|--|--|---|
|  <input type="checkbox"/> Chinese (S) - Right to Paid Sick Leave Flyer PDF |  <input type="checkbox"/> Chinese (S) - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Tagalog - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Tongan - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Armenian - Right to Paid Sick Leave Flyer PDF |
|  <input type="checkbox"/> Punjabi - Right to Paid Sick Leave Flyer PDF |  <input type="checkbox"/> Samoan - Right to Paid Sick Leave Flyer PDF |  <input type="checkbox"/> Tagalog - Right to Paid Sick Leave Flyer PDF |  <input type="checkbox"/> Farsi - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Spanish - Quick Facts on 2020 Paid Sick Leave Flyer PDF |
|  <input type="checkbox"/> Amharic - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Arabic - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Hmong - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Korean - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Marshallese - COVID-19 Worker-Focused Flyer PDF |
|  <input type="checkbox"/> Vietnamese - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Japanese - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Hindi - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Portuguese - COVID-19 Worker-Focused Flyer PDF |  <input type="checkbox"/> Vietnamese - COVID-19 Worker-Focused Flyer PDF |



PRACTICAL GUIDES: COVID-19 + MY JOB

COVID-19 + MY JOB: A PRACTICAL GUIDE

in CALIFORNIA

If you cannot work because of COVID-19, you may have the right to leave and pay.

This is true if you are:

- sick with COVID-19,
- have been exposed to COVID-19 or have symptoms,
- have been ordered to quarantine, or
- need time off to get a vaccine or recover from a vaccine.

This chart explains the rights you have to leave and pay related to COVID-19. The following pages explain how to access this leave and pay and offer additional tips. For information about leave and pay if you need to care for a child or an ill family member, check out [Caregiving, COVID-19 + My Job: A Practical Guide](#)

All of these rights and protections, except for Unemployment Insurance, are available regardless of immigration status.



PAID SICK TIME

(Use this first)

Local laws may provide additional paid sick time

THESE LAWS MAY HELP:

CA COVID SPSL

CA COVID-19 SUPPLEMENTAL PAID SICK LEAVE

- more than 25 employees
- January 2021 through September 2021

CA PSD

CA PAID SICK DAYS

- Worked at least 90 days
- For illness, medical appointments, or preventative care

Because they provide for:

- 2 weeks job-protected paid sick leave if subject to quarantine or isolation order, advised by health care provider to quarantine, experiencing symptoms and seeking a diagnosis, attending a vaccination appointment, or recovering from vaccination

Here's what to do:

Request from your employer

Go to [dlse.ca.gov](#)

Request from your employer

Go to [dlse.ca.gov](#)



JOB-PROTECTED LEAVE

CFRA

CALIFORNIA FAMILY RIGHTS ACT

- 1+ year of service
- 1250+ hours of work in previous year
- 5+ employees

FEHA/ADA

CA FAIR EMPLOYMENT & HOUSING ACT

- 5+ employees

AMERICANS WITH DISABILITIES ACT

- 15+ employees

- 12 weeks job-protected leave if seriously ill (can be taken intermittently)
- Continuation of health benefits

Request from your employer

Go to [dfeh.ca.gov](#)

Request from your employer (See [sample letters at legalaidatwork.org](#))



PAY

If you might have been exposed to or contracted COVID-19 at work, you may be eligible for exclusion pay or pay through workers' compensation. Learn more at [dir.ca.gov/dosh/](#) and [dir.ca.gov/dwc/](#)

DI

STATE DISABILITY INSURANCE

- Unable to work, or working less, due to disability
- Paid into SDI during base period

- Up to 60% or 70% of weekly wages, depending on income, for a max. of 52 weeks (no waiting period if have COVID-19 diagnosis)

Apply at [www.EDD.ca.gov](#)

UB

UNEMPLOYMENT BENEFITS

- Able to work but unemployed or working less through no fault of your own (laid off/fired, leave not granted) OR unable to work for reasons related to COVID-19
- End dates of COVID-19 related Unemployment Benefits vary

- \$40 to \$450 per week for up to 99 weeks - 26 weeks (traditional CA weekly benefit max) + 53 weeks (extensions provided under new COVID-19-related federal laws) + 20 weeks (extended benefits while unemployment rate is above a certain rate) plus additional \$300 weekly

Apply at [www.EDD.ca.gov](#)

LEGAL AID AT WORK

COVID-19 CAREGIVING + MY JOB: A PRACTICAL GUIDE

in CALIFORNIA

If you need time off work because you are caring for a family member affected by COVID-19, you may have the right to leave and pay.

This is true if you are caring for:

- a family member who has COVID-19,
- a family member who has been advised to quarantine, or
- a child whose school or place of care is closed or unavailable due to COVID-19 onsite.

This chart explains the rights you have to leave and pay for caregiving related to COVID-19. The following pages explain how to access this leave and pay and offer additional tips. For information about leave and pay if you have COVID-19, need to quarantine, or need to get vaccinated check out [COVID-19+My Job: A Practical Guide](#)

All of these rights and protections, except for Unemployment Insurance, are available regardless of immigration status.



PAID SICK TIME

(Use this first)

Local laws may provide additional paid sick time

THESE LAWS MAY HELP:

CA COVID SPSL

CA COVID-19 SUPPLEMENTAL PAID SICK LEAVE

- more than 25 employees
- January 2021 through September 2021

CA PSD

CA PAID SICK DAYS

- Worked at least 90 days
- Family member is ill, has medical appointments, or needs preventative care

Because they provide for:

- Up to 2 weeks of job-protected paid leave to care for a sick or quarantined family member, or care for a child whose school or childcare is closed or unavailable due to COVID-19 on the premises

Here's what to do:

Request from your employer

Go to [dlse.ca.gov](#)

Request from your employer

Go to [dlse.ca.gov](#)



JOB-PROTECTED LEAVE

CFRA

CALIFORNIA FAMILY RIGHTS ACT

- 1+ year of service
- 1250+ hrs of work in previous year
- 5+ employees

- 12 weeks job-protected leave to care for seriously ill family member (can be taken intermittently)
- Continuation of health benefits

Request from your employer

Go to [dfeh.ca.gov](#)

CA FSPA

CA FAMILY SCHOOL PARTNERSHIP ACT

- 25+ employees at worksite
- School or licensed day care provider is unavailable

- Up to 40 hours of job-protected leave to deal with a child care or school emergency, including COVID-19 closures.

Request from your employer

Go to [dlse.ca.gov](#)

PFL

CA PAID FAMILY LEAVE

- Care for a seriously ill family member
- Paid into SDI during base period

- Up to 60% or 70% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently)

Apply at [www.EDD.ca.gov](#)

UB

UNEMPLOYMENT BENEFITS

- Able to work but unemployed or working less through no fault of your own (laid off/fired, leave not granted) OR unable to work for reason related to COVID-19
- End dates of COVID-19 related Unemployment Benefits vary

- \$40 to \$450 per week for up to 99 weeks - 26 weeks (traditional CA weekly benefit max) + 53 weeks (extensions provided under new COVID-19-related federal laws) + 20 weeks (extended benefits while unemployment rate is above a certain rate) plus additional \$300 weekly

Apply at [www.EDD.ca.gov](#)

LEGAL AID AT WORK

Resource: UNDOCUMENTED WORKERS' GUIDE to Disability Insurance and Paid Family Leave

Overview of Undocumented Workers' Guide to Applying for California Disability Insurance and Paid Family Leave

See accompanying full guide for more detailed information. Current as of April 2021.

California Disability Insurance (DI) and Paid Family Leave (PFL) provide partial pay to eligible workers who need time off work. You can apply for these benefits through the Employment Development Department (EDD). These benefits are available regardless of immigration status.

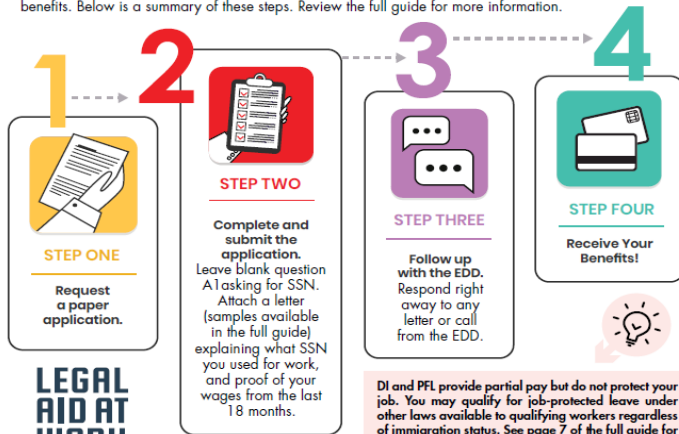
For what reasons can a worker receive DI and PFL benefits?

DI and PFL provide partial wage replacement while workers are taking time off to care for themselves or a family member:

| DI | PFL |
|---|---|
| A worker's own: <ul style="list-style-type: none">• Non-workplace illness or injury• Pregnancy• Childbirth | <ul style="list-style-type: none">• To care for a seriously ill family member• To bond with a newborn, adopted, or foster child• To address needs arising from a family member's overseas military deployment |

What if I do not have a Social Security number?

Because the DI and PFL applications ask for a Social Security number (SSN), this overview and accompanying guide provide recommended steps that undocumented workers can follow to apply for benefits. Below is a summary of these steps. Review the full guide for more information.



DI and PFL provide partial pay but do not protect your job. You may qualify for job-protected leave under other laws available to qualifying workers regardless of immigration status. See page 7 of the full guide for more information.

www.legalaidatwork.org © 04/2021. Legal Aid at Work cannot ensure this information is current or be responsible for any use to which it is put.

1. Request a Paper Application
2. Complete and Submit the Application, leaving blank SSN and attaching a letter and proof of wages
3. Follow up with the EDD
4. Receive your Benefits

Resources:

Workers face the same barriers in leave for illness, pregnancy, and family caregiving. For resources, visit legalaidthatwork.org/wf

I'm pregnant in CALIFORNIA pregnancy + MY JOB

All of these rights and protections, except for Unemployment Insurance, are available regardless of immigration status.

JOB-PROTECTED LEAVE

If you also qualify for the Federal Family & Medical Leave Act (FMLA), it will run at the same time as your leave under these state laws. It does not provide you with more leave.

PAY

ACCOMMODATIONS

HOW THIS MIGHT WORK

Lisa has a normal pregnancy, so she needs 4 weeks off before her due date and 6 weeks off after delivery to recover. After that, she needs 12 weeks off to bond with her newborn.

| THESE LAWS MAY HELP. | Because they provide for: | Here's what to do: |
|--|--|---|
| PREGNANCY DISABILITY LEAVE* - 5+ employees | - Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition - Continuation of health benefits | Request from your employer |
| CALIFORNIA FAMILY RIGHTS ACT** - 1+ year of service - 1250+ hrs of work in previous year - 5+ employees nationwide | - 12 weeks of job-protected bonding leave within 1 year of birth starting after pregnancy disability is over - Continuation of health benefits | Request from your employer |
| STATE DISABILITY INSURANCE - Unable to work, or working less, due to disability - Paid into SDI during base period | - Up to 80% or 70% of weekly wages, depending on income, for a max. of 52 weeks, after 1-week waiting period | Apply at www.EDD.ca.gov |
| PAID FAMILY LEAVE - On leave to bond with a newborn, newly adopted or foster child - Paid into SDI during base period | - Up to 80% or 70% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently) | Apply at www.EDD.ca.gov |
| CA PAID SICK DAYS - Worked at least 90 days - Ill or medical appointments | - Accrue 1 hour for every 30 hours worked up to a max. of 6 days per year - Employer may cap use at 3 days per year - Protection from retaliation | Request from your employer Go to dhs.ca.gov |
| FAIR EMPLOYMENT & HOUSING ACT - 5+ employees | - Changes to the way you do your job, transfer, or more leave as a reasonable accommodation for pregnancy. | Request from your employer |
| LACTATION ACCOMMODATIONS LAW | - Break time and a safe, clean private space (not a bathroom) for pumping, with a place to sit, a surface to place the breast pump, and access to electricity, a sink, and refrigeration. - Protection from discrimination, harassment, and retaliation | Go to dfeh.ca.gov or dhs.ca.gov |

*PDL, **CFRA, SDI, FMLA, PFL

Remember: if you qualify for FMLA, it runs at the same time as PDL and CFRA. It does not provide you with more leave.

LEGAL AID AT WORK
legalaidthatwork.org/wf
Call 800-880-8047
legalaidthatwork.org/wf

IN CALIFORNIA PREGNANCY + MY JOB: A Roadmap

See our accompanying guide for more detailed information.

1 You're Pregnant!
Learn about your rights at legalaidthatwork.org. You may have the right to paid sick days and time off for prenatal care.

2 Changes at Work
Talk to your doctor about your job. If you need changes at work, bring a doctor's note to your employer.

3 Leave from Work
Tell your employer at least 30 days before you plan to start your leave.

4 Pay During Leave
When your leave begins, apply for State Disability Insurance. After you recover, apply for 8 more weeks of Paid Family Leave. Contact EDD (edd.ca.gov) to apply for both.

5 Lactation
Before your leave, ask your employer about your right to break time and a private space to pump at work.

Your partner may also qualify for time off and pay.

LEGAL AID AT WORK
legalaidthatwork.org/wf
800-880-8047 call for free confidential advice

Created with support from the Skadden Foundation and provided by the Agency for Business.

800-880-8047

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MORE INFORMATION

For more information and resources in multiple languages, go to saferatwork.covid19.ca.gov

[Recorded Training on COVID-19 leave and pay rights](#)

Labor Agency's Supplemental COVID-19 Paid Sick Leave Toll-Free Hotline:

(855) LCO-SPSL (855-526-7775)

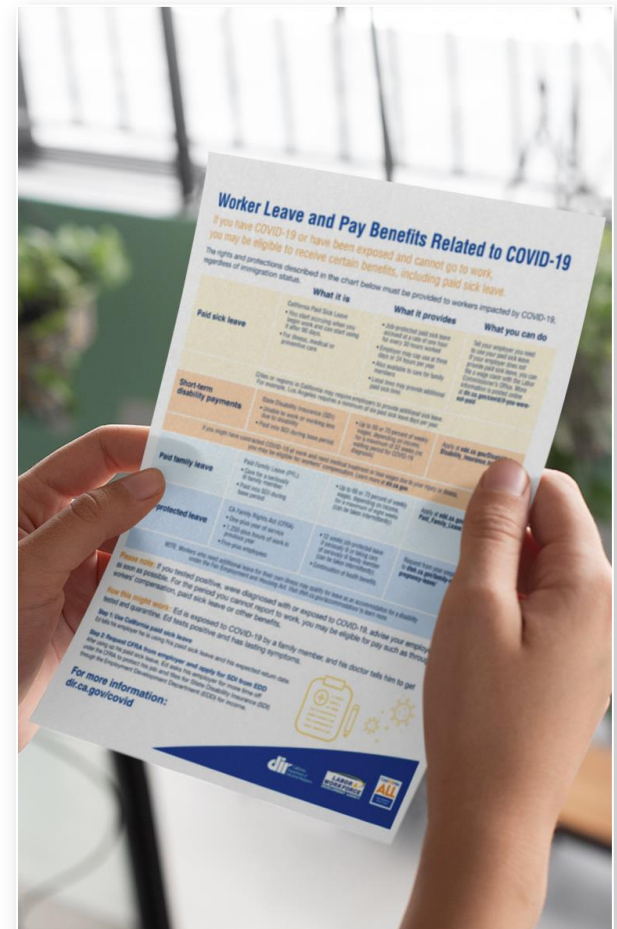
Legal Aid at Work's Work and Family Helpline:

800-880-8047



Participants understand:

1. Policies & rights that protect the health of workers
2. Fact sheets for cases, contacts, patients
3. How to utilize outreach toolkit with public health services



Questions?

For more information and resources in multiple languages, go to

saferatwork.covid19.ca.gov

[Legalaidthatwork.org/wf](https://legalaidthatwork.org/wf)

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