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 TO CARE FOR CHILDREN UNDER 18 BECAUSE OF SCHOOL CLOSURE
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 restore employees to same or equivalent position; employers with fewer than 25 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 family member who is ill or who is quarantined because of COVID 19
- Up to 8 weeks of paid leave
- 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, ranges from $40/wk to $450/wk

- For 26 weeks.....so far....may be more.....

- (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 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
QUESTIONS?

Remember many cannot be definitively answered yet
BE CAREFUL, BE SAFE, BE HEALTHY

TOGETHER WE WILL SURVIVE THIS

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