

# A Guide to **COVID-19** Replacement Income and Job-Protected Leave Programs for California Workers



Many California residents have lost work or experienced a reduction in hours because of coronavirus (COVID-19). Other Californians whose workplace is still open might need time off to care for themselves or a loved one. Many of these workers may be entitled to some time off for coronavirus-related absences, and/or eligible for some form of wage replacement while they are not working.

This guide provides an overview of the replacement income and job-protected leave programs available to California's workers, and can help orient workers to the programs that may be right for them.

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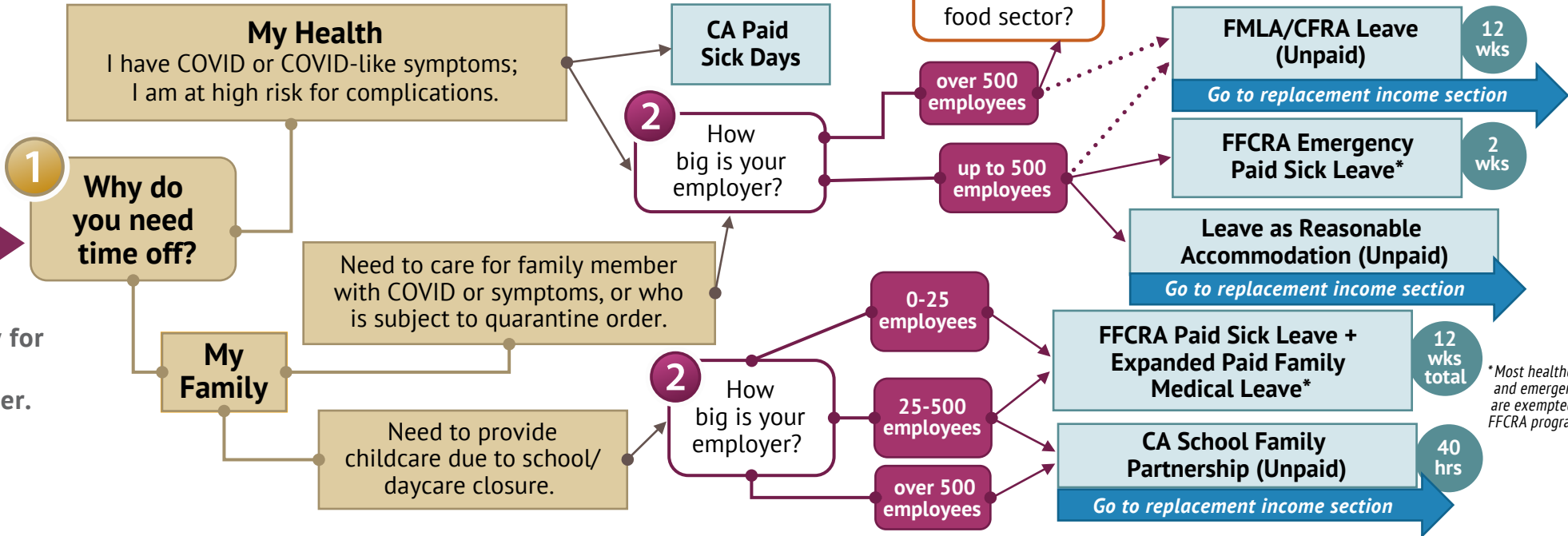
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

# NEED TIME OFF OR REPLACEMENT INCOME?

**Start here if**  
**Workplace Open, Hours Still Available**

**CAN I GET JOB-PROTECTED TIME OFF?**

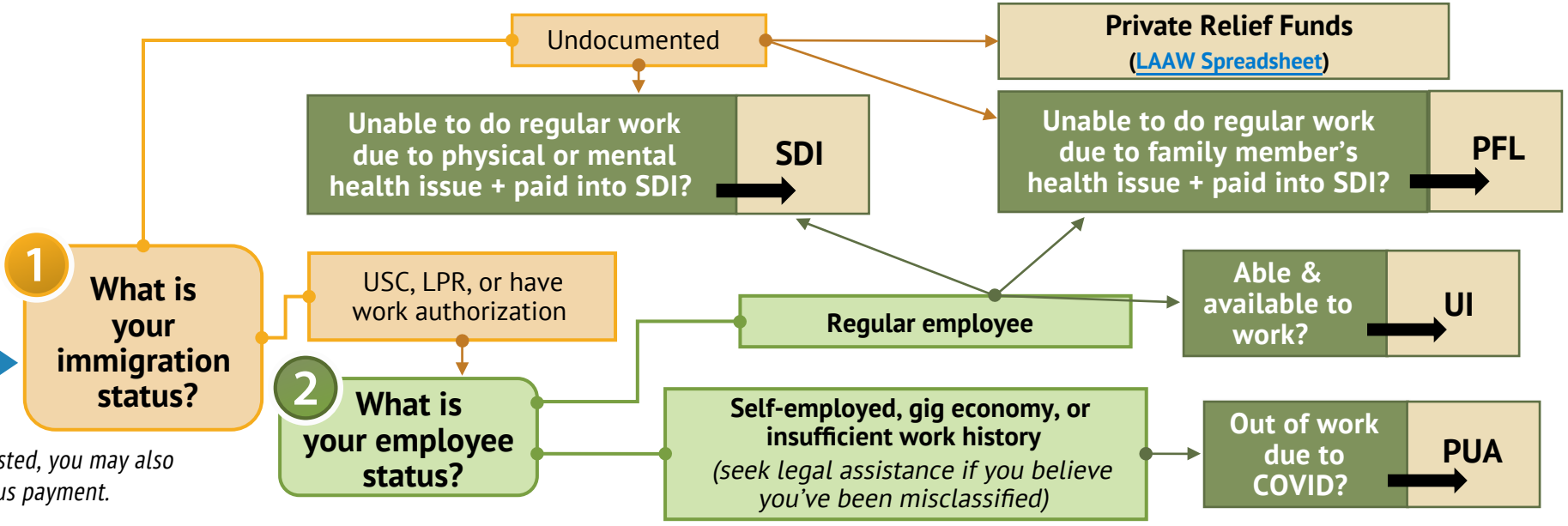
Note: Some people may qualify for multiple leave programs at the same time, or one after the other.



\*Most healthcare workers and emergency responders are exempted from FFCRA programs.

**Start here if**  
**Workplace is Closed, Lost Job or Hours Cut, or Taking Unpaid Time Off**

**HOW CAN I GET REPLACEMENT INCOME?**



In addition to the income replacement programs listed, you may also qualify for a one-time federal OR California stimulus payment.

## COVID-19 INCOME REPLACEMENT BENEFITS AVAILABLE REGARDLESS OF WHETHER WORKPLACE IS OPEN

PROTECTIONS/RESOURCES	BENEFITS	BASIC ELIGIBILITY	HOW TO GET IT
<p><b><a href="#">Unemployment Insurance (UI)</a></b></p> <p><b><a href="#">+ CARES Act Expansions</a></b></p>	<p>40-50% previous earnings, \$40-\$450 per week, for 26 weeks.</p> <p><b><a href="#">CARES Act Expansions (automatic):</a></b></p> <ul style="list-style-type: none"> <li>➤ Additional \$600 per week through July 31, 2020.</li> <li>➤ Benefits probably available for additional 13 weeks, so 39 weeks total.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Able &amp; available to work full-time, OR unavailable due to need to care for a child home from school with no other childcare option or ability to work remotely.</li> <li>✓ Out of work or hours much reduced.</li> <li>✓ Not at fault for separation from last job.</li> <li>✓ Some on-the-books work history and earnings (minimum amounts <a href="#">here</a>).</li> <li>✓ <u>Immigration Status</u>: Must have work authorization—generally not available to undocumented workers.</li> </ul>	<p>Apply via <b>Employment Development Department</b> (strongly suggested to apply <a href="#">online</a>).</p> <ul style="list-style-type: none"> <li>➤ If applying by phone, keep log &amp; ask to backdate.</li> <li>➤ No separate application for CARES Act Expansion.</li> </ul>
<p><b><a href="#">Pandemic Unemployment Assistance (PUA)</a></b></p>	<p>Based on previous income, approximately \$170-\$450/week, for up to 39 weeks.</p> <p>PUA recipients will also receive an additional \$600 per week.</p>	<ul style="list-style-type: none"> <li>✓ Able &amp; available to work at least part-time, OR unavailable related to COVID (ill, caring for other, work closed, etc.).</li> <li>✓ Out of work or hours much reduced related to COVID-19 pandemic.</li> <li>✓ Do not qualify for UI (e.g. self-employed, gig economy, or insufficient work history).</li> <li>✓ <u>Immigration Status</u>: U.S. Citizen, LPR, or other “<a href="#">qualified immigrant</a>.”</li> </ul>	<p>Apply via <b>EDD</b> (strongly suggested to apply <a href="#">online</a>).</p> <ul style="list-style-type: none"> <li>➤ Application is integrated with UI application.</li> </ul>
<p><b><a href="#">State Disability Insurance (SDI)</a></b></p>	<p>60 or 70% of your previous income, up to \$1,300 per week, for up to 52 weeks.</p>	<ul style="list-style-type: none"> <li>✓ Unable to do regular work due to medical condition, including mental health issue, pre-existing condition, or medically-required quarantine.</li> <li>✓ Medical provider must certify application.</li> <li>✓ Worker paid into SDI (deductions on paystubs).</li> <li>✓ <u>Immigration status</u>: Does not matter.</li> </ul>	<p>Apply via <b>EDD</b>.</p> <ul style="list-style-type: none"> <li>➤ If no SSN, apply on paper and leave blank, but send paystub or note saying what SSN you worked under.</li> <li>➤ Doctor can certify via EDD online.</li> </ul>
<p><b><a href="#">Paid Family Leave (PFL)</a></b></p>	<p>60 or 70% of your previous income, up to \$1,300 per week, for up to 6 weeks (8 weeks starting in July 2020).</p>	<ul style="list-style-type: none"> <li>✓ Unable to work due to need to care for ill or quarantined family member.</li> <li>✓ Medical provider certification may be required.</li> <li>✓ Worker paid into SDI (deductions on paystubs).</li> <li>✓ <u>Immigration status</u>: Does not matter.</li> </ul>	
<p><b>Private Relief Funds</b></p>	<p>Small, typically one-time grants to help cover basic necessities.</p>	<p style="text-align: center;">All relief funds have different application processes and eligibility. See Legal Aid at Work <a href="#">spreadsheet</a> for information about each relief fund. <i>None of the listed funds takes immigration status into account.</i></p>	

***In addition to the income replacement programs listed, you may also qualify for a one-time federal OR California stimulus payment***

## COVID-19 LEAVE BENEFITS (WITH OR WITHOUT PAY); GENERALLY REQUIRE WORKPLACE TO BE OPEN

PROTECTIONS/RESOURCES	BENEFITS	BASIC ELIGIBILITY	HOW TO GET IT
<p style="text-align: center;"><b>California Paid Sick Days</b> <i>(paid benefit)</i></p>	<ul style="list-style-type: none"> <li>➤ Time off paid at <b>regular rate</b></li> <li>➤ Employers may limit use to <b>3 days per year*</b></li> <li>➤ Healthcare benefits continue</li> </ul> <p><i>*Some jurisdictions have additional days.</i></p>	<ul style="list-style-type: none"> <li>✓ Employee has accrued sick leave.</li> <li>✓ Work history of at least 90 days with company.</li> <li>✓ Absence due to illness, diagnosis, seeking preventive care (including self-quarantine by order of civil authority), or care for a family member.</li> <li>✓ Workplace is still open &amp; hours are available.</li> </ul>	<p>Request from your employer.</p> <p>Accrued sick time should be listed on paystubs.</p>
<p style="text-align: center;"><b>Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave*</b> <i>(paid benefit)</i></p>	<ul style="list-style-type: none"> <li>➤ Paid time off for up to <b>two workweeks on top of</b> other paid sick days or accrued leave.</li> <li>➤ Compensation:                             <ul style="list-style-type: none"> <li>- <b>Regular wages</b> if for <u>own</u> illness or care, up to \$511/day.</li> <li>- <b>2/3 regular pay</b> for <u>care of other</u>, up to \$200/day.</li> </ul> </li> <li>➤ Continued healthcare benefits.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Unable to work or telework due to (a) own COVID-19 related illness, care, diagnosis, or quarantine, OR (b) COVID-related care of another, including child home due to COVID-related closure if no other care provider is available or for ill family member.</li> <li>✓ Employer has <u>fewer than 500</u> employees.</li> <li>✓ Workplace is still open &amp; hours are available.</li> <li>✗ <u>If using to care for a healthy child</u> and fewer than 50 employees, employer can claim exemption (leave would jeopardize business viability).</li> <li>✗ Emergency responders (broadly defined) not eligible.</li> </ul>	<p>Request from your employer. Include:</p> <p><b>Reason you are unable to work</b> and source of quarantine order or medical advice, if applicable.</p>
<p style="text-align: center;"><b>FFCRA Emergency Family and Medical Leave Expansion*</b> <i>(partially paid benefit)</i></p>	<ul style="list-style-type: none"> <li>➤ Job-protected time off</li> <li>➤ Up to <b>twelve weeks</b></li> <li>➤ First two weeks <b>unpaid</b> (can use paid sick days or other accrued leave)</li> <li>➤ Remaining 10 weeks paid at <b>2/3 regular rate</b>, up to \$200/day.</li> <li>➤ <u>Runs concurrent</u> with FFCRA Sick Days and FMLA leave.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Unable to work or telework due to need to care for child home due to COVID-related closure.</li> <li>✓ No other care provider is available.</li> <li>✓ Work history of at least 30 days with the company.</li> <li>✓ Employer has <u>fewer than 500</u> employees.</li> <li>✓ Workplace is still open &amp; hours are available.</li> <li>✗ If fewer than 50 employees at company, employer can claim exemption (leave would jeopardize business viability).</li> <li>✗ Emergency responders (broadly defined) not eligible.</li> </ul>	<p><b>If to care for a child</b>, include child's name, school info, and statement that no other caregiver is available.</p>
<p style="text-align: center;"><b>California COVID-19 Supplemental Paid Sick Leave for Food Sector Workers</b> <i>(paid benefit)</i></p>	<ul style="list-style-type: none"> <li>➤ Paid time off for up to <b>two workweeks on top of</b> other paid sick days or accrued leave.</li> <li>➤ Compensation: <b>Regular wages</b>, or state/local minimum wage if higher.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Food sector worker: includes agriculture, restaurants, grocery stores, food warehouses, food delivery</li> <li>✓ Works for a business with 500+ employees nationwide (regardless of if deemed employee).</li> <li>✓ Hiring entity does not already offer equivalent leave.</li> <li>✓ Worker is unable to work due to COVID-related quarantine or isolation order or advice of a health care provider; or is prohibited from working by hiring entity due to COVID-related health concerns.</li> </ul>	<p>Request from your employer.</p>

COVID-19 LEAVE BENEFITS (Continued from Page 3)

<p><b>Family Medical Leave Act (FMLA) / California Family Rights Act (CFRA)</b> (unpaid benefit)</p>	<ul style="list-style-type: none"> <li>➤ Job-protected time off <b>without pay</b></li> <li>➤ Up to <b>12 weeks</b> per year</li> <li>➤ With continued benefits</li> </ul> <p>(Consider <b>SDI</b> or <b>PFL</b> to replace income.)</p>	<ul style="list-style-type: none"> <li>✓ Medical certification of your own, or a family member's serious health condition.</li> <li>✓ Employer has 50+ employees within 75 miles.</li> <li>✓ Work history of 1+ year with the company and 1,250+ hours in the previous year (accommodations for seasonal workers).</li> </ul>	<p>Request from your employer. Provide medical certification if employer requests.</p>
<p><b>California Family School Partnership Act</b> (unpaid benefit)</p>	<ul style="list-style-type: none"> <li>➤ Up to 40 hours of <b>unpaid</b>, job protected time off.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Employer has 25+ employees in same location</li> <li>✓ Reason for leave is need to care for child due to childcare or school emergency, such as closure.</li> </ul>	<p>Provide notice to employer.</p>
<p><b>Leave as a Reasonable Accommodation</b> (unpaid benefit)</p>	<p>Typically: unpaid, job-protected leave. Duration depends on individual situation. (Consider <b>SDI</b> or <b>PFL</b> to replace income.)</p>	<ul style="list-style-type: none"> <li>✓ Employee has disabilities which necessitate leave.</li> <li>✓ Employer has 5+ employees.</li> <li>✓ Leave does not create undue hardship for employer.</li> </ul>	<p>Request from your employer. Template <a href="#">here</a>.</p>

OVERLAP OF JOB PROTECTED LEAVE BENEFITS (if eligible)

		Duration (weeks)	1	2	3	4	5	6	7	8	9	10	11	12
Job-Protection	Accrued Paid Sick Days													
	Other Accrued Paid Time Off	<i>based on accrual</i>												
	FFCRA Emergency Paid Sick Leave*													
	FMLA/CFRA Leave*													
	FFCRA Expanded Family Medical Leave*													
Pay During Leave**	Accrued Paid Sick Days													
	Other Accrued Paid Time Off	<i>based on accrual</i>				<i>employer may require use instead of FFCRA if available</i>								
	FFCRA Sick Days													
	FFCRA Expanded Family Leave													
	State Disability Insurance													
	Paid Family Leave													

\* Generally, if someone qualifies for two or more of these starred leave programs for the same underlying reason, they will run concurrently. However, some programs may be used consecutively for different underlying reasons:

Where an employee qualifies for FFCRA Expanded Family Medical Leave based on the need to care for a child at home due to school closure, FFCRA Emergency Paid Sick Leave, FFCRA Expanded Family Medical Leave, and FMLA leave run concurrently. This means that Emergency Paid Sick Leave can be used to replace income during the first two unpaid weeks of FFCRA Expanded Family Medical Leave. It also means that if the employee has already used some of their FMLA leave during the previous 12-month period, the timeframe of leave available will be reduced by that amount.

Where an employee qualifies for FMLA or CFRA leave based on their own or a family member's serious health condition, and the same condition also qualifies them for FFCRA Emergency Paid Sick Leave, Emergency Paid Sick Leave and FMLA/CFRA leave run concurrently. This means that FFCRA Emergency Paid Sick Leave can be used to replace income during the first two weeks of leave, and employees can evaluate whether they qualify for SDI or PFL to replace income during the remainder of leave.

\*\*Workers can generally only use one paid leave program at a time.

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