DFEH

Education and Outreach

2021 Family and Caregiving Leave Workshop:

Managing Employee Leave and Benefits in the Time of COVID-19

A PRESENTATION BY

DFEH

Education and Outreach

California Family Rights Act: 2021 Update

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DFEH Disclaimer

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

Mission

The Department of Fair Employment and Housing is California's Civil Rights Agency. The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from the perpetration of acts of hate violence and human trafficking.

DFEH Responsibilities

- Engage in public outreach and provide training and technical assistance to employers, business establishments, and housing providers regarding their responsibilities under the law
- Investigate discrimination complaints and cases of systemic discrimination
- Facilitate mediation and resolution of disputes involving civil rights
- Enforce the laws by prosecuting violations in civil court

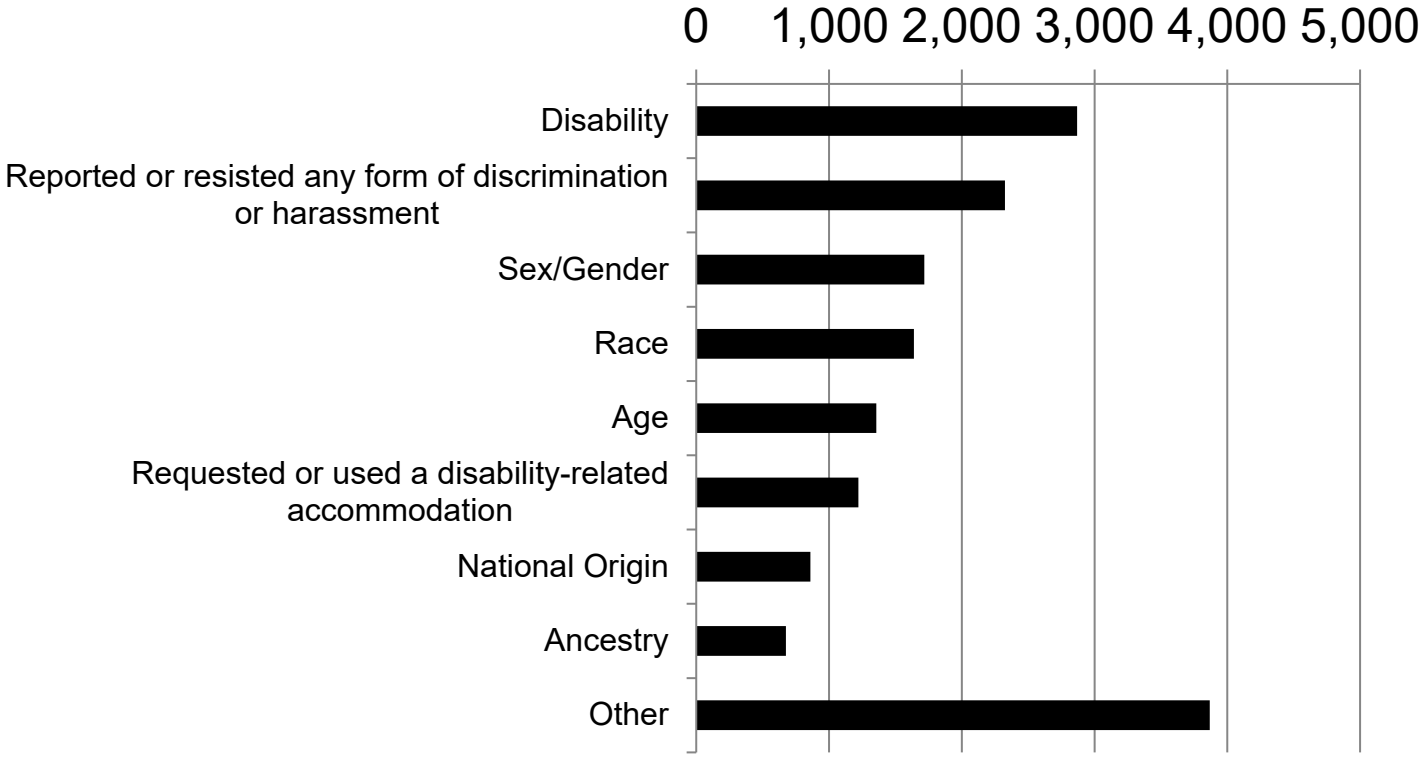
Employment

Employment Protected Bases

- Race (inc. hair texture and style)
- Color
- Ancestry
- National Origin
- Religion
- Age (40 and over)
- Disability (mental and/or physical)
- Sex
- Gender
- Sexual Orientation
- Gender Identity
- Gender Expression
- Medical Condition
- Genetic Information
- Marital Status
- Military and Veteran Status

2019 Employment Filings = 5,183 (1 of 3)

Total Employment Bases = 16,528



DFEH also issued 15,076 right-to-sue letters in 2019

2019 Employment Filings = 5,183 (2 of 3)

Total Employment Bases = 16,528

Bases of Employment Complaints	Total
Disability	2,868
Reported or resisted any form of discrimination or harassment	2,325
Sex/Gender	1,717
Race*	1,639
Age	1,356
Requested or used a disability-related accommodation	1,221
National Origin	859

* Beginning 1/1/2020, “race” is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

2019 Employment Filings = 5,183 (3 of 3)

Total Employment Bases = 16,528

Bases of Employment Complaints	Total
Ancestry	675
Sexual harassment- hostile environment	574
Requested or used leave under the California Family Rights Act or FMLA	476
Color	441
Sexual Orientation	311
Pregnancy, childbirth, breast feeding, and/or related medical conditions	282
Other	1,784

Table 2: Employment Right-to-Sue Complaints Filed by Bases

Age	6,456
Ancestry	2,518
Association with a member of a protected class	4,035
Baby Bonding Leave (employers of 20 - 49 people)	689
Color	3,413
Criminal History	254
Disability (physical or mental)	13,101
Family Care or Medical Leave (CFRA) (employers of 50 or more people)	6,773
Gender identity or expression	1,418
Genetic information or characteristic	1,132
Marital status	962
Medical condition (cancer or genetic characteristic)	5,764
Military and veteran status	219
National Origin	3,738
Pregnancy, childbirth, breast feeding, and/or related medical conditions	1,592
Race	6,029
Religious Creed - Includes dress and grooming practices	1,025
Sex/Gender	8,327
Sexual harassment- hostile environment	6,549
Sexual harassment- Quid Pro Quo	2,718
Sexual orientation	1,725
Other	6,863
Total	85,293*

California Family Rights Act Expansion: SB 1383

CFRA Expansion SB 1383: Effective January 1, 2021

- The California Family Rights Act (CFRA) now provides most employees in California with the right to take up to 12 weeks of leave from work to care for themselves or their family members with a serious health condition or to bond with a new child.
- Employees returning to work from CFRA leave are entitled to their same or a comparable position, among other job protections.
- Recent legislation (Senate Bill 1383) expands CFRA in several major respects.
- New California Family Rights Act Regulations (2 CCR 11087 et seq.) Effective 1/1/2021

CFRA Overview: 12 weeks of leave from work/right of reinstatement

To care for:

- Yourself or
- Their family members with a serious health condition

Child Bonding:

- Bond with a new child (birth, adoption, foster care)

Required:

- Worked for the employer for more than 12 months;
- Worked at least 1,250 hours in the 12 months prior to leave
- Employers with 5 or more employees for at least 20 calendar weeks in the current or preceding calendar year

Serious Health Condition

*An illness, injury, impairment, or physical or mental condition that generally involves either:

- Inpatient care (e.g. an overnight stay) in a hospital, hospice, or residential care facility; or
- Continuing treatment or supervision by a healthcare provider

Covered Employers

Employers of 5 or more employees covered by CFRA

- Before 2021, only employers for 50 or more employees

*Employers with 5 or more employees for at least 20 calendar weeks in the current or preceding calendar year

*CFRA also applies to the California state and local governments as employers

What is a CFRA calendar Year?

An employer may choose:

1. The calendar year
2. Any fixed 12-month “leave year”
3. 12-month period measured forward from the date any employee’s first CFRA leave begins,
4. A “rolling” 12-month period measured backward from the date an employee uses any CFRA leave

Worksite Limitation Eliminated

Worksite limitation eliminated (75-mile radius): To be eligible for CFRA leave, an employee generally has to meet 2 requirements:

- Worked for the employer for more than 12 months,
- Worked at least 1,250 hours in the 12 months prior to their leave.

Expansion of Family Members (1 of 2)

CFRA leave may now be taken to care for the serious health condition of a:

- spouse
- domestic partner
- parent
- a child of any age
- a child of a domestic partner
- grandparent
- grandchild
- sibling

Expansion of Family Members (2 of 2)

Note: Child means a biological, adopted, foster child, a stepchild, a legal ward, a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.

Note: "In loco parentis" means in the place of a parent; instead of a parent; charged with a parent's rights, duties, and responsibilities. It does not require a biological or legal relationship.

CFRA Leave Details (1 of 3)

- This leave may be up to 12 workweeks in a 12-month period.
- The 12-workweek period means 60 working and/or paid eight hour days for full-time employees.
- For part-time employees, the number of working days is adjusted on a pro rata basis (e.g., for an employee who works half-time, “12 workweeks” means 30 full days or 60 half days). 2 CCR § 11090(c)(1)

CFRA Leave Details (2 of 3)

CFRA's minimum duration of leave generally is two weeks, except that the employee has a right to shorter leaves (e.g., one day) on any *two* occasions and the employer shall grant requests for additional occasions of leave lasting less than two weeks. 2 CCR § 11090(d)

CFRA Leave Details (3 of 3)

- Reinstatement to same position.
- Exception—position no longer exists: An employee has no greater rights than would have had if continuously employed, even if the employer has given a written guarantee of reinstatement to the employee.
- Notice of available positions: The employer must inform the employee of available comparable positions by means "reasonably calculated" to give her notice of the job openings. 2 CCR § 11043(c)(2)(B)

Family Medical Leave Act (FMLA) (1 of 2)

- FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees in a 75 mile radius.
- Employer has employed 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding year.
- An employee has worked the minimum 1,250 hours of service and at least one year.
- **If the leave is common** to both CFRA and FMLA, this 12-month period will **run concurrently** with the 12-month period under

Family Medical Leave Act (FMLA) (2 of 2)

These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:

- Birth
- Placement with the employee of a child for adoption or foster care;
- Care for an immediate family member (spouse, child, or parent) with a serious health condition;
- Care for Military - 26 weeks.

COVID-19 and CFRA

Are employees entitled to job-protected leave under CFRA if they cannot work because they are ill because of COVID-19 or must care for a family member who is ill?

Employees may be entitled to up to 12 weeks of job-protected leave under the California Family Rights Act for their own serious health condition, or to care for certain types of family members.

COVID-19 will qualify as a serious health condition if it results in inpatient care or continuing treatment or supervision by a health care provider. It may also qualify as a serious health condition if it leads to conditions such as pneumonia

Circumstances for CFRA Expanded

CFRA leave may be taken for “a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.”

When New Parents Work for Same Employer

Limitation on parents working for the same employer eliminated: If both parents of a new child work for the same employer, each parent is entitled to up to 12 weeks of leave.

Key Employee Limitation Eliminated

Exceptions eliminated: All eligible employees who take CFRA leave have the same reinstatement rights.

- The exception for an employer's highest-paid employees has been eliminated.

DFEH Mediation Program

Small employer mediation program created: CFRA applies the same to covered employers regardless of size.

- However, DFEH offers mediation to smaller employers (5-19 employees) and their employees to resolve any dispute over CFRA leave, before the employee can proceed with a court case.

Key CFRA Provisions that Are Unchanged

What qualifies as a “serious health condition”?

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either (A) inpatient care in a hospital, hospice, or residential health care facility; or (B) continuing treatment or continuing supervision by a health care provider.

Is CFRA leave paid?
What about health benefits?

Employers may pay their employees while taking CFRA leave, but employers are not required to do so. Employees taking CFRA leave may be eligible for California's Paid Family Leave (PFL) program or State Disability Insurance (DI), which is administered by the Employment Development Department (EDD).

How much notice must an employee provide to their employer?

If the employee's need for CFRA leave is foreseeable, the employee must provide reasonable advance notice and, if due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the employer, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

If the employee's need for CFRA leave is not foreseeable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable or 15 days from the employer's request.

May an employer require medical certification?

An employer may require that an employee's request for leave for the employee's own health condition or to care for a family member who has a serious health condition be supported by a Certification.

CFRA Certification

Specific medical information need not be disclosed: The regulations do not require that an employee divulge the specific medical condition, diagnosis, or treatment (whether the employee's or a family member's) causing the need for a CFRA leave. 2 CCR § 11091(a)(1)

If the employer needs further information to determine whether the employee is requesting CFRA leave or the reason for the leave, it must request such information from the employee. 2 CCR § 11091(a)(1)

CFRA Certification

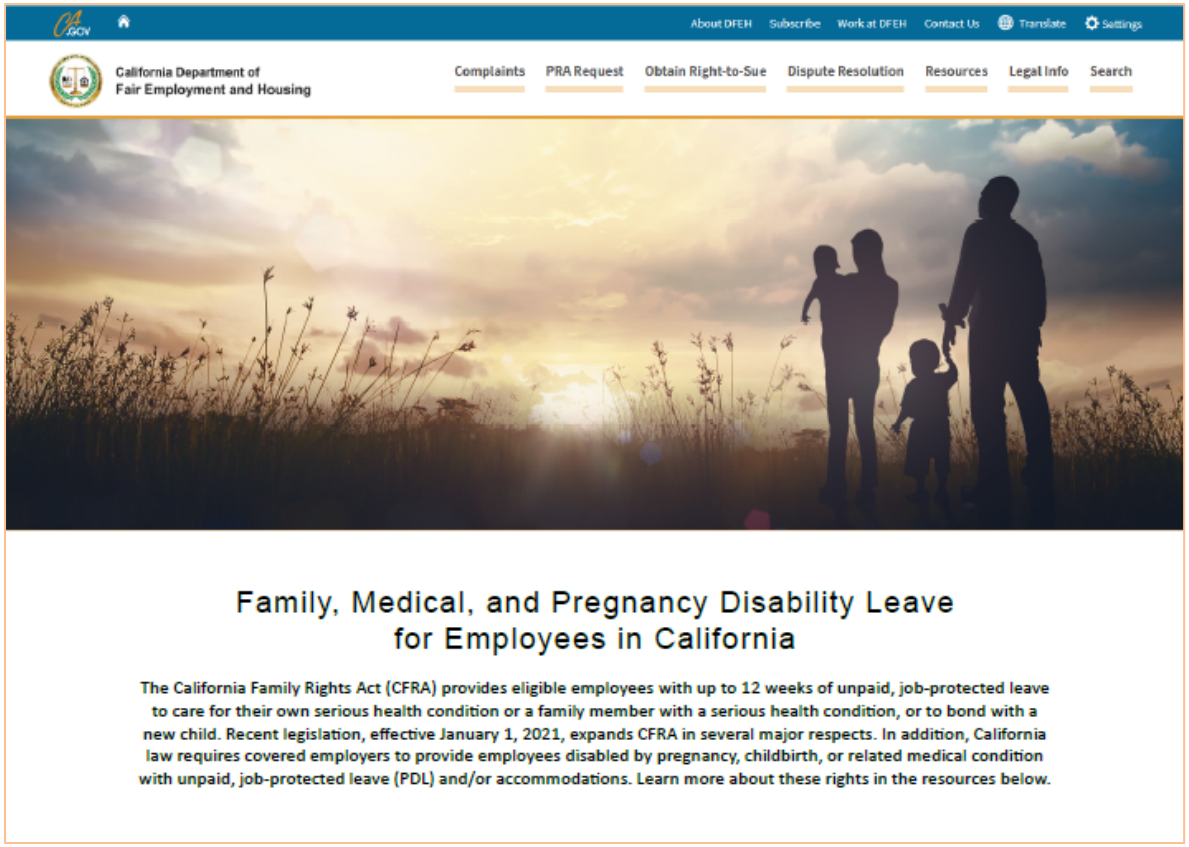
- CFRA regulations expressly prohibit an employer from contacting a healthcare provider for any reason other than to authenticate a medical certification. Also, the employee's supervisor may not contact the healthcare provider for any purpose. 2 CCR § 11091(b)

CFRA Notice

Form of notice: Employee notice to the employer of a CFRA leave request may be verbal. 2 CCR § 11091(a)(1).

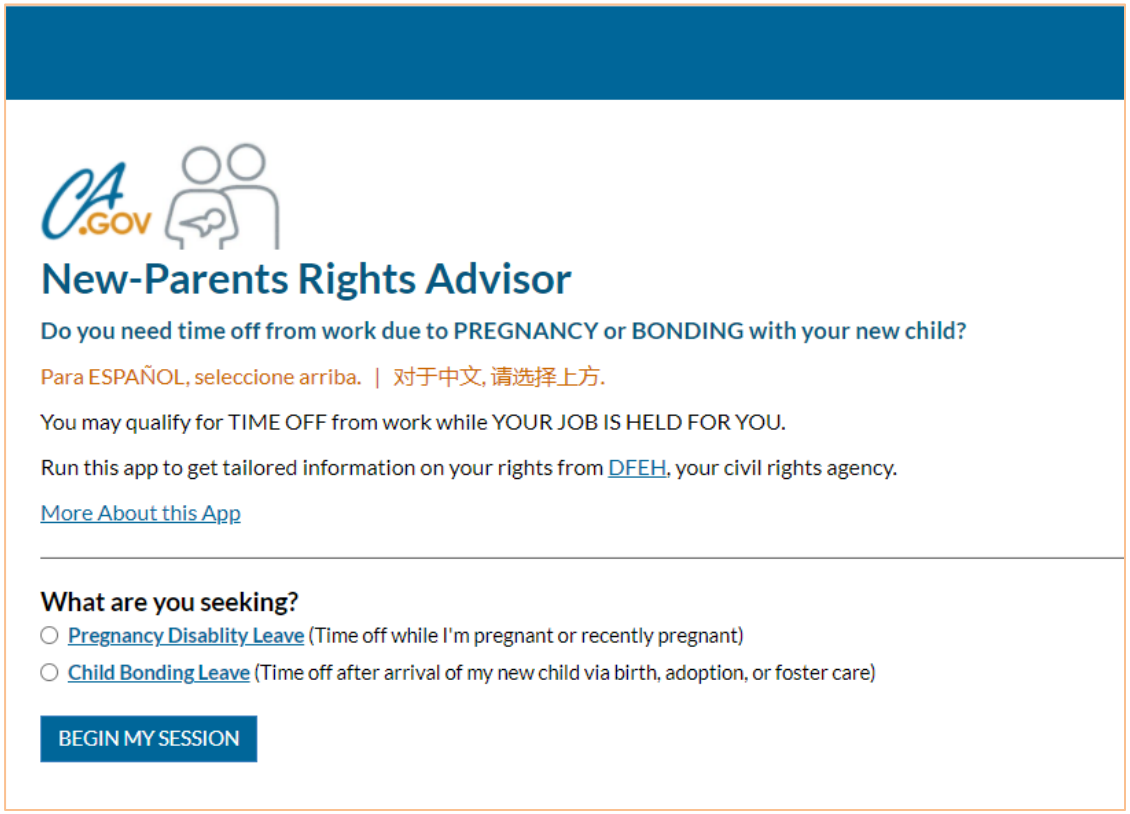
- Reason for leave: An employee need not specifically invoke rights under the CFRA
    - An employee may simply state that the leave is needed for medical treatment for the employee or a family member, or for the birth or adoption of a child. 2 CCR § 11091(a)(1).

Family and Medical Leave for Employees Toolkit



Family and Medical Leave for Employees Toolkit

Interactive App for New Parents and Pregnant Employees



DFEH Newsletters

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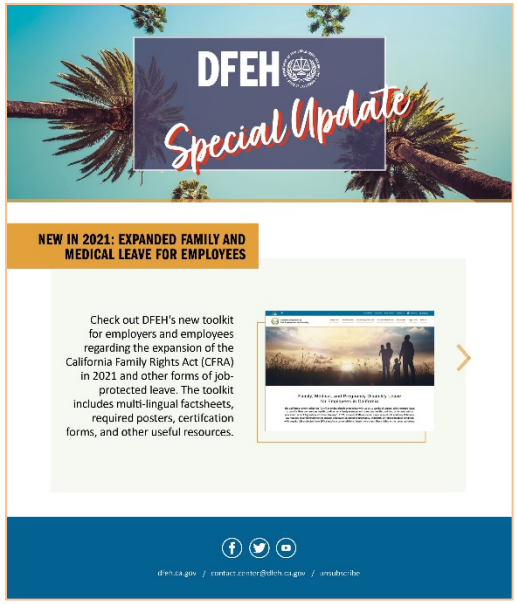
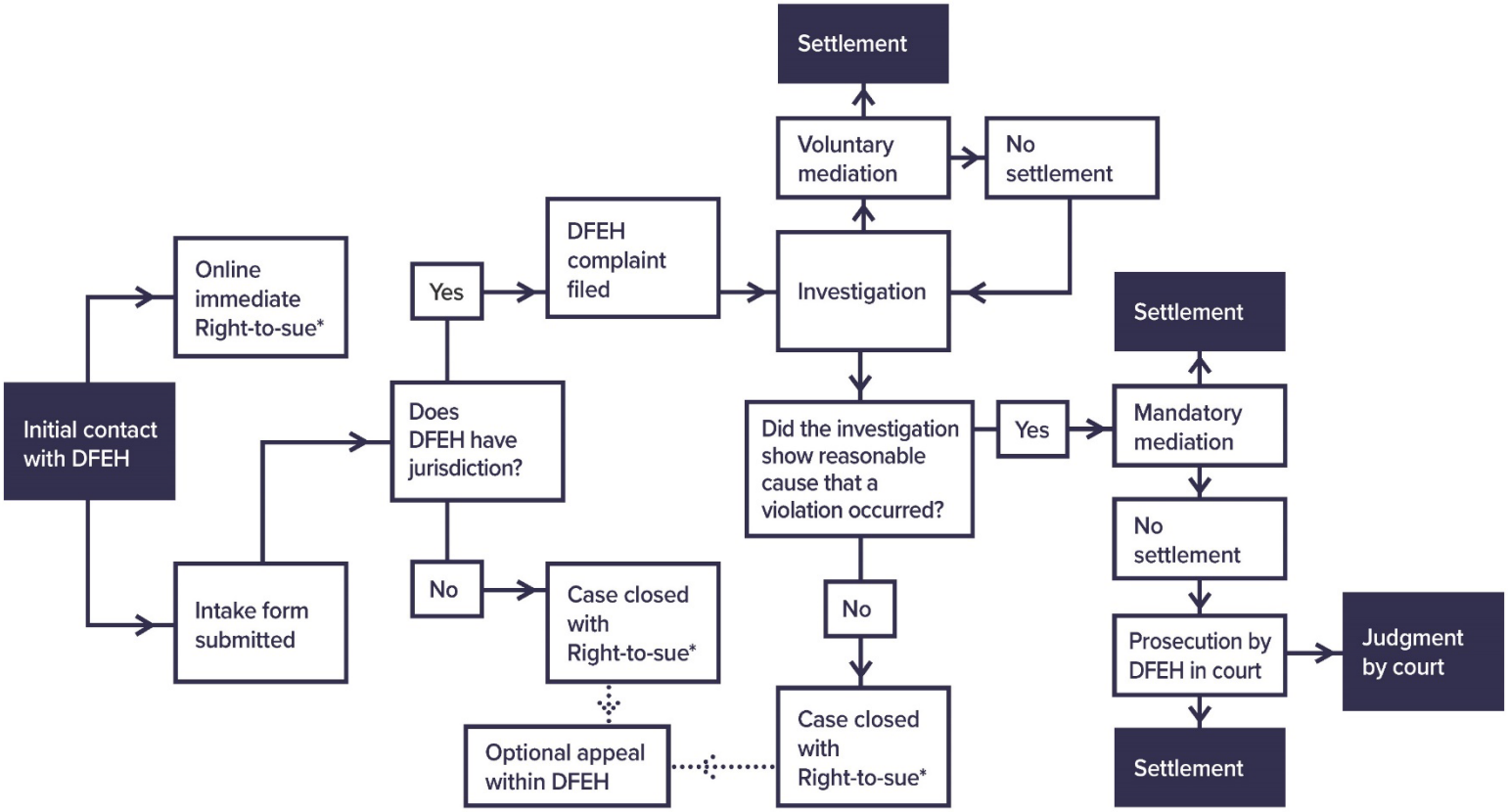


Employment Complaint Flowchart



DFEH Resources Highlights (1 of 2)

SEXUAL HARASSMENT

FACT SHEET

DFEH

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **"Quid pro quo"** (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **"Hostile work environment"** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within three years of the last act of harassment or retaliation.

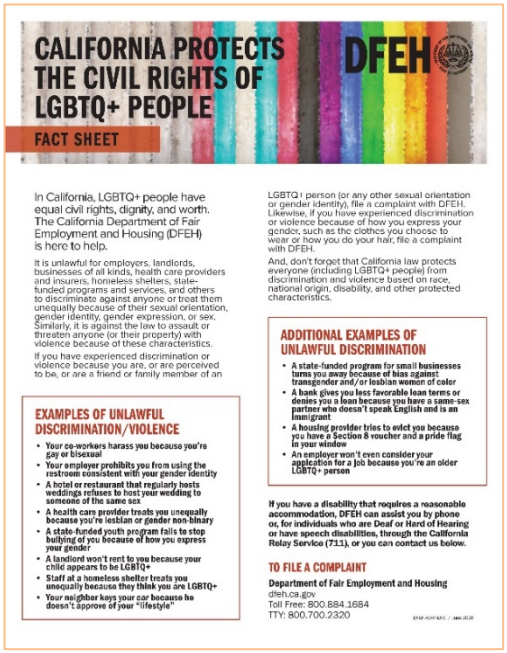
DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right to Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.



CALIFORNIA PROTECTS THE CIVIL RIGHTS OF LGBTQ+ PEOPLE

FACT SHEET

DFEH

In California, LGBTQ+ people have equal civil rights, dignity, and worth. The California Department of Fair Employment and Housing (DFEH) is here to help.

It is unlawful for employers, landlords, businesses of all kinds, health care providers and insurers, homeless shelters, state-funded programs and services, and others to discriminate against anyone or treat them unequally because of their sexual orientation, gender identity, gender expression, or sex. Similarly, it is against the law to assault or threaten anyone (or their property) with violence because of these characteristics.

If you have experienced discrimination or violence because you are, or are perceived to be, or are a friend or family member of an LGBTQ+ person (or any other sexual orientation or gender identity), file a complaint with DFEH. Likewise, if you have experienced discrimination or violence because of how you express your gender, such as the clothes you choose to wear or how you do your hair, file a complaint with DFEH.

And, don't forget that California law protects everyone (including LGBTQ+ people) from discrimination and violence based on race, national origin, disability, and other protected characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION/VIOLENCE

- **Your co-workers harass you because you're gay or bisexual**
- **Your employer prohibits you from using the restroom consistent with your gender identity**
- **A hotel or restaurant that regularly hosts weddings refuses to host your wedding to someone of the same sex**
- **A health care provider treats you unequally because you're lesbian or gender non-binary**
- **A state-funded youth program fails to stop bullying of you because of how you express your gender**
- **A landlord won't rent to you because your child appears to be LGBTQ+**
- **Staff at a homeless shelter treats you unequally because they think you are LGBTQ+**
- **Your neighbor keys your car because he doesn't approve of your "lifestyle"**

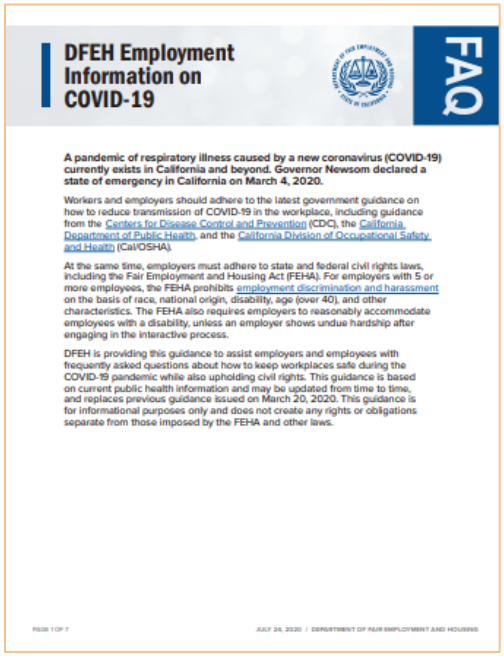
ADDITIONAL EXAMPLES OF UNLAWFUL DISCRIMINATION

- **A state-funded program for small businesses turns you away because of bias against transgender and/or lesbian women of color**
- **A bank gives you less favorable loan terms or denies you a loan because you have a same-sex partner who doesn't speak English and is an immigrant**
- **A housing provider tries to evict you because you have a Section 8 voucher and a pride flag in your window**
- **An employer won't even consider your application for a job because you're an older LGBTQ+ person**

If you have a disability that requires a reasonable accommodation, DFEH can assist you by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

TO FILE A COMPLAINT

Department of Fair Employment and Housing
dfeh.ca.gov
Toll Free: 800.884.1684
TTY: 800.700.2320



DFEH Employment Information on COVID-19

FAQ

A pandemic of respiratory illness caused by a new coronavirus (COVID-19) currently exists in California and beyond. Governor Newsom declared a state of emergency in California on March 4, 2020.

Workers and employers should adhere to the latest government guidance on how to reduce transmission of COVID-19 in the workplace, including guidance from the Centers for Disease Control and Prevention (CDC), the California Department of Public Health, and the California Division of Occupational Safety and Health (Cal/OSHA).

At the same time, employers must adhere to state and federal civil rights laws, including the Fair Employment and Housing Act (FEHA). For employers with 5 or more employees, the FEHA prohibits employment discrimination and harassment on the basis of race, national origin, disability, age (over 40), and other characteristics. The FEHA also requires employers to reasonably accommodate employees with a disability, unless an employer shows undue hardship after engaging in the interactive process.

DFEH is providing this guidance to assist employers and employees with frequently asked questions about how to keep workplaces safe during the COVID-19 pandemic while also upholding civil rights. This guidance is based on current public health information and may be updated from time to time, and replaces previous guidance issued on March 20, 2020. This guidance is for informational purposes only and does not create any rights or obligations separate from those imposed by the FEHA and other laws.

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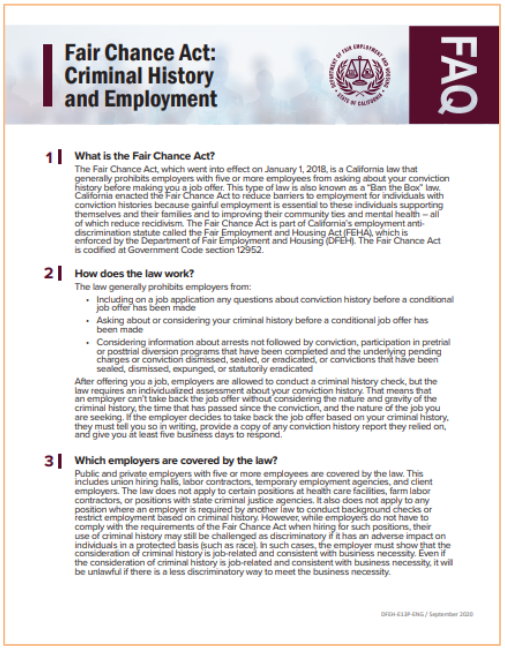
JULY 24, 2020 / DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DFEH Resources Highlights (2 of 2)



Fair Chance Act: Criminal History and Employment

FAQ

1 | What is the Fair Chance Act?

The Fair Chance Act, which went into effect on January 1, 2018, is a California law that generally prohibits employers with five or more employees from asking about your conviction history before making you a job offer. This type of law is also known as a "Ban the Box" law. California enacted the Fair Chance Act to reduce barriers to employment for individuals with conviction histories because gainful employment is essential to these individuals supporting themselves and their families and to improving their community ties and mental health – all of which reduce recidivism. The Fair Chance Act is part of California's employment anti-discrimination statute called the Fair Employment and Housing Act (FEHA), which is enforced by the Department of Fair Employment and Housing (DFEH). The Fair Chance Act is codified at Government Code section 12952.

2 | How does the law work?

The law generally prohibits employers from:

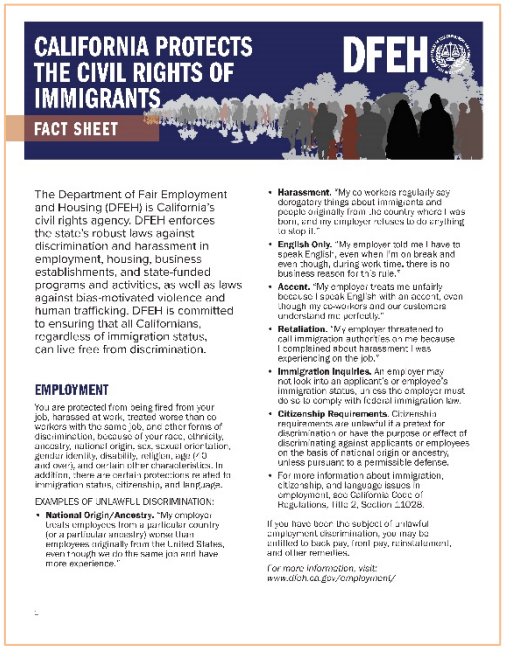
- Including on a job application any questions about conviction history before a conditional job offer has been made
- Asking about or considering your criminal history before a conditional job offer has been made
- Considering information about arrests not followed by conviction, participation in pretrial or posttrial diversion programs that have been completed and the underlying pending charges or conviction dismissed, sealed, or eradicated, or convictions that have been sealed, dismissed, expunged, or statutorily eradicated

After offering you a job, employers are allowed to conduct a criminal history check, but the law requires an individualized assessment about your conviction history. That means that an employer can't take back the job offer without considering the nature and gravity of the criminal history, the time that has passed since the conviction, and the nature of the job you are seeking. If the employer decides to take back the job offer based on your criminal history, they must tell you so in writing, provide a copy of any conviction history report they relied on, and give you at least five business days to respond.

3 | Which employers are covered by the law?

Public and private employers with five or more employees are covered by the law. This includes union hiring halls, labor contractors, temporary employment agencies, and client employers. The law does not apply to certain positions at health care facilities, farm labor contractors, or positions with state criminal justice agencies. It also does not apply to any position where an employer is required by another law to conduct background checks or restrict employment based on criminal history. However, while employers do not have to comply with the requirements of the Fair Chance Act when hiring for such positions, their use of criminal history may still be challenged as discriminatory if it has an adverse impact on individuals in a protected basis (such as race). In such cases, the employer must show that the consideration of criminal history is job-related and consistent with business necessity. Even if the consideration of criminal history is job-related and consistent with business necessity, it will be unlawful if there is a less discriminatory way to meet the business necessity.

DFEH-413P-ENG / September 2020



CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

DFEH

FACT SHEET

The Department of Fair Employment and Housing (DFEH) is California's civil rights agency. DFEH enforces the state's robust laws against discrimination and harassment in employment, housing, business establishments, and state-funded programs and activities, as well as laws against bias-motivated violence and human trafficking. DFEH is committed to ensuring that all Californians, regardless of immigration status, can live free from discrimination.

EMPLOYMENT

You are protected from being fired from your job, harassed at work, treated worse than co-workers with the same job, and other forms of discrimination, because of your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, age (40 and over), and certain other characteristics. In addition, there are certain protections related to immigration status, citizenship, and language.

EXAMPLES OF UNLAWFUL DISCRIMINATION:

- **National Origin/Ancestry.** "My employer treats employees from a particular country (or a particular ancestry) worse than employees originally from the United States, even though we do the same job and have more experience."
- **Harassment.** "My co-workers regularly say derogatory things about immigrants and people originally from the country where I was born, and my employer refuses to do anything to stop it."
- **English Only.** "My employer told me I have to speak English, even when I'm on break and even though, during work time, there is no business reason for this rule."
- **Accent.** "My employer treats me unfairly because I speak English with an accent, even though my co-workers and our customers understand me perfectly."
- **Retaliation.** "My employer threatened to call immigration authorities on me because I complained about harassment I was experiencing on the job."
- **Immigration Inquiries.** An employer may not look into an applicant's or employee's immigration status, unless the employer must do so to comply with federal immigration law.
- **Citizenship Requirements.** Citizenship requirements are unlawful if a pretext for discrimination or have the purpose or effect of discriminating against applicants or employees on the basis of national origin or ancestry, unless pursuant to a permissible defense.
- For more information about immigration, citizenship, and language issues in employment, see California Code of Regulations, Title 2, Section 11028.

If you have been the subject of unlawful employment discrimination, you may be entitled to back pay, front pay, reinstatement, and other remedies.

For more information, visit: www.dfeh.ca.gov/employment/

UNDERSTANDING AND PREVENTING ANTI-ASIAN BIAS

A two-part webinar series presented by the California Department of Fair Employment and Housing and Stop AAPI Hate

- **For Employers, Housing Providers, Business Owners, and State-Funded Organizations** — REGISTER
  Thursday, February 4, 2021 / 10:00 AM – 11:00 AM
  TOPICS: Know Your Legal Obligations, Strategies for Bias Prevention and Conflict Resolution, and Recent Data on Increased Anti-Asian Bias in California
- **For Employees, Tenants, Consumers, Community Members, and Social Service Organizations** — REGISTER
  Thursday, February 18, 2021 / 10:00 AM – 11:00 AM
  TOPICS: Know Your Rights, Strategies for Bias Prevention and Conflict Resolution, and Recent Data on Increased Anti-Asian Bias in California

FREE REGISTRATION • MCLE CREDIT*

*An application requesting 1 hour of MCLE credit (elimination of bias) for this activity is pending approval by the State Bar of California.

Recent data indicate increased violence and discrimination against individuals and communities of Asian descent. The California Department of Fair Employment and Housing (DFEH) and the Stop AAPI Hate coalition – Asian Pacific Policy and Planning Council (A3PCON), Chinese for Affirmative Action (CAA), and San Francisco State University (SFSU) – invite you to a free two-part webinar series to raise awareness about anti-Asian racism and xenophobia in California, copycat strategies for reducing and preventing bias, and legal rights and obligations enforced by DFEH, California's civil rights agency.

A3PCON CAA

Thank you!

For more information, please contact DFEH:

www.dfeh.ca.gov
contact.center@dfeh.ca.gov
accommodations@dfeh.ca.gov
Toll Free: (800) 884-1684
TTY: (800) 700-2320
California Relay Service 711

California State Disability Insurance

2021 Family and Caregiving Leave Workshop

Employment Development Department
State of California

State Disability Insurance

Disability Insurance

Provides up to **52 weeks** of partially paid leave for a non-work related illness, injury, or pregnancy.

Paid Family Leave

Provides up to **eight weeks** of partially paid leave to bond with a new child, to care for a seriously ill family member, or to participate in a qualifying event during a family member's military deployment.

Program Funding

1.2%

withholding rate

$128,298

taxable wage limit

$1,539.58

maximum yearly employee contribution

State Disability Insurance Facts

- Covers over **18 million California workers**.
- Replaces **approximately 60-70 percent of the employee's income**.
- The employee must have earned **at least $300 in wages** during **their 12-month base period.**
- The State Disability Insurance program **does not provide entitlement to leave or job protection**.
- Citizenship and immigration status **do not affect eligibility**.

Employment Status and State Disability Insurance

A self-employed individual may be **eligible** if contributing to the **Disability Insurance Elective Coverage program**.

Seasonal employees, part-time workers, and unemployed individuals may still qualify.

Unemployed individuals must be looking for work and/or collecting **Unemployment Insurance (UI).**

Disability Insurance

- Experience a wage loss due to being unable to perform regular and customary work because of the disability.
- Be under the care of a physician/practitioner.
- Serve a seven-day, non-payable waiting period.
- Submit a claim within 49 days.

Paid Family Leave

- Have a loss of wages due to the need to provide care for a seriously ill family member, to bond with a new child, or to participate in a qualifying event as a result of a family member's military deployment.
- No waiting period.
- Submit a claim within 41 days.
- Benefits can be used intermittently.

Paid Family Leave Claim Types

Care Claim

- To qualify, an individual must care for a seriously-ill child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, or registered domestic partner.
- The care recipient must be under the care of a physician/practitioner.
- Benefits must be used within a 12-month period.
- Can be used for out-of-state or out-of-country care.

Bonding Claim

- To qualify, an individual must be a new parent welcoming a child into the family through **birth, adoption, or foster care placement.**
- Must include documented evidence of the individual's relationship to the child.
- Benefits are payable within **one year of the child's birth or placement, if eligible.**

New mothers can take Disability Insurance leave followed by Paid Family Leave, for example:

Disability Insurance
4 Weeks

→

Birth

→

Disability Insurance
6 - 8 Weeks

→

Paid Family Leave
8 weeks*

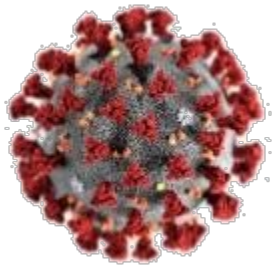
*Your employee's Paid Family Leave time can be split and doesn't have to be taken all at once.

Military Assist Claim

To qualify, an individual must assist a family member in the US Armed Forces during a qualifying event.

- A qualifying event is a military event or essential need resulting from a family member's military deployment to a foreign country.
- Requires documentation of the military deployment and the qualifying event.

Responding to COVID-19



DI and PFL benefits are available for Californians covered by State Disability Insurance who are affected by COVID-19.

DI: Available to eligible workers who are unable to work because they have or suspect they have COVID-19.

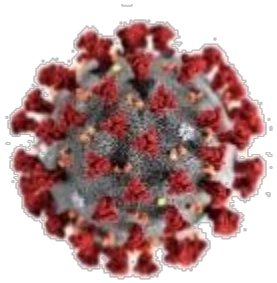
PFL: Available to eligible workers who take time off from work to care for a family member who has or suspects they have COVID-19.

For additional information, visit:

COVID-19 Resources (edd.ca.gov/about_edd/coronavirus-2019.htm)

COVID-19 FAQs (edd.ca.gov/about_edd/coronavirus-2019/faqs.htm)

Responding to COVID-19



The Employment Development Department (EDD) has taken several steps to prevent the spread of COVID-19.

Office Closures: Public counters and in-person services for DI and PFL are closed until further notice.

Online Assistance: SDI Online is the quickest way to file and get information about your claim.

- Visit **SDI Online (**edd.ca.gov/Disability/SDI_Online.htm).
- Select **My Claim Summary** to ask a question about your DI claim.

For **questions** about your **PFL claim,** visit AskEDD (https://askedd.edd.ca.gov/).

As an Employer, What are Your Responsibilities?

Notice to Employees

EDD Employment Development Department State of California

This employer is registered with the Employment Development Department (EDD) as required by the California Unemployment Insurance Code and is reporting wage credits to the EDD that are being accumulated for you to be used as a basis for:

UI

Unemployment Insurance

(funded entirely by employers' taxes)

Unemployment Insurance (UI) is paid for by your employer and provides partial income replacement when you are unemployed or your hours are reduced due to no fault of your own. To claim UI benefit payments you must also meet all UI eligibility requirements, including that you must be available for work and searching for work.

How to File a New UI Claim

Use one of the following methods:

- **Online:** UI Online℠ is the fastest and most convenient way to file your UI claim. Visit UI Online (edd.ca.gov/UI_Online) to get started.
- **Phone:** Representatives are available at the following toll-free numbers, Monday through Friday between **8 a.m. to 12 noon** (Pacific Standard Time) except during state holidays.

English	**1-800-300-5616**	**Cantonese**	**1-800-547-3506**	**Vietnamese**	**1-800-547-2058**
Spanish	**1-800-326-8937**	**Mandarin**	**1-866-303-0706**	**TTY**	**1-800-815-9387**

- **Fax or Mail:** When accessing UI Online to file a new claim, some customers will be instructed to fax or mail their UI application to the EDD. If this occurs, the *Unemployment Insurance Application* (DE 1101I), will display. For faster and more secure processing, fax the completed form to the number listed on the form. If mailing your UI application, use the address on the form and allow additional time for processing.

Important: Waiting to file your UI claim may delay benefit payments.

DI

Disability Insurance

(funded entirely by employees' contributions)

Disability Insurance (DI) is funded by employees' contributions and provides partial wage replacement benefits to eligible Californians who are unable to work due to a non-work-related illness, injury, pregnancy, or disability.

Your employer must provide the *Disability Insurance Provisions* (DE 2515) brochure, to newly hired employees and to each employee who is unable to work due to a non-work-related illness, injury, pregnancy, or disability.

How to File a New DI Claim

Use one of the following methods:

- **Online:** SDI Online is the fastest and most convenient way to file your claim. Visit SDI Online (edd.ca.gov/SDI_Online) to get started.
- **Mail:** To file a claim with the EDD by mail, complete and submit a *Claim for Disability Insurance (DI) Benefits* (DE 2501) form. You can obtain a paper claim form from your employer, physician/practitioner, visiting a State Disability Insurance office, online at EDD Forms and Publications (edd.ca.gov/Forms), or by calling 1-800-480-3287.

Note: If your employer maintains an approved Voluntary Plan for DI coverage, contact your employer for assistance.

For more information about DI, visit State Disability Insurance (edd.ca.gov/disability) or call 1-800-480-3287.
State government employees should call 1-866-352-7675.
TTY (for deaf or hearing-impaired individuals only) is available at 1-800-563-2441.

PFL

Paid Family Leave

(funded entirely by employees' contributions)

Paid Family Leave (PFL) is funded by employees' contributions and provides partial wage replacement benefits to eligible Californians who need time off work to care for seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. Benefits are available to parents who need time off work to bond with a new child entering the family by birth, adoption, or foster care placement. Benefits are also available for eligible Californians who need time off work to participate in a qualifying event resulting from a spouse, registered domestic partner, parent, or child's military deployment to a foreign country.

Your employer must provide the *Paid Family Leave* (DE 2511) brochure, to newly hired employees and to each employee who is taking time off work to care for a seriously ill family members, to bond with a new child, or to participate in a qualifying military event.

How to File a New PFL Claim

Use one of the following methods:

- **Online:** SDI Online is the fastest and most convenient way to file your claim. Visit SDI Online (edd.ca.gov/SDI_Online) to get started.
- **Mail:** To file a claim with the EDD by mail, complete and submit a *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) form. You can obtain a paper claim form from your employer, a physician/practitioner, visiting a State Disability Insurance office, online at EDD Forms and Publications (edd.ca.gov/Forms), or by calling 1-877-238-4373.

Note: If your employer maintains an approved Voluntary Plan for PFL coverage, contact your employer for assistance.

For more information about PFL, visit State Disability Insurance (edd.ca.gov/disability) or call 1-877-238-4373.
State government employees should call 1-877-945-4747.
TTY (for deaf or hearing-impaired individuals only) is available at 1-800-445-1312.

Display the EDD Poster

Notice to Employees (DE 1857A)

Provide Employee Brochures

- *Disability Insurance Provisions* (DE 2515)
- *Paid Family Leave* (DE 2511)

To **order** the required poster and brochures, visit EDD Forms and Publications (forms.edd.ca.gov/forms).

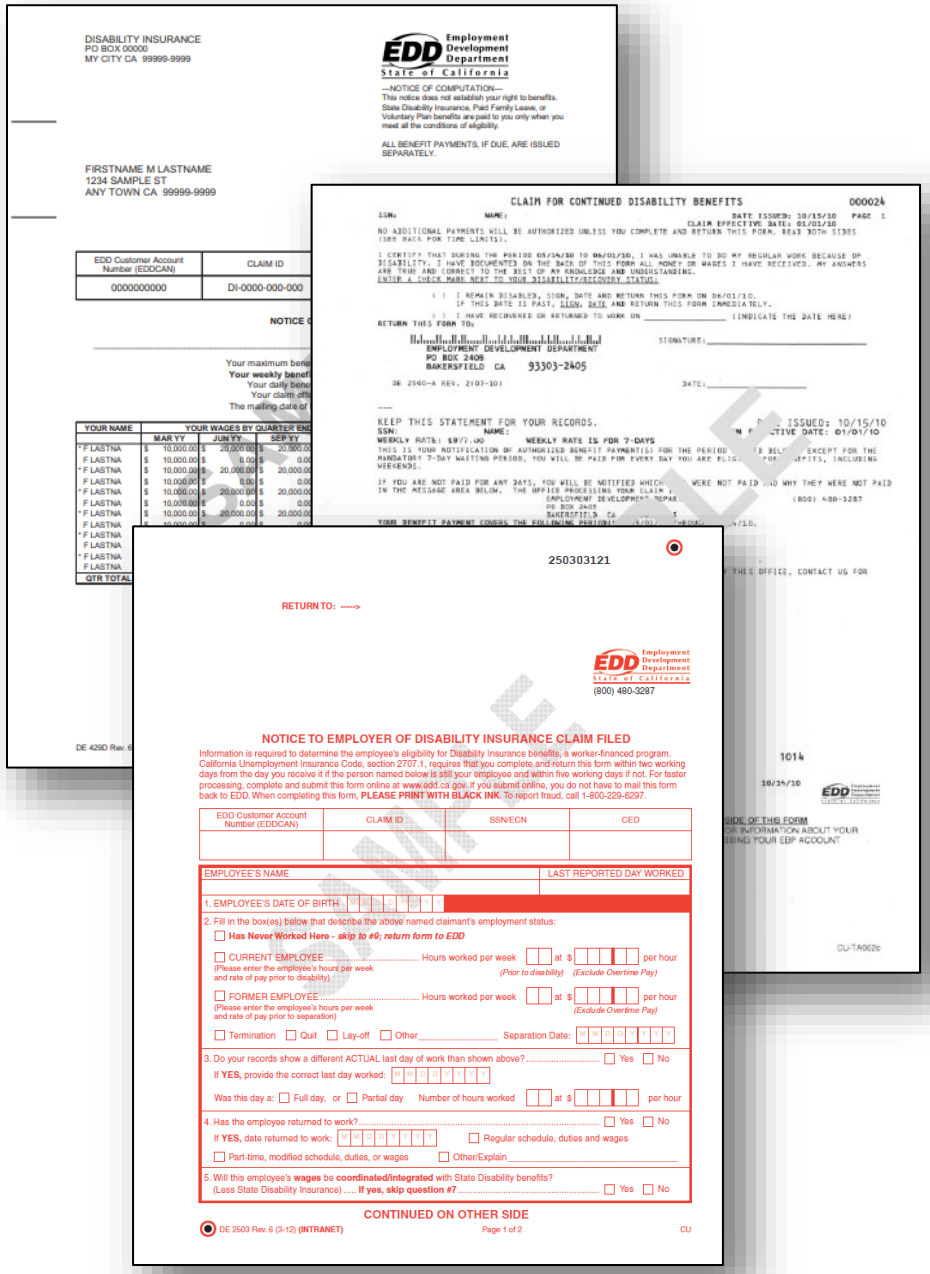
Wage Integration

- The Paid Parental Leave Ordinance (PPLO) requires covered employers to provide supplemental pay while employees are receiving their Paid Family Leave benefits.
- Employers may choose to supplement an employee's salary while they are receiving Disability Insurance.
- Employers may request to be added to the Disability Insurance and Paid Family Leave integration lists.

Wage Integration Documents

- Obtain a copy of the *Notice of Computation* (DE 429D or DE 429DF) or *Electronic Benefit Payment (EBP) Notification* (DE 2500E) for the weekly benefit amount.

- Employers must complete the *Notice to Employer* (DE 2503/DE2503F).



250303121

RETURN TO: ---->

Employment Development Department
State of California
(800) 480-3287

NOTICE TO EMPLOYER OF DISABILITY INSURANCE CLAIM FILED

Information is required to determine the employee's eligibility for Disability Insurance benefits, a worker-financed program. California Unemployment Insurance Code, section 2707.1, requires that you complete and return this form within two working days from the day you receive it if the person named below is still your employee and within five working days if not. For faster processing, complete and submit this form online at www.edd.ca.gov. If you submit online, you do not have to mail this form back to EDD. When completing this form, **PLEASE PRINT WITH BLACK INK**. To report fraud, call 1-800-229-6297.

EDD Customer Account Number (EDDCAN)	CLAIM ID	SSN/EON	CED

EMPLOYEE'S NAME	LAST REPORTED DAY WORKED

1. EMPLOYEE'S DATE OF BIRTH M M D D Y Y Y Y

2. Fill in the box(es) below that describe the above named claimant's employment status:

☐ **Has Never Worked Here - *skip to #9; return form to EDD***

☐ CURRENT EMPLOYEE ..... Hours worked per week ☐☐ at $ ☐☐☐.☐☐ per hour
(Please enter the employee's hours per week and rate of pay prior to disability) (Prior to disability) (Exclude Overtime Pay)

☐ FORMER EMPLOYEE ..... Hours worked per week ☐☐ at $ ☐☐☐.☐☐ per hour
(Please enter the employee's hours per week and rate of pay prior to separation) (Exclude Overtime Pay)

☐ Termination ☐ Quit ☐ Lay-off ☐ Other _____ Separation Date: M M D D Y Y Y Y

3. Do your records show a different ACTUAL last day of work than shown above? ..... ☐ Yes ☐ No
If **YES**, provide the correct last day worked: M M D D Y Y Y Y
Was this day a: ☐ Full day, or ☐ Partial day Number of hours worked ☐☐ at $ ☐☐☐.☐☐ per hour

4. Has the employee returned to work? ..... ☐ Yes ☐ No
If **YES**, date returned to work: M M D D Y Y Y Y ☐ Regular schedule, duties and wages
☐ Part-time, modified schedule, duties, or wages ☐ Other/Explain _____

5. Will this employee's **wages** be **coordinated/integrated** with State Disability benefits?
(Less State Disability Insurance) ..... **If yes, skip question #7** ..... ☐ Yes ☐ No

CONTINUED ON OTHER SIDE

Return the *Notice to Employer* (DE 2503/2503F) to the EDD within two working days.

SDI Online for Employers

Benefit Programs Online

CA.GOV

Home | Benefits Login | Employer Login

EDD Employment Development Department State of California

Jobs | Claims | Employers | Newsroom | Search

Benefit Programs Online

En español

Use Benefit Programs Online to access the Employment Development Department's online benefit services.

Your account will provide access to:

- SDI Online: Apply for Disability Insurance (DI) and Paid Family Leave benefits and manage your DI claim.
- UI Online℠: Apply for Unemployment Insurance (UI) or Pandemic Unemployment Assistance (PUA) benefits, reopen an existing claim, and manage your claim.
- Benefit Overpayment Services: View your balance, make a payment, and set up an installment agreement.

Access Benefit Programs Online

Select **Log In or Register** to go to the Benefit Programs Online login page. If you do not have a Benefit Programs Online account, select **Log In or Register** and then select **Register** to begin the registration process.

Log In or Register

Resources

- FAQs - Benefit Programs Online
- *Benefit Programs Online: Overview and Registration for New Users* (YouTube)

To **register**, visit Benefit Programs Online (edd.ca.gov/BPO).

Benefit Programs Online

To **register**, visit Benefit Programs Online (edd.ca.gov/BPO).

Employer SDI Online Registration

You must:

- Be registered with the EDD Tax Branch.
- Have filed quarterly payroll taxes.

And provide:

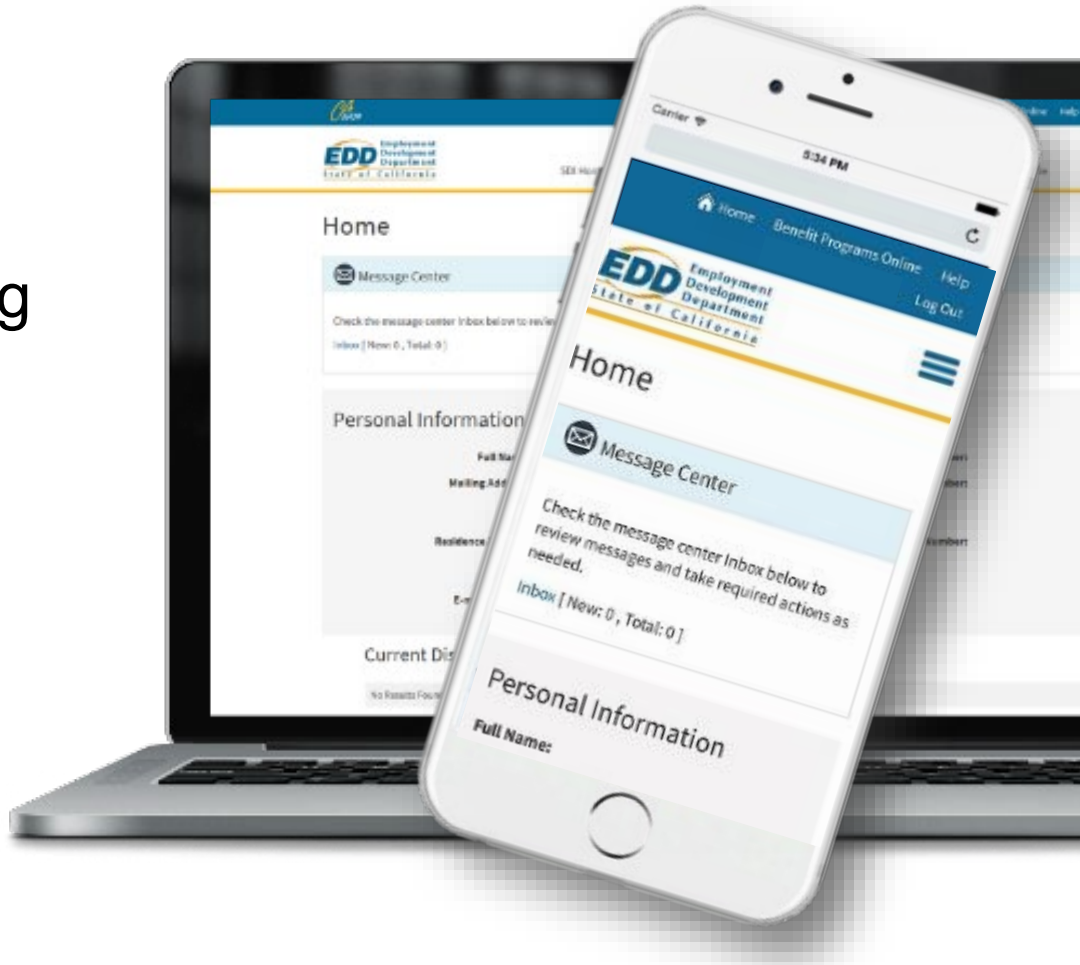
- EDD Employer Account Number.
- ZIP Code.
- Total subject wages from the *Quarterly Contribution Return and Report of Wages* (DE 9C).

The Claim Filing Process

SDI Online Claim Filing

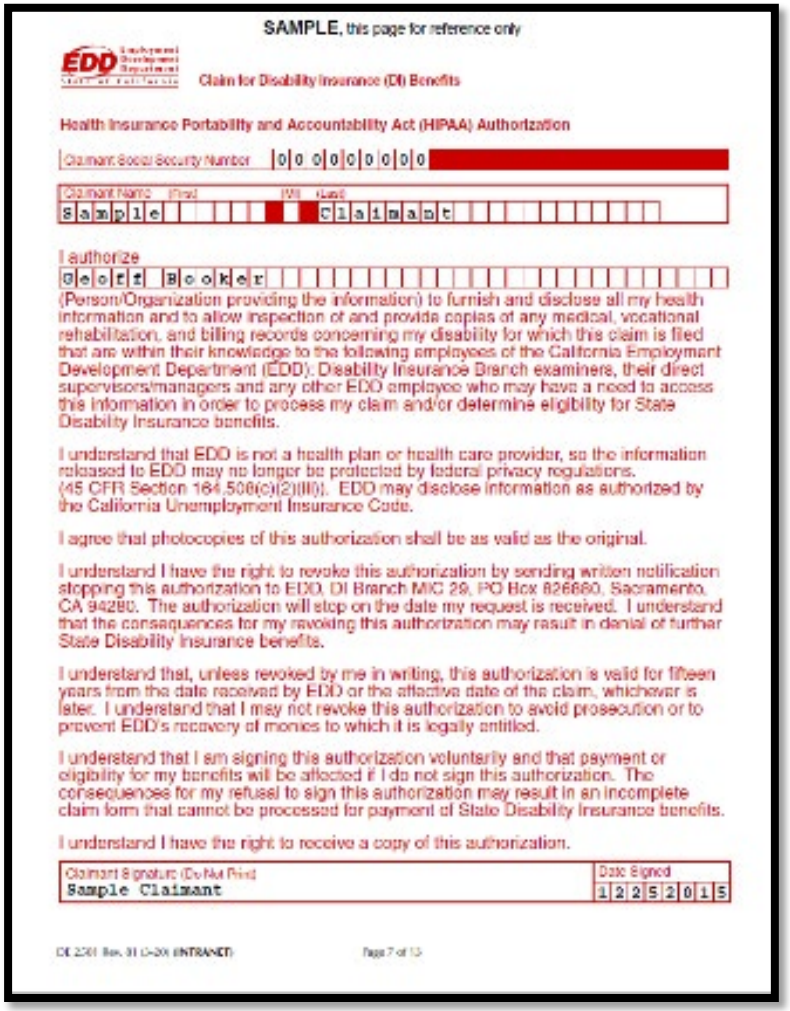
The EDD recommends filing claims using SDI Online.

- Users must register with Benefit Programs Online (BPO).
- Select **New Claim** in the SDI Online account to begin an application.



To **register or access your account**, visit Benefit Programs Online (edd.ca.gov/BPO).

Mail



SAMPLE, this page for reference only

Claim for Disability Insurance (DI) Benefits

Health Insurance Portability and Accountability Act (HIPAA) Authorization

Claimant Social Security Number 000000000

Claimant Name Sample Claimant

I authorize Geoff Booker

(Person/Organization providing the information) to furnish and disclose all my health information and to allow inspection of and provide copies of any medical, vocational rehabilitation, and billing records concerning my disability for which this claim is filed that are within their knowledge to the following employees of the California Employment Development Department (EDD): Disability Insurance Branch examiners, their direct supervisors/managers and any other EDD employee who may have a need to access this information in order to process my claim and/or determine eligibility for State Disability Insurance benefits.

I understand that EDD is not a health plan or health care provider, so the information released to EDD may no longer be protected by federal privacy regulations. (45 CFR Section 164.508(c)(2)(iii)). EDD may disclose information as authorized by the California Unemployment Insurance Code.

I agree that photocopies of this authorization shall be as valid as the original.

I understand I have the right to revoke this authorization by sending written notification stopping this authorization to EDD, DI Branch MIC 29, PO Box 826880, Sacramento, CA 94280. The authorization will stop on the date my request is received. I understand that the consequences for my revoking this authorization may result in denial of further State Disability Insurance benefits.

I understand that, unless revoked by me in writing, this authorization is valid for fifteen years from the date received by EDD or the effective date of the claim, whichever is later. I understand that I may not revoke this authorization to avoid prosecution or to prevent EDD's recovery of monies to which it is legally entitled.

I understand that I am signing this authorization voluntarily and that payment or eligibility for my benefits will be affected if I do not sign this authorization. The consequences for my refusal to sign this authorization may result in an incomplete claim form that cannot be processed for payment of State Disability Insurance benefits.

I understand I have the right to receive a copy of this authorization.

Claimant Signature (Do Not Print): Sample Claimant

Date Signed: 12/25/2015

DE 2501 Rev. 31 (1-20) (INTRANET) Page 7 of 13

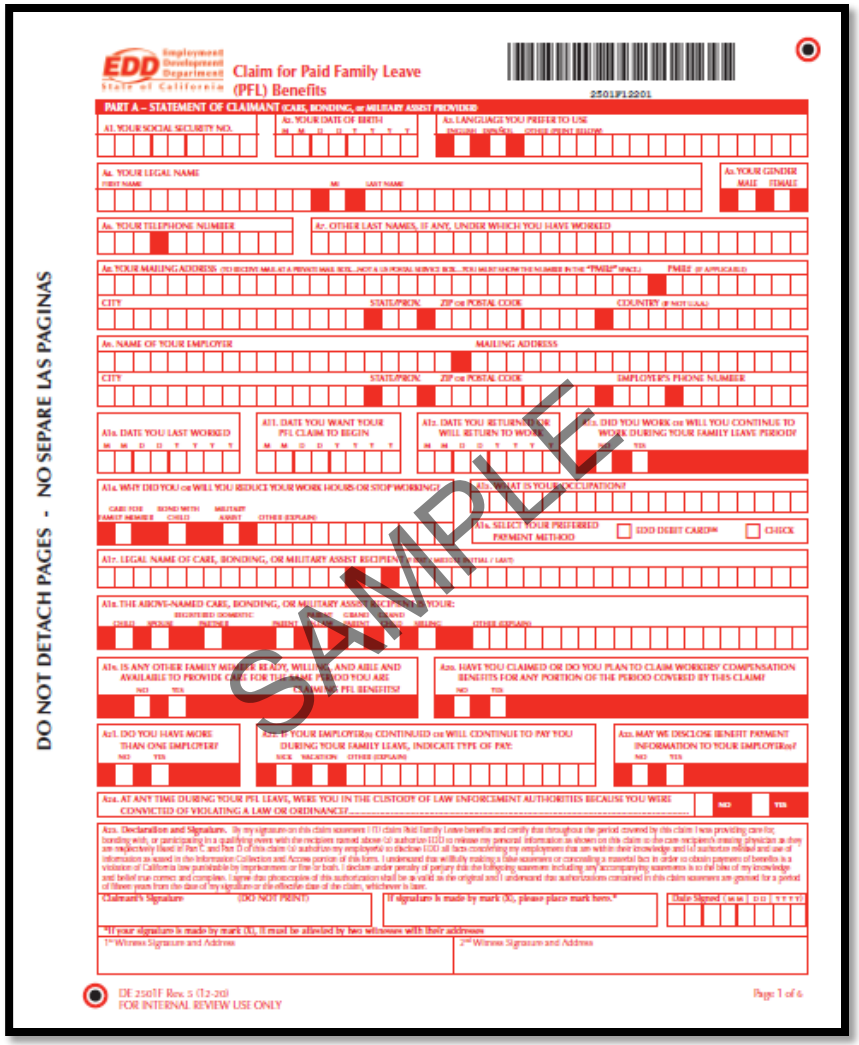
DI Claim

A properly completed *Claim for Disability Insurance (DI) Benefits* (DE 2501) will include:

- **Part A:** Claimant's statement (pages 1-4).
- **Part B:** Physician/ Practitioner's certificate (pages 5-7).

Order the form by visiting Online Forms and Publications (edd.ca.gov/forms).

Mail


EDD Employment Development Department State of California

Claim for Paid Family Leave (PFL) Benefits

2501F12201

PART A – STATEMENT OF CLAIMANT (CARE, BONDING, or MILITARY ASSIST PROVIDER)

A1. YOUR SOCIAL SECURITY NO.

A2. YOUR DATE OF BIRTH

A3. LANGUAGE YOU PREFER TO USE

A4. YOUR LEGAL NAME

A5. YOUR GENDER

A6. YOUR TELEPHONE NUMBER

A7. OTHER LAST NAMES, IF ANY, UNDER WHICH YOU HAVE WORKED

A8. YOUR MAILING ADDRESS

CITY

STATE/PROV.

ZIP OR POSTAL CODE

COUNTRY

A9. NAME OF YOUR EMPLOYER

MAILING ADDRESS

EMPLOYER'S PHONE NUMBER

A10. DATE YOU LAST WORKED

A11. DATE YOU WANT YOUR PFL CLAIM TO BEGIN

A12. DATE YOU RETURN TO WORK OR WILL RETURN TO WORK

A13. DID YOU WORK OR WILL YOU CONTINUE TO WORK DURING YOUR FAMILY LEAVE PERIOD?

A14. WHY DID YOU OR WILL YOU REDUCE YOUR WORK HOURS OR STOP WORKING?

A15. WHAT IS YOUR OCCUPATION?

A16. SELECT YOUR PREFERRED PAYMENT METHOD

EDD DEBIT CARD™

CHECK

A17. LEGAL NAME OF CARE, BONDING, OR MILITARY ASSIST RECIPIENT

A18. THE ABOVE-NAMED CARE, BONDING, OR MILITARY ASSIST RECIPIENT IS YOUR:

A19. IS ANY OTHER FAMILY MEMBER READY, WILLING, AND ABLE AND AVAILABLE TO PROVIDE CARE FOR THE SAME PERIOD YOU ARE CLAIMING PFL BENEFITS?

A20. HAVE YOU CLAIMED OR DO YOU PLAN TO CLAIM WORKERS' COMPENSATION BENEFITS FOR ANY PORTION OF THE PERIOD COVERED BY THIS CLAIM?

A21. DO YOU HAVE MORE THAN ONE EMPLOYER?

A22. IF YOUR EMPLOYER(s) CONTINUED OR WILL CONTINUE TO PAY YOU DURING YOUR FAMILY LEAVE, INDICATE TYPE OF PAY:

A23. MAY WE DISCLOSE BENEFIT PAYMENT INFORMATION TO YOUR EMPLOYER(s)?

A24. AT ANY TIME DURING YOUR PFL LEAVE, WERE YOU IN THE CUSTODY OF LAW ENFORCEMENT AUTHORITIES BECAUSE YOU WERE CONVICTED OF VIOLATING A LAW OR ORDINANCE?

A25. Declaration and Signature.

Claimant's Signature (DO NOT PRINT)

If signature is made by mark (X), please place mark here.*

Date Signed

*If your signature is made by mark (X), it must be attested by two witnesses with their addresses

1st Witness Signature and Address

2nd Witness Signature and Address

DO NOT DETACH PAGES - NO SEPARE LAS PAGINAS

SAMPLE

DE 2501F Rev. 5 (12-20)
FOR INTERNAL REVIEW USE ONLY

Page 1 of 6

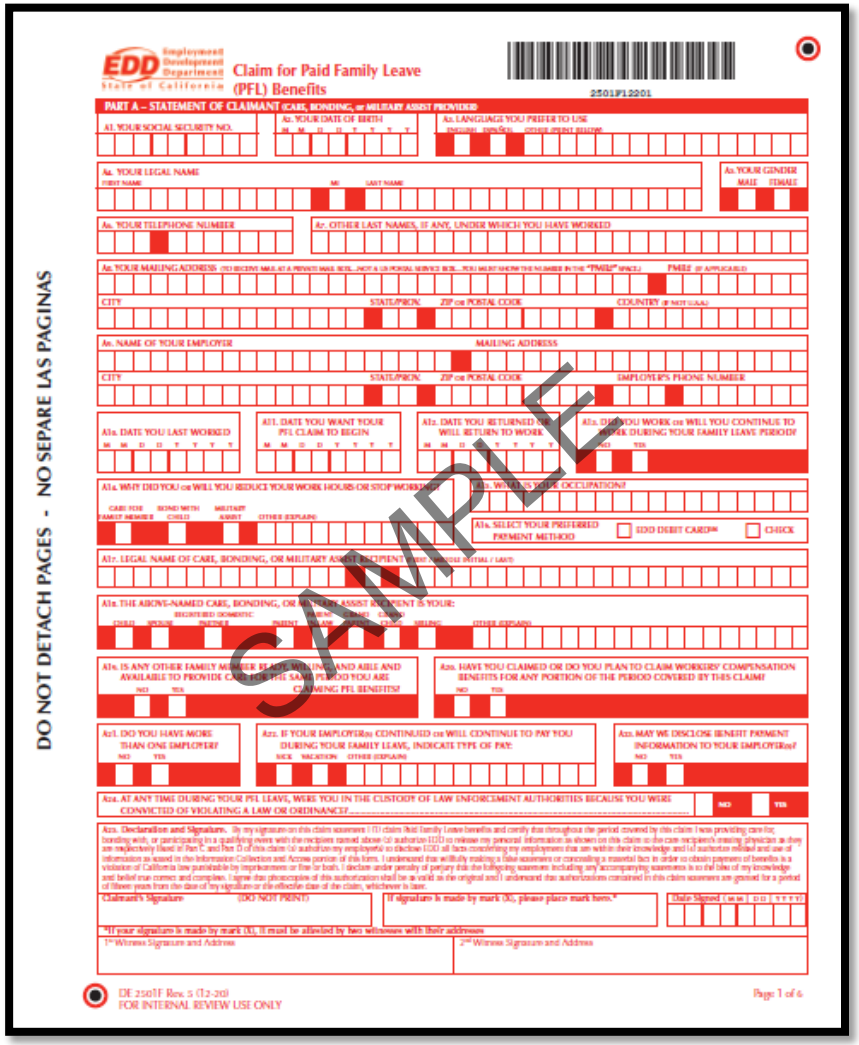
PFL Care Claim

A properly completed *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) will include:

- **Part A:** Statement of Claimant.
- **Part C:** Statement of Care Recipient.
- **Part D:** Physician/ Practitioner's Certification.

Order the form by visiting Online Forms and Publications (edd.ca.gov/forms).

Mail


EDD Employment Development Department State of California

Claim for Paid Family Leave (PFL) Benefits

2501F12201

PART A – STATEMENT OF CLAIMANT (CARE, BONDING, or MILITARY ASSIST PROVIDER)

A1. YOUR SOCIAL SECURITY NO.

A2. YOUR DATE OF BIRTH

A3. LANGUAGE YOU PREFER TO USE

A4. YOUR LEGAL NAME

A5. YOUR GENDER

A6. YOUR TELEPHONE NUMBER

A7. OTHER LAST NAMES, IF ANY, UNDER WHICH YOU HAVE WORKED

A8. YOUR MAILING ADDRESS

A9. NAME OF YOUR EMPLOYER

A10. DATE YOU LAST WORKED

A11. DATE YOU WANT YOUR PFL CLAIM TO BEGIN

A12. DATE YOU RETURNED TO WORK OR WILL RETURN TO WORK

A13. DID YOU WORK OR WILL YOU CONTINUE TO WORK DURING YOUR FAMILY LEAVE PERIOD?

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A15. WHAT IS YOUR OCCUPATION?

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Claimant's Signature (DO NOT PRINT)

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DE 2501F Rev. 5 (12-20)
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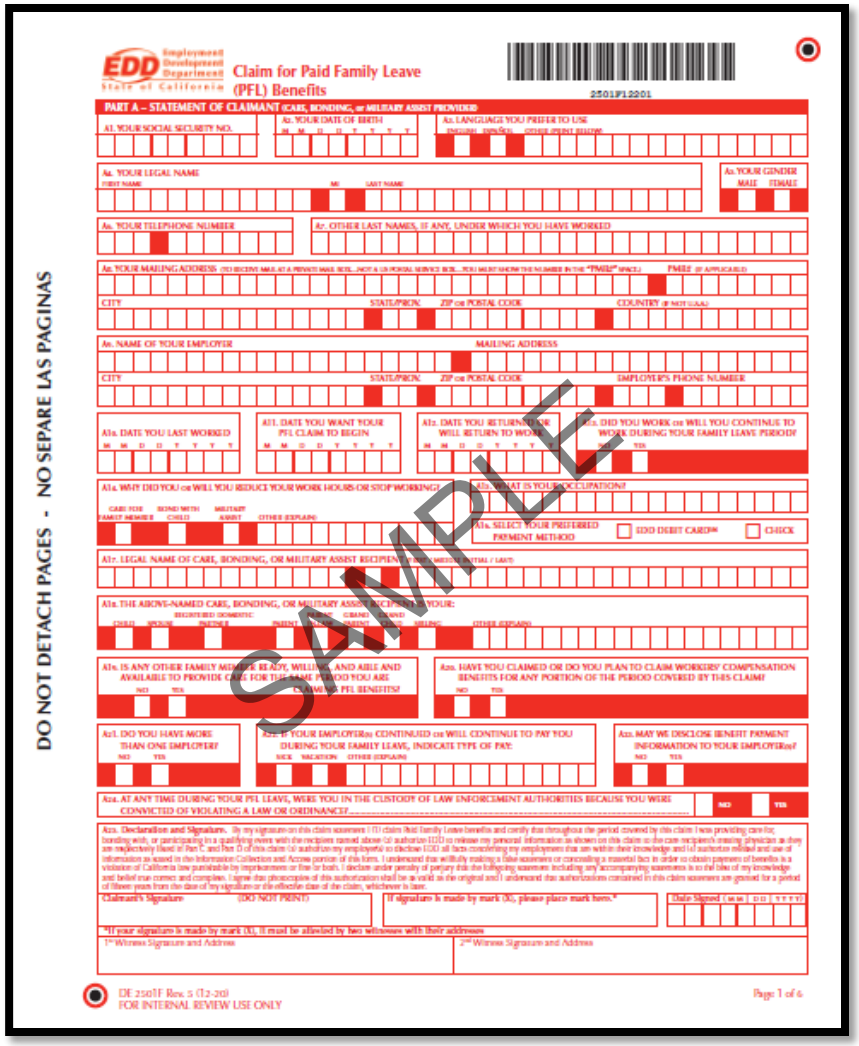
PFL Bonding Claim

A properly completed bonding claim will include:

- **Part A:** Statement of Claimant.
- **Part B:** Bonding Certification.
- Supporting documentation verifying the relationship.

Order the DE 2501F application at Online Forms and Publications (edd.ca.gov/forms).

Mail


EDD Employment Development Department State of California

Claim for Paid Family Leave (PFL) Benefits

2501F12201

PART A – STATEMENT OF CLAIMANT (CARE, BONDING, or MILITARY ASSIST PROVIDER)

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A3. LANGUAGE YOU PREFER TO USE

A4. YOUR LEGAL NAME

A5. YOUR GENDER

A6. YOUR TELEPHONE NUMBER

A7. OTHER LAST NAMES, IF ANY, UNDER WHICH YOU HAVE WORKED

A8. YOUR MAILING ADDRESS

A9. NAME OF YOUR EMPLOYER

A10. DATE YOU LAST WORKED

A11. DATE YOU WANT YOUR PFL CLAIM TO BEGIN

A12. DATE YOU RETURN TO WORK OR WILL RETURN TO WORK

A13. DID YOU WORK OR WILL YOU CONTINUE TO WORK DURING YOUR FAMILY LEAVE PERIOD?

A14. WHY DID YOU OR WILL YOU REDUCE YOUR WORK HOURS OR STOP WORKING?

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A16. SELECT YOUR PREFERRED PAYMENT METHOD

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A25. Declaration and Signature.

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SAMPLE

DE 2501F Rev. 5 (12-20)
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Page 1 of 6

PFL Military Assist Claim

A properly completed military assist claim will include:

- **Part A :** Statement of Claimant.
- **Part E:** Military Assist Certification.
- Supporting military documents.

Order the DE 2501F application at Online Forms and Publications (edd.ca.gov/forms).

What Happens Next?

Once a properly completed claim is received:

- Allow at least **14 days** for processing.
- The EDD mails a ***Notice of Computation*** **(DE 429D or DE 429DF)** after a properly completed claim is received.
- The ***Electronic Benefit Payment Notification*** **(DE 2500E)** is sent after claim is approved.
- A **check** or **EDD Debit Card℠** is sent after the first benefit payment is issued.

Benefit Payment Options

- **EDD Debit Card℠ Electronic Benefit Payment**
  - **Your employee can download the Bank of America app to access account information.**

- **Check**

Fraud Prevention

To deter fraud, respond immediately to the *Notice to Employer* (DE 2503/DE 2503F).

To **report DI, PFL, or UI fraud**:

- Submit a Fraud Reporting Form online at Help Fight Fraud (edd.ca.gov/about_edd/fraud.htm).
- Call the EDD Fraud Tip Hotline at 1-800-229-6297.

Fraud Prevention

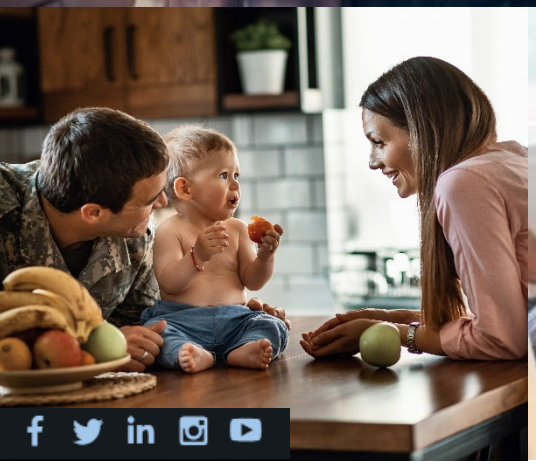
Report Payroll Fraud

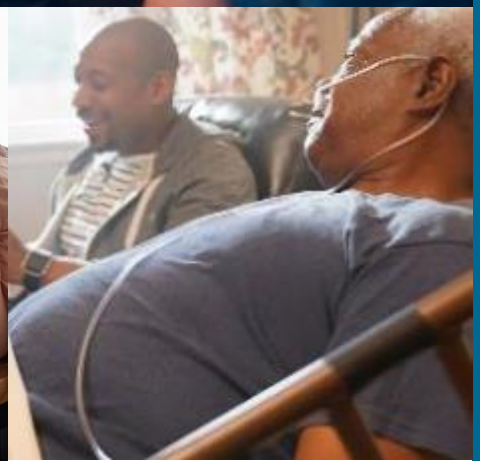
- Submit a Fraud Reporting Form online at Help Fight Fraud (edd.ca.gov/about_edd/fraud.htm).
- Email: ueo@edd.ca.gov.
- Call: 1-800-528-1783.
- Fax: 1-916-227-2772.
- Mail an *Underground Economy Operations Lead Referral/Complaint Form* (DE 660) English or (DE 660/S) Spanish.

SDI Contact Information

Employer Line:

1-855-342-3645





For more information, visit:

- Disability Insurance (edd.ca.gov/disability)
- Paid Family Leave (californiapaidfamilyleave.com)

Contact EDD

- DI English: 1-800-480-3287
- DI Español: 1-866-658-8846
- PFL English: 1-877-238-4373
- PFL Español: 1-877-379-3819

EDD Employment Development Department State of California

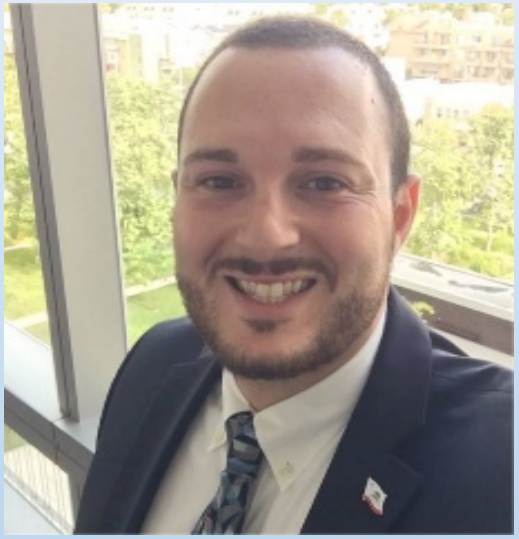
CALIFORNIA PAID FAMILY LEAVE moments matter.

Any Questions?

The Employment Development Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

The California Labor Commissioner's Office and COVID-19

Your Presenter:



Max Norris
Staff Attorney
California Labor Commissioner's Office

Welcome from the California Labor Commissioner

Lilia Garcia-Brower

State Labor Commissioner

Lilia García-Brower was appointed by Governor Newsom as the California State Labor Commissioner on July 29, 2019. As Labor Commissioner, she oversees the primary law enforcement agency for workplace protections. The Labor Commission has 19 offices throughout California and employs 700 hardworking public servants who investigate and adjudicate a wide range of workplace violations from unpaid wages to retaliation. Prior to her appointment, she was the executive director of the Maintenance Cooperation Trust Fund for 19 years. Working with a powerful team of committed individuals, Lilia directed the MCTF as it grew to be one of the state's most effective joint labor management organizations.

Disclaimer

This information is provided for general information only. None of the information provided here should be interpreted as providing legal advice or a separate attorney client relationship. Applicability of the information discussed may differ in individual situations. You should not act on the information presented here without consulting an attorney about your particular situation.

Commissioner’s Office Overview

“The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the state and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers”.

Labor Commissioner's Office

Home Page: dir.ca.gov/dlse/dlse.html

State of California
Department of Industrial Relations

Press room | Índice en español | Settings

Labor Law | Cal/OSHA - Safety & Health | Workers' Comp | Self Insurance | Apprenticeship | Director's Office | Boards

Labor Commissioner's Office

The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the State and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers. This office is also known as the Division of Labor Standards Enforcement (DLSE).

California Minimum Wage Effective January 1, 2019

- $12.00 per hour for workers at businesses with 26 or more employees.
- $11.00 per hour for workers at small businesses (25 or fewer employees).

For more information on California minimum wage, click here.

Overtime Law for Agricultural Workers

Effective January 1, 2019, agricultural workers employed by employers with 26 or more employees must receive overtime (1.5 times the employee's regular rate of pay) for all hours worked over 9.5 hours in any workday or over 55 hours in any workweek. AB 1066

Employer Requirement to Notify Employees of Inspection by Immigration Agencies

Requisitos del empleador de avisar al empleado de inspección por agencias de inmigración

中文 (Chinese) 한국어 (Korean) Tagalog Tiếng Việt (Vietnamese)

The Labor Commissioner is Hiring!

Workers

- Learn about your rights as a worker
- File a wage claim to recover your unpaid wages
- Report a labor law violation
- File a public works complaint
- File a retaliation complaint if you're fired, demoted, or punished for reporting labor law violations or workplace safety hazards

Employers

- Review requirements before the first employee starts work (English) (Spanish)
- Obtain required notices and posters
- Learn about Wage Theft Prevention Act
- Obtain licenses, permits, registrations, and certificates
- Learn about Piece Rate Compensation (AB 1513)

Quick Links

- Bureau of Field Enforcement
- Wage Claim Adjudication
- Retaliation (RCI)
- Registration Services
- Public Works
- Electrician Certification Unit
- Frequently asked questions
- Legislative reports
- Labor Commissioner's Databases
- Private Attorney General Act (PAGA)

Resources

- Frequently asked questions
- Labor Commissioner's Databases
- Legislative reports
- Publications
- Forms

About the Labor Commissioner's Office

- About Us
- Locations, Contacts, and Hours of Operation
- Jobs at DIR

WAGE THEFT IS A CRIME

All Workers in California Have Rights

- Workers in California have the right to file a wage claim or report labor law violation when their employers do not pay them the wages or benefits they are owed.
- Workers have the right to file a retaliation claim if their employer retaliates against them for exercising a right provided by law.

California's labor laws protect <u>all workers, regardless of immigration status.</u>

It is **illegal** for an employer:

- To report or threaten to call immigration authorities on a worker for exercising their rights;
- To file a false police report against a worker for exercising their rights; or
- To threaten relatives of a worker who exercised their rights.

Regular Paid Sick Leave

- Accumulate paid sick leave hours from first day of work
- Generally 1 hour for every 30 hours worked
- Employer can cap paid sick leave use at **24 hours or 3 days a year, whichever is more**

Regular Paid Sick Leave

- Employer must permit employee to use accrued hours on 90th day of employment or for “upfront” hours on 120th day of employment

- Employer needs to provide notice of how they will provide paid sick leave upon hire

- Accrued hours must be reflected on wage statements

What Can I Use Paid Sick Leave For?

Workers can use their hours for:

- Absences due to illness
- Diagnosis, care or treatment of an existing health condition - includes COVID testing and self-quarantine as a result of potential exposure to COVID-19
- Preventive care for the employee or the employee's family member.

How do I use Paid Sick Leave?

- An oral or written request must be made to the employer
- An employer cannot deny paid sick leave simply because a worker does not have a doctor's note
- Payment must be on the next regular payday.
- Employer cannot require an employee to use paid sick leave. It is the worker's choice.

Supplemental Paid Sick Leave

Supplemental Paid Sick Leave for COVID-19

Up to 80 hours of paid sick leave **- Expired as of 12/31/20**

- If you had a claim for a violation of the sick leave law that occurred prior to December 31, 2020, and your employer has 500 or more employees, your claim will be heard by the Labor Commissioner's Office.

- Workers taking SPSL as of December 31, 2020, may continue to take the leave they are currently on even if their sick leave extends past December 31, 2020.

What can I do if my employer doesn't pay my sick leave or if I am retaliated against?

- You can file a wage claim with the Labor Commissioner's Office if your employer has refused your sick leave request or has failed to pay you.
- If you think that your employer is violating *your coworkers' paid sick leave rights too*, you can file a report of labor law violation.
- You can file a retaliation claim online. www.dir.ca.gov/dlse/HowToFileRetaliationComplaint.htm

Bureau of Field Enforcement and Paid Sick Leave

- The Bureau of Field Enforcement is the department within the LCO that conducts field investigations of employers based on worker complaints.

- The Bureau of Field Enforcement has authority to investigate, demand back wages, issue citations and file lawsuits.

- A citation is an administrative “ticket” issued to an employer for certain violations. The citation may include wage assessments and penalties. Employers have a right to appeal a citation.

Bureau of Field Enforcement and Paid Sick Leave

- AB 1867 created a citation for paid sick leave
- Workers can file an anonymous Report of Labor Law Violation when a paid sick leave violation isn't limited to just one person, but is widespread
- The report can be anonymous, but depending on the employer's defense, workers may need to be identified in order to pursue the case

Employer's Requirements

- Pay sick leave on time (by the payday after the leave was taken)
- Keep records of the hours worked, paid sick days accrued, and paid sick leave used by an employee and provide such info upon request by the employee
- Provide workers with notice of amount of sick leave available at the same time as the payment of wages
- May <u>not</u> require employees to find replacement workers
- Post notice sick leave

Example of Paid Sick Leave Notice

https://www.dir.ca.gov/dlse/publications/paid_sick_days_poster_template_(11_2014).pdf

Division of Labor Standards Enforcement | Office of the Labor Commissioner

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 ½" x 11" letter size paper)

HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014
PAID SICK LEAVE

Entitlement:

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
- Accrued paid sick leave shall carry over to the following year of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website http://www.dir.ca.gov/dlse/DistrictOffices.htm using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.

DLSE Paid Sick Leave Posting | 11/2014

Filing a Report of Labor Law Violation

https://www.dir.ca.gov/dlse/howtoreportviolationtobofe.htm

dir.ca.gov/dlse/howtoreportviolationtobofe.htm

Apps | Bookmarks | Daily Opinion Servi... | ca9c | CM/ECF | FRAP | GOs | FRCP | dates | Legislative History | Ninth Circuit - PACER | INA | Old Bookmarks

Report a Labor Law Violation

español

If you have experienced or observed wage theft or other widespread labor law violations affecting a group of workers, please file a report.

Examples of wage theft and other labor law violations include:

Non-Payment Of:

- Minimum wage
- Overtime
- Business expenses

Failure to Provide:

- Rest and/or meal periods
- Itemized wage statements
- Workers' compensation insurance

Other Labor Violations:

- Child labor
- Farm labor contractors
- Garment manufacturing
- Unlicensed contractors

How to Report

1. Decide how you want to file your report.

Submit online

You are filing a Report of Labor Law Violation. **THIS IS NOT A WAGE CLAIM.** If you would like to learn about filing a wage claim, please visit: https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm

Or

Submit the report in person or by mail

Labor Commissioner's Office

Quick Links

- Bureau of Field Enforcement
- Wage Claim Adjudication
- Retaliation (RCI)
- Registration Services
- Public Works
- Electrician Certification Unit
- Frequently asked questions
- Legislative reports
- License and Registration Search
- Private Attorney General Act (PAGA)

Resources

- Frequently asked questions
- License and Registration Search
- Legislative reports

Tips if your Sick Leave Rights are Violated

- Document any request for sick leave you make to your supervisor and take notes
- Save a copy of any documents or forms that you are required to submit in order to receive payment for sick leave
- Ask trusted coworkers what they are experiencing
- Save any policies, handbook or manuals that you receive

Additional Leave Options for Parents

Workers at worksites with 25 or more employees can use:

- Up to 40 hours of leave per year for specific school-related emergencies (such as school closures)
- Employer's policies determine if leave is paid or not
  - Cannot mandate that employees use paid sick leave
- Parent may use any available paid sick leave to be with their child as preventive care
- Employers cannot retaliate against you for using leave

Retaliation Protections

Workers have the right to:

- Use accrued sick days or attempting to exercise the right to use accrued sick days
- Request Personal Protective Equipment
- File a workplace complaint or cooperate in an investigation
- Refuse to perform work that violates an occupational safety health standard or order and creates a real and apparent hazard that puts the employee or their co-workers in imminent danger.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

- November 30, 2020 Division of Occupational Safety and Health (DOSH) issued emergency regulations known as *Emergency Temporary Standards (ETS)* on COVID-19 infection prevention.

- Under the ETS, employers are required to establish, implement and maintain an effective written COVID-19 Prevention Plan that includes:
  - Identifying and evaluating employee exposures to COVID-19 health hazards
  - Implementing effective policies and procedures to correct unsafe and unhealthy conditions (e.g., safe physical distancing, modifying workplace and staggering work schedules); and
  - Providing and ensuring workers wear face coverings to prevent exposure in the workplace.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

The ETS apply to most workers in California except:

1. Workplaces where there is only one employee who does not have contact with other people;
2. Employees who are working from home – however, these employees would be entitled to reimbursement under LC 2802 for any expenses incurred in carrying out their duties (e.g., cell phone charges, printer ink, etc.);
3. Employees who are covered by DOSH's Aerosol Transmissible Diseases regulation.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

LCO enforces title 8, section 3205 (c)(10)(C) of the ETS:

Exclusion of COVID-19 cases. The purpose of this subsection is to limit the transmission of COVID-19 in the workplace.

(A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(11) are met.

(B) Employers shall exclude employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case.

Note: The exclusion and quarantine periods under the ETS have been modified to 10 days by Paragraph 7 of Executive Order N-84-20 issued on December 14, 2020.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

(C) For employees excluded from work under subsection (c)(10) and otherwise able and available to work, **employers shall continue and maintain an employee's earnings**, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Employers may use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, *where permitted by law* and when not covered by workers' comp.

EXCEPTION 1: Subsection (c)(10)(C) does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission.

EXCEPTION 2: Subsection (c)(10) (C) does not apply where the employer demonstrates that the COVID-19 exposure is not work related.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

(D) Subsection (c)(10) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(10)(C). This part is enforced by Cal/OSHA.

EXCEPTION to subsection (c)(10): Employees who have not been excluded or isolated by the local health department need not be excluded by the employer, if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements of subsection (c) (11) are met.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

Eligibility for Exclusion Pay:

1. Employer excluded employee from the workplace due to COVID-19 exposure in the workplace. (Sec. 10(B));

   AND

2. Employee is otherwise able and available to work. (Sec. 10(C));

   AND

3. Employee is unable to telework.

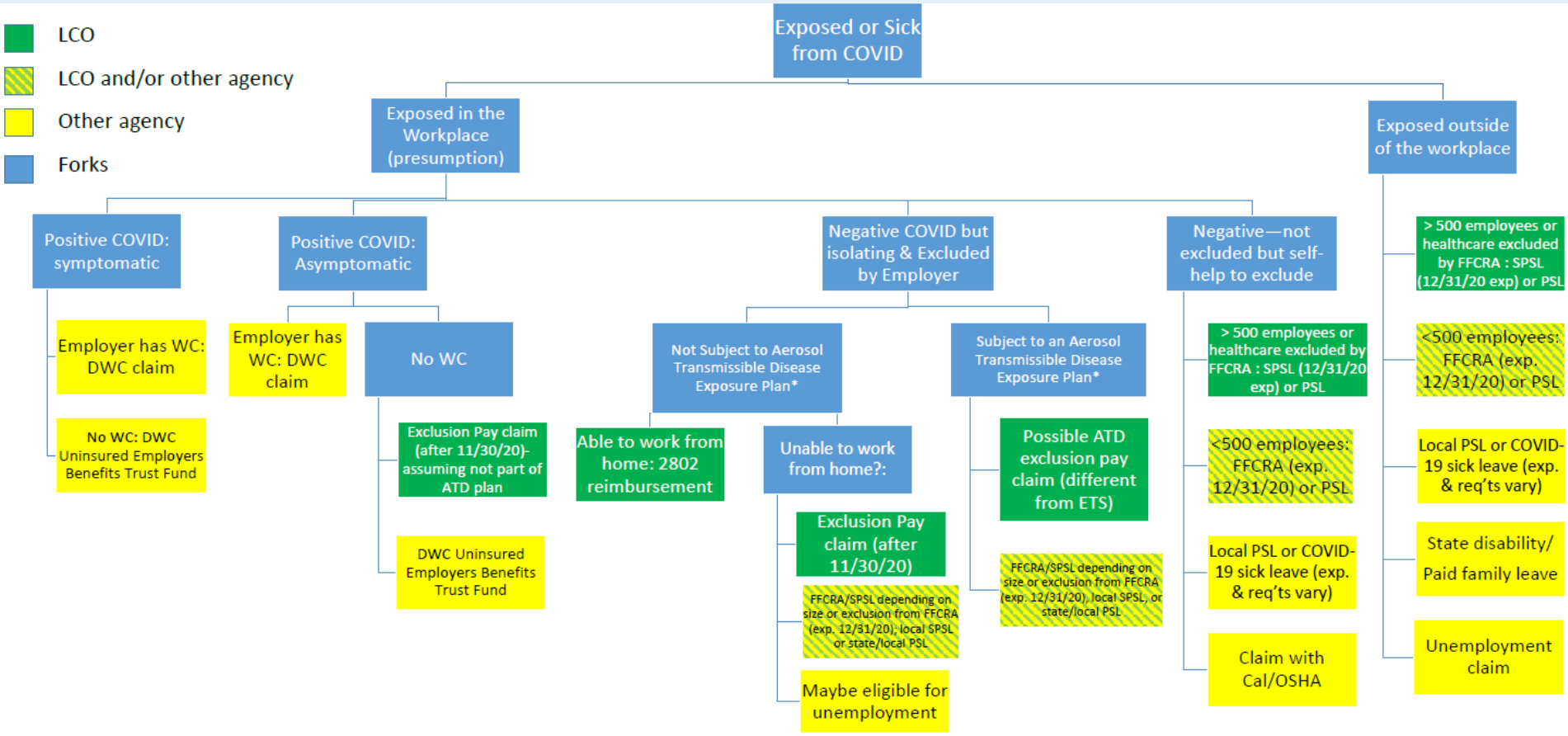
All three requirements must be met.

DOSH Temporary Emergency Standards Section 10 – Exclusion Pay – Enforcement by LCO

<u>LCO WCA Enforcement of Exclusion Pay:</u>

- If an employee meets ALL three requirements for exclusion pay and the employer refuses to pay the exclusion pay or improperly pays it out (e.g., wrong rate, wrong # of days), an employee can file a wage claim with our WCA unit.
- Employees are NOT required to use PSL or SPSL for excluded period:
  - While Section (C) above provides employers can require employees to first use their paid sick leave before *exclusion pay* kicks in, the language of the regulation and DOSH's FAQs (#1 under *<u>Exclusion Pay and Benefits</u>* heading) make clear this is only *where permitted by law*.

COVID-19 RESOURCES FLOW CHART



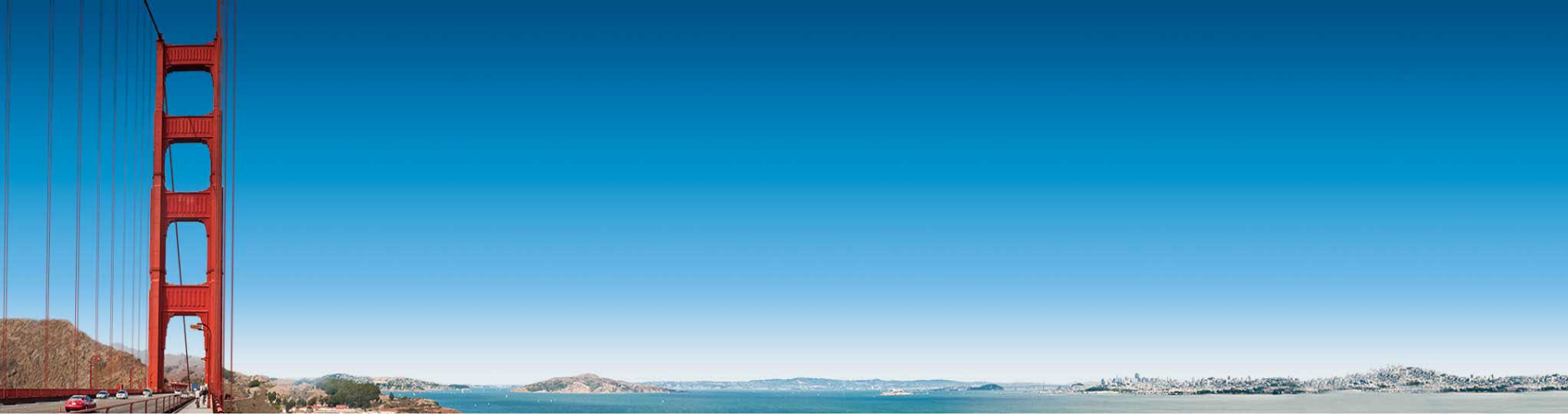
Labor Commissioner's Resources

If you have questions, call: 1-833-LCO-INFO (833-526-4636)

Confidential Hotline to report paid sick leave violations: (855) LCO-SPSL (855-526-7775)

Visit our website:
www.dir.ca.gov/dlse

Email COVID questions to:
LCO-COVID-19@dir.ca.gov



San Francisco Labor Laws Relating to COVID-19 and Family Leave

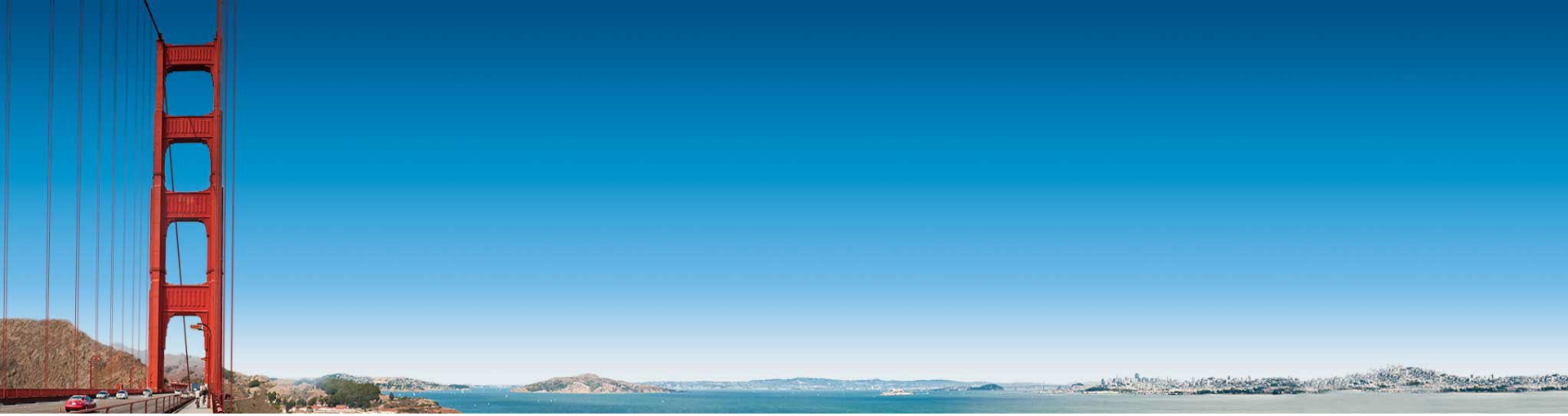
San Francisco Office of Labor Standards Enforcement

San Francisco Office of Labor Standards Enforcement

- OLSE was established in 2001 as the first municipal labor standards enforcement agency in the nation.
- OLSE enforces laws that apply to City contractors and lessees (e.g., prevailing wage, minimum compensation ordinance) and laws that apply to all employers in San Francisco (e.g., minimum wage, paid sick leave).
- OLSE activities include investigations & enforcement, worker outreach, and technical assistance

Today's Topics

- Paid Parental Leave Ordinance
- Minimum Wage Ordinance
- Paid Sick Leave Ordinance
- Public Health Emergency Leave Ordinance
- COVID-Related Employment Protections Ordinance



Paid Parental Leave Ordinance (PPLO)

Maura Prendiville,
Supervising Compliance Officer
pplo@sfgov.org

Office of Labor Standards Enforcement

Background

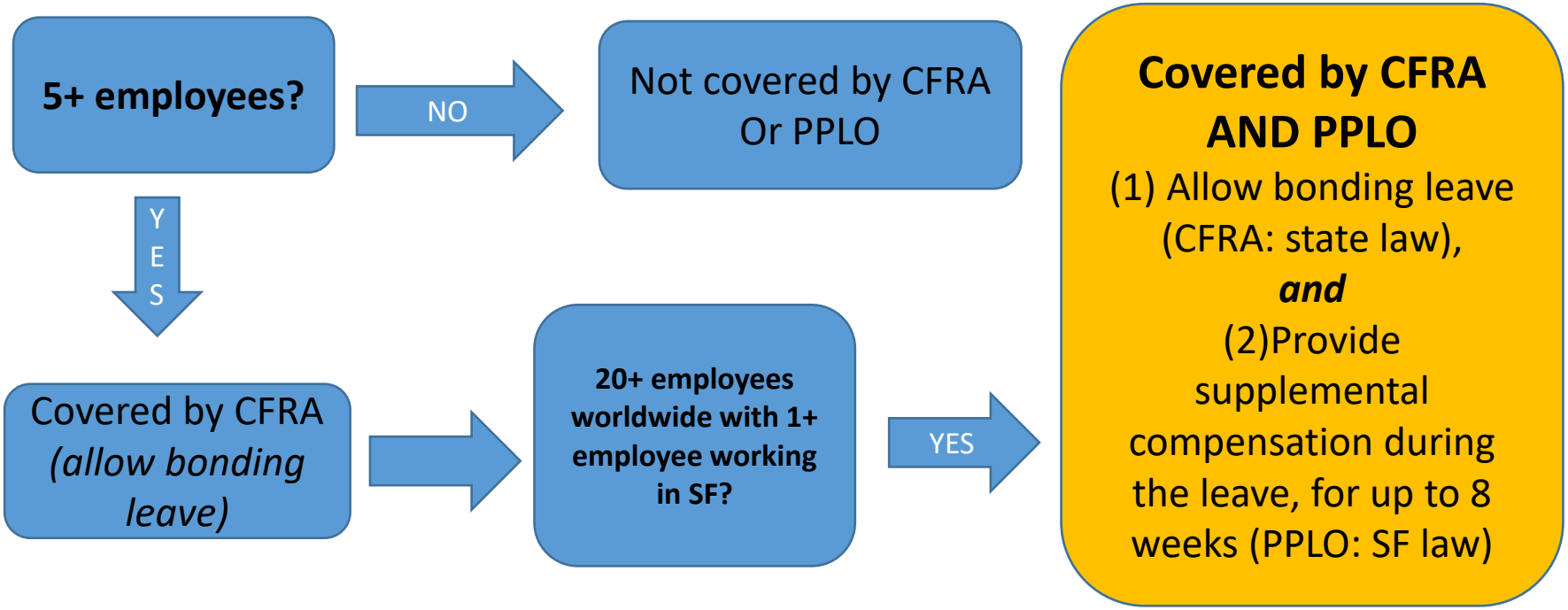
- First law of its kind in the United States; enforced by OLSE since 2017.
- Provides covered employees working in San Francisco with **additional compensation from their employer** while they are using Paid Family Leave (PFL) benefits to bond with a new child.
- The PPLO was intended to help ensure that loss of income does not preclude parents in from bonding with their new child.

Covered Employers

Applies to employers that have employee(s) working in San Francisco

- Employ Threshold Number of Employees:
  - **Global** count of twenty (20) or more employees
  - **Because many more employers are now covered by CFRA, many more employees are expected to start taking parental leave.**
- Employer location (company headquarters etc) need not be in SF
- An Employer with fluctuating workforce – number of employees goes up and down over time – should average employees over PPLO Lookback Period

2021 Parental Leave: California and SF



Covered Employees

1. Commenced employment at least 180 days before the **bonding** leave period.
   - **Not 180 days before pregnancy!**
2. Works at least 8 hours per week, and at least 40% of weekly hours, in San Francisco for the covered employer
3. Is eligible for California Paid Family Leave (PFL) benefits **for new child bonding** from the Employment Development Department (EDD)

Applies to new parents (mothers and fathers) through birth, adoption, or fostering

PPLO: General Employer Requirements

- Covered employers must:
  - (1) Display the PPLO poster at the workplace (available on our website)
  - (2) Provide the PPLO Form to any employee who is expecting to become a parent.
    - Provide the form *as soon as employer becomes aware that an employee is expecting to become a parent.*
    - Language requirements: if employee speaks a language other than English, provide the PPLO form in that language.
  - (3) Maintain records
  - (4) Pay Supplemental Compensation

PPLO: Supplemental Compensation

Calculation Instructions: (see OLSE website (sfgov.org/olse/pplo) for more detail)

a. Normal Gross Weekly Wages, MINUS

b. EDD Weekly Rate, EQUALS

*Approximately** 100% of employee's regular wages, up to a cap ($2,262 in 2021)

Employee may be entitled to 8 weeks of PPLO Supplemental Compensation all at once, or in increments, if they take intermittent leave.

Example:

If employee earns $1,000 per week and the EDD replaces $700, the employer will owe $300 per week for up to eight weeks ($2,400).

Payment is due at next regularly scheduled pay period

PPLO: Supplemental Compensation

EDD PAID FAMILY LEAVE
P O BOX 997017
SACRAMENTO, CA 95899-7017

Telephone No. 877-238-4373

Employment Development Department
State of California

—NOTICE OF COMPUTATION—
This notice does not establish your right to benefits. State Disability Insurance or Paid Family Leave benefits are paid to you only when you meet all the conditions of eligibility.

Your Social Security Number:

00783

ALL BENEFIT PAYMENTS, IF DUE, ARE ISSUED SEPARATELY.

--------- NOTICE OF COMPUTATION -------

Your maximum Benefit amo[illegible]
----------> Your weekly Benefit amount is $ 962.00 <----------
Your [illegible] 137.42
Your claim effective date is 01/03/17 PROGRAM X
The mailing date of this Notice is 01/18/17

YOUR NAME	YOUR WAGES BY QUARTER ENDING				YOUR EMPLOYERS			
	DEC 15	MAR 16	JUNE 16	SEPT 16	NAME	ACCT NO	BR	TC
	11463.52 S	9668.88 S	13361.19 S	22727.08 S		0000000	000	01
	.00	.00	.00	.00		0000000	000	03
QTR TOTAL	11463.52	9668.88	13361.19	22727.08	TOTAL WAGES =			57220.67

Common Compliance Issues & Misconceptions

- Failing to notify employees about their rights under PPLO: ***as soon as you become aware that an employee expects to become a parent*** *via birth, adoption, or fostering*, **provide them with the PPLO form** and **document that you provided the form**.
- Screening out employees incorrectly.
- Common misconceptions:
  - The City pays extra money to people on parental leave (not true!!)
  - PFL and PPLO compensation are only for birth mothers (not true!!)
  - An employee has to take their leave all at once (not true!!)
  - If an employee hasn't worked for 180 days, I don't need to notify them of their rights (not true!! The employee may become covered by PPLO at a later date, while they're eligible for PFL!!)

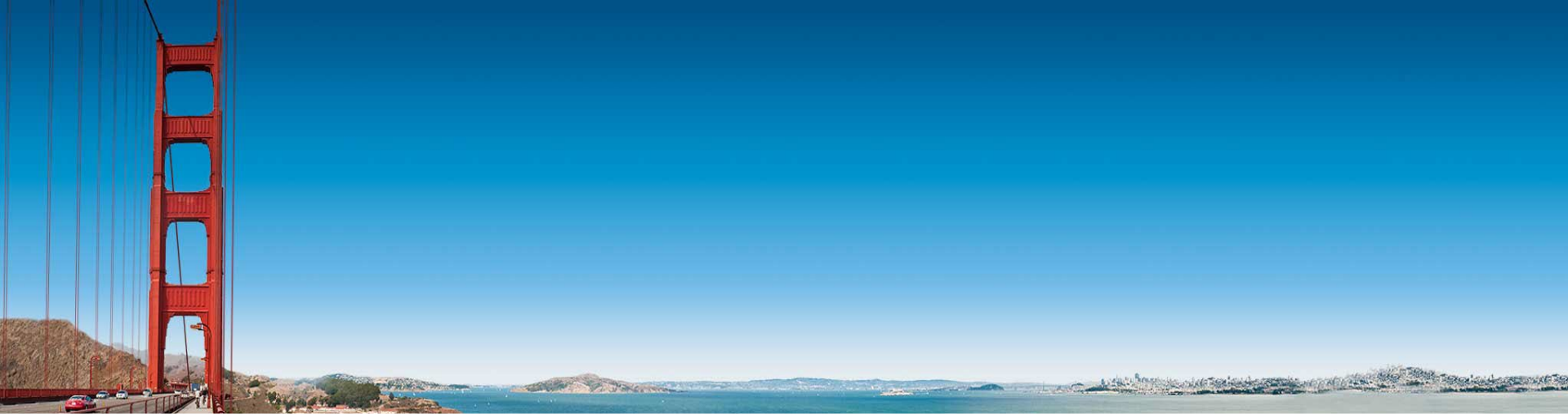
Employer Best Practices

- Keep a log. Document, in detail:
  - Conversations with employees;
  - What documentation has been provided and when;
  - What documentation has been returned and when.
- Have a knowledgeable point person
  - Make sure others are aware of that person's role
  - Train relevant staff to ensure parental leave inquiries are routed to the correct person
- If you outsource leave of absence issues → make sure your administrator has a mechanism in place to screen for SF-based employees and advise them appropriately.

Employer Resources on PPLO website

https://sfgov.org/olse/paid-parental-leave-ordinance

- Mandatory PPLO Poster
- Mandatory PPLO Form
- Webinar slides and audio presentations
- Supplemental Compensation Calculators and Calculation Instructions
- FAQs and Rules
- Employee & Employer documents in multiple languages



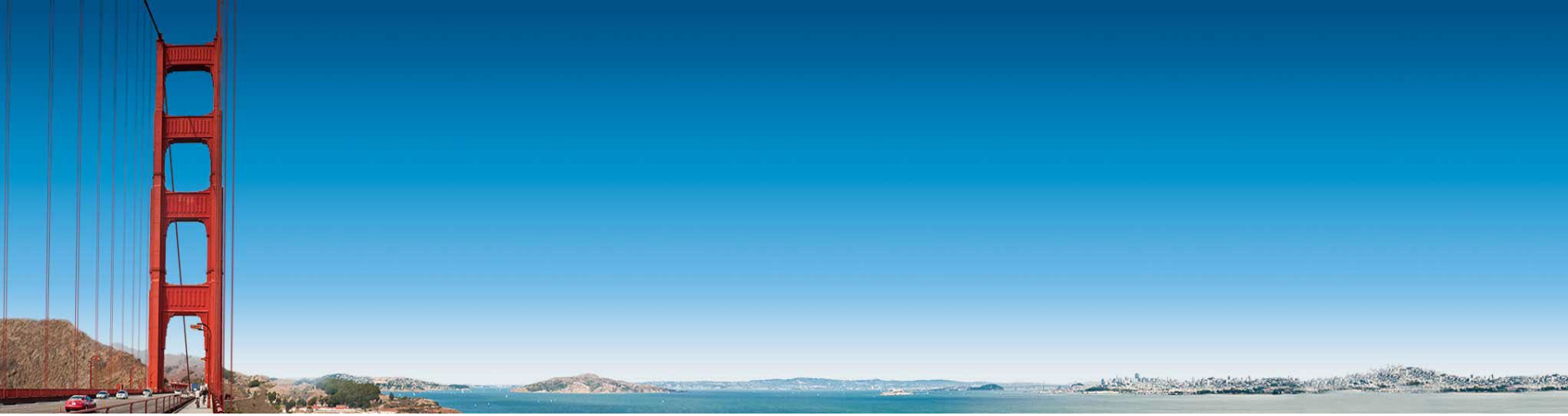
Minimum Wage Ordinance (MWO)

Greg Asay, OLSE Deputy Director

Office of Labor Standards Enforcement

San Francisco Minimum Wage Ordinance

- The minimum wage is currently **$16.07** per hour
- On July 1 of every year, the minimum wage is adjusted based on the annual increase in the Consumer Price Index.



Paid Sick Leave Ordinance (PSLO)

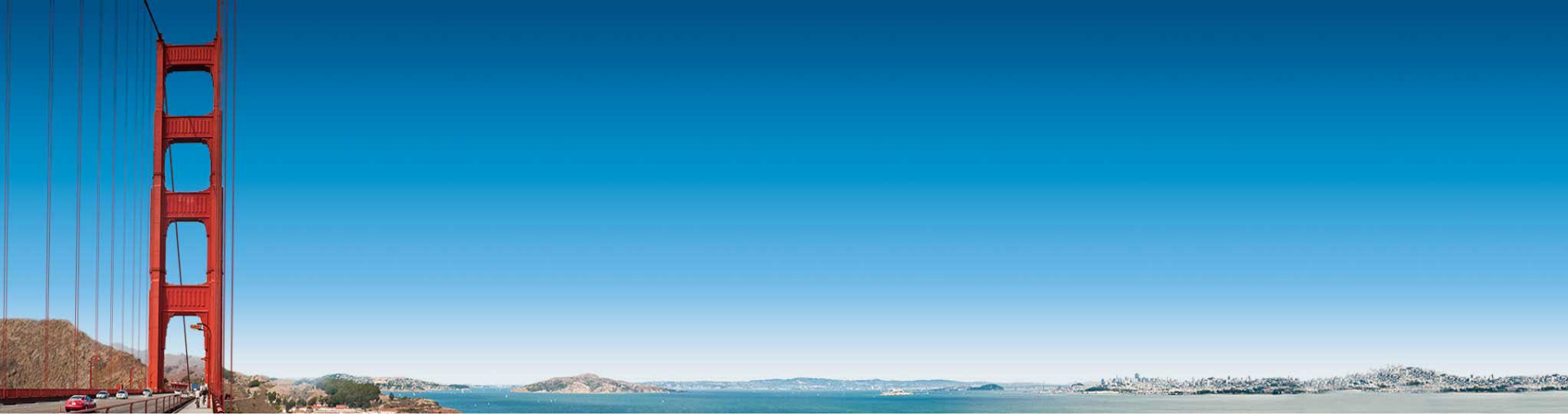
Office of Labor Standards Enforcement

Covered Employees

Employees who perform work in San Francisco (56 or more hours per year), including on a part time or temporary basis, accrue paid sick leave for those hours worked in the city, regardless of where their employer is located.

San Francisco vs. California
Paid Sick Leave

- SF Accrual (at any point in time)
  - 1 hour for every 30 hours worked
  - 40 hours for employers with <10 employees; 72 hours for all other employers
- SF Carry Over
  - Accrual caps are not annual; accrued paid sick leave hours carry over from year to year
  - No cap on use
- Employees may use in one hour increments



Public Health Emergency Leave Ordinance (PHEL)

Background

- Emergency ordinance effective April 17, 2020 in response to COVID-19 pandemic
- The ordinance will expire on April 12, 2021 unless reenacted by the Board of Supervisors, or upon the termination of the Public Health Emergency, whichever occurs first
- Businesses with **500 or more employees** worldwide must provide two weeks (up to 80 hours) of paid Public Health Emergency Leave (PHEL) to each employee who performs work in San Francisco

Use of Public Health Emergency Leave

Employees may use PHEL if they are unable to work or telework due to any of the following:

(1) The employee is subject to an individual or general government quarantine or isolation order related to COVID-19, including shelter-in-place orders. This includes an employee who is a member of a "vulnerable population"

(2) The employee has been advised by a health care provider to self-quarantine

(3) The employee is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis

Use of Public Health Emergency Leave

Employees may use PHEL if they are unable to work or telework due to any of the following:

(4) The employee is caring for a family member who meets one of the categories listed on the previous slide

(5) The employee is caring for a family member if that person's school or place of care has been closed, or the care provider of that person is unavailable, due to the Public Health Emergency.

(6) The employee is experiencing any other substantially similar condition specified by the Local Health Officer or federal law.

PHEL for Health Care Providers and Emergency Responders

An employee who is a health care provider or an emergency responder may use Public Health Emergency Leave due to either of the following:

- The employee has been advised by a health care provider to self-quarantine.
- The employee is experiencing symptoms associated with COVID-19, seeking a medical diagnosis, and does not meet the Centers for Disease Control and Prevention guidance for criteria to return to work for healthcare personnel with confirmed or suspected COVID-19.

Amount of Public Health Emergency Leave Available to Employees

- Amount of leave is not accrued. Employees are entitled to the leave regardless of how long they've been employed.

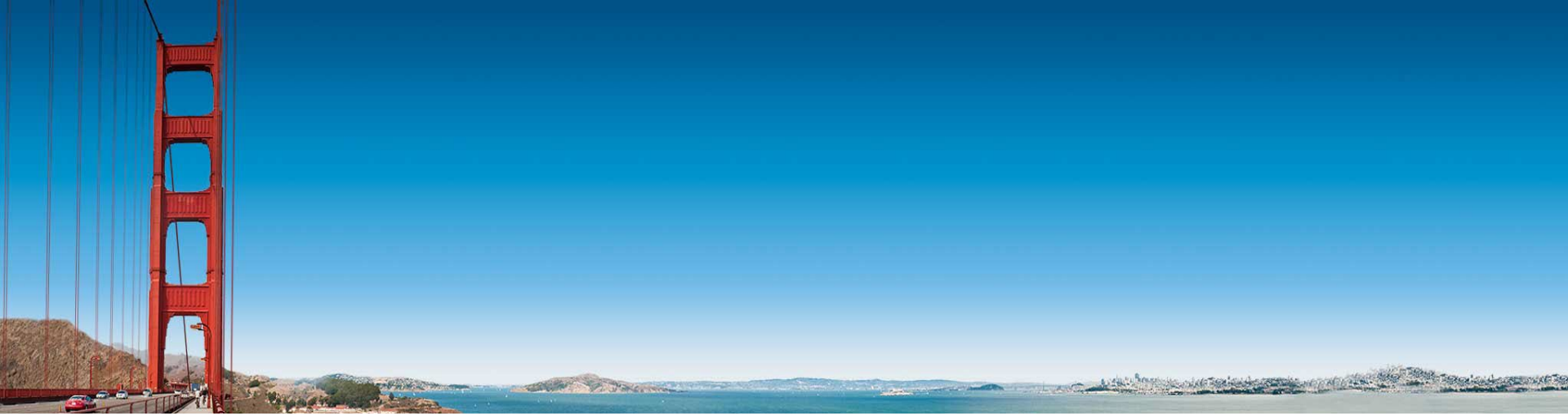
- Employees who were full-time (40 hour per week) employees as of February 25, 2020 are entitled to 80 hours of Public Health Emergency Leave.

Amount of Public Health Emergency Leave Available to employees

- Part-time employees as of February 25, 2020 – the average number of hours over a two-week period that the employee was scheduled over the previous six months ending on February 25, 2020, including hours for which the employee took leave of any type.

Amount of Public Health Emergency Leave Available to employees

- For employees hired after February 25, 2020 – the number of hours that the employee worked, on average, over a two-week period between the date of hire and the date upon which the leave is taken, including hours for which the employee took leave of any type.
- Employees are not be entitled to more than 80 hours of Public Health Emergency Leave.



COVID-Related Employment Protections Ordinance (CEPO)

Office of Labor Standards Enforcement

Background

- The COVID-Related Employment Protections Ordinance took effect on March 7, 2021. The ordinance will be in effect for two years.
- All employees working in San Francisco, including part-time or temporary employees, are covered
- Prohibits employment discrimination on the basis of COVID-19 status

Worker Protections

- No adverse action against an employee who is absent from or unable to work, or who requests time off work, because the employee tested positive for COVID-19 or is isolating or quarantining, or has previously isolated or quarantined, due to COVID-19 symptoms or exposure
- Does not matter if the employee is eligible to take paid or unpaid leave under any employer benefit program or any other local, state, or federal protection

Applicant Protections

- Employers may not make or rescind an offer to employ an applicant based on whether an applicant tested positive for COVID-19 or is isolating or quarantining, or has previously isolated or quarantined, due to COVID-19 symptoms or exposure.

- If an applicant is unable to start work because the applicant tested positive for COVID-19 or is isolating or quarantining due to COVID-19 symptoms or exposure, the employer shall reasonably accommodate the applicant by scheduling a later start date where reasonably feasible.

OLSE Hotlines

- Paid Parental Leave Ordinance
  - pplo@sfgov.org; (415) 554-4190
- Minimum Wage Ordinance
  - mwo@sfgov.org; (415) 554-6292
- Paid Sick Leave Ordinance
  - psl@sfgov.org; (415) 554-6271
- Public Health Emergency Leave Ordinance
  - psl@sfgov.org; (415) 554-6271
- COVID-Related Employment Protections Ordinance
  - cepo@sfgov.org; (415) 554-6077

Contact Us

San Francisco Office of Labor Standards Enforcement

City Hall Room 430

San Francisco, CA 94102

www.sfgov.org/olse

Get on OLSE's email list: https://sfgov.org/olse/email-sign-employers-20-or-more-employees

Contact the Presenters

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- *Department of Fair Employment and Housing (DFEH)*

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