



# Paid Sick Leave, Paid Family Leave, and Unemployment Insurance for ECE Directors, Staff, and Family Child Care Providers in California

April 17, 2020

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EARLY EDGE CALIFORNIA

# Unemployment Insurance (UI)

**Temporary, partial wage replacement** for people who are unemployed or underemployed through **no fault** of their own.

- Duration: up to 26 weeks (+13 weeks = up to 39 weeks)
- Benefits: \$40-\$450/week (+\$600)
  - Sufficient base period earnings; while authorized to work
- No-fault separations include:
  - Layoff/ Lack of Work/Reduced hours
  - Termination without misconduct
  - Good cause quit, such as:
    - Caregiving obligations (incl. **child care** or **school closure**)
    - Reasonable fear for one's health

# Unemployment Insurance (UI)



## Application Process

- Online is best; can also apply by mail/fax/phone.
- Request to backdate claim if difficulty getting through to EDD.
- One-week waiting period has been waived.
- Usually takes 21 days; given volume, expect longer delays.
- Ongoing certification required.
- Must remain in good immigration status / authorized to work.

# Unemployment Insurance (UI)

Apply for Unemployment [online](#)

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Jobs



Claims



Employers

## UI Online<sup>SM</sup>

[En español](#)

UI Online is the fastest and most convenient way to file or reopen your claim, certify for benefits, and get up-to-date claim and payment information. [UI Online Mobile<sup>SM</sup>](#) is available for smartphone and tablet users.

## Log In or Register - Benefit Programs Online.

The Employment Development Department's online benefit services, such as UI Online, are accessed through Benefit Programs Online. Select Benefit Programs Online below to log in or to register for access.

[Benefit Programs Online](#)



# New CA Disaster Relief Fund

- ❑ On April 15, 2020, Governor Newsom announced creation of new \$125 million disaster relief fund for undocumented workers.
- ❑ \$500 grants, up to \$1,000 per household, available beginning in May.
- ❑ To be administered by community-based organizations.

# New Federal Pandemic Unemployment Benefits (CARES Act)

- ❑ Total of 39 weeks of Benefits (extra 13 weeks) – until 12-31-2020
- ❑ Covers some people not eligible for state UI benefits, i.e. self-employed, independent contractors, people without sufficient base income, workers at religious employers. (Pandemic Unemployment Assistance (PUA)).
  - Application available Apr. 28; payments shortly thereafter.
  - Includes people who are sick, caring for others with COVID-19
  - Includes people who cannot work because of school closures.
- ❑ extra \$600 per week that anyone receiving unemployment, even partial unemployment, will get. Available until 7-31-2020. CA started paying extra \$600 Apr. 13, but goes back to Mar. 29. (Pandemic Unemployment Compensation (PUC)).

# Pandemic Unemployment Benefits

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- EDD will administer both state UI and federal benefits.
- Benefits are retroactive as state capacity ramps up
- Licensed and license-exempt providers can qualify
- Undocumented individuals are not eligible for state and federal UI, but new Disaster Relief Fund



# Family Child Care (FCC) Providers Qualify for PUA

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- FCC providers can get Pandemic Unemployment benefits when, as a direct result of COVID-19, they:
  - Close their business, or
  - have a substantial interruption
  - in business activity (partially unemployed)





# FCC is open, but serving fewer kids

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- FCC providers who are still open, but are serving fewer children due to COVID-19, can get **partial unemployment** benefits
- Benefit calculation: Disregard > of \$25 or 25%
- Even qualifying for a small unemployment check automatically gets you an additional \$600/week, through July 31, 2020
- This supplement does not count for Medicaid or Children's Health Ins. Program (CHIP)



# How can FCC providers access Unemployment benefits?

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## □ **APPLY**; be persistent

- EDD is overwhelmed with regular UI claims (2.3 million new claims in past 3 weeks)
- FCC's should wait for EDD to post new Pandemic Unemployment application on April 28

## □ In the meantime...

- Get 2018 or 2019 tax returns completed and/or filed (also ensures you will get the \$1,200 stimulus check)
- Create an on-line account



# EDD Work Sharing

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## □ Helps employers

- Minimize or eliminate the need for layoffs
- Keep trained employees for when business conditions improve
- Avoid recruiting, hiring, and training new workers

## □ Helps Workers

- Continue to work part-time; everyone shares the pain
- Unemployment paid = % working
- Retain health and other benefits



# Federal Families First Coronavirus Response Act

- Effective April 1, 2020 – Dec. 31, 2020
- Covers employers with <500 employees
- Provides:
  - 2 weeks of Emergency Paid Sick Days
  - 12 weeks of Emergency Paid School Closure Leave

# Emergency Paid Sick Leave

## ☐ Qualifying reasons:

- Employee subject to quarantine or isolation order
- Employee advised by health care provider to self-quarantine
- Employee has symptoms of COVID-19 and seeking diagnosis
- Employee is caring for an individual subject to quarantine or isolation order or advised to self-quarantine
- Employee is caring for a child whose school or care provider is closed or unavailable due to COVID-19
- Substantially similar conditions specified by Sec. of H&HS

# Emergency Paid Sick Leave

## ☐ Wage Replacement:

- If for employee's own health, 100% up to \$511/day
- If to care for others, 2/3 pay up to \$200/day
- Paid directly by the employer
- Employer can get 100% reimbursed via refundable tax credit.

## ☐ Potential Exemptions:

- Health care providers/emergency responders
- School closure leave: businesses w/ < 50 employees may claim exemption if would jeopardize viability

# Emergency Paid School Closure Leave

- ☐ 12 weeks of leave to care for child whose school / care provider is closed or unavailable due to COVID-19
- ☐ First 2 weeks unpaid (but can use emergency paid sick leave)
- ☐ Following 10 weeks paid at 2/3 rate up to \$200 per day
- ☐ Employee must have worked for 30 days.
- ☐ Same exemptions as emergency paid sick leave.
- ☐ Reinstatement not required for employers w/ < 25 employees if they make certain best efforts and notify employee of available jobs

# CA & Local Paid Sick Days Laws

- ☐ Employees can use accrued sick days for absences for:
  - Illness;
  - Diagnosis, care, or treatment of an existing health condition;
  - Preventative care, including quarantine for potential exposure to COVID-19.
  
- ☐ Employers may limit to 3 days under CA law.
  - Some places like Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco and Santa Monica require employers to provide more than 3 sick days.
  - Some cities have passed expanded paid sick leave laws for COVID-19.
  
- ☐ Employers cannot retaliate.
  
- ☐ Separate entitlement from paid sick days under federal law.



# State Disability Insurance (SDI)



- ☐ **Up to 52 weeks of worker-funded, partial wage replacement while unable to perform your job.**
  - Having COVID-19 or having been exposed qualifies.
  - Certification required, but can be via telehealth.
  - Can receive even if laid off/terminated.
  
- ☐ **Wage replacement rate is 60% for most and 70% for lowest income earners.**
  
- ☐ Eligibility: Paid into SDI during “base period” (5 – 18 months in the past); misclassified workers should apply.
  
- ☐ One week waiting period waived for COVID-19.
  
- ☐ Citizenship/immigration status irrelevant.





# CA Paid Family Leave (PFL)

- ☐ **6 WEEKS (8 weeks as of 7/1/20)** of worker-funded partial wage replacement while:
  - ✓ Caring for a seriously ill close family member (parent, spouse, reg. domestic partner, sibling, parent-in-law, grandchild, grandparent); or
  - ✓ bonding with a newborn, adopted or foster child
- ☐ Can use PFL to care for family member ill or quarantined due to COVID.
- ☐ Can be used even if laid off/terminated.
- ☐ Certification required; telehealth appointment okay.
- ☐ **60% or 70%** of weekly wage, depending on income.
- ☐ No waiting period.
- ☐ Same eligibility as SDI; citizenship/immigration status irrelevant.

# CA Job Protection Laws

## ☐ California Family Rights Act

- Unpaid leave for a max. of 12 weeks per year.
- Continuation of health benefits.
- Covers self and parents, spouses, reg. domestic partners, and minor child.

## ☐ Fair Employment and Housing Act/ADA

- Reasonable accommodations for employees with disabilities, including leave, part-time or remote work.

## ☐ Family School Partnership Act

- 40 hours of leave when school/day care is closed or care provider unavailable due to emergency.

# Help for Small Business Owners

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- **Economic Injury Grants and Disaster Loans**
  - ▣ Up to \$10K, \$1K per employee
  - ▣ First batch of \$\$ already gone, more to come
  - ▣ Apply through your local small business loan programs
- **Payroll Protection Act**
  - ▣ Have to be a “small” business or nonprofit
  - ▣ Grant if at least 75% goes to keep/rehire workers
  - ▣ Apply through banks; out of \$\$
- **FFCRA Tax Credits** for Employers who Provide Paid Sick Leave or Family Leave



# Key Takeaways

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- FCC providers and workers traditionally excluded from UI can qualify for pandemic unemployment, including the \$600/week supplement.
- APPLY soon; be persistent
- You don't need to understand the complexities of the various programs for you and your staff to get essential, short-term, financial relief.
- Paid leave may be available if you need time off while sick, quarantined, or caring for a loved one.
- Program guidance and processes keep changing – stay tuned!



# COVID-19 Resources

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- Unemployment
  - ▣ [EDD Pandemic Unemployment Assistance](#)
  - ▣ [Child Care Law Center COVID-19 FAQ](#)
  - ▣ [Legal Aid at Work Unemployment Insurance FAQs](#)
  - ▣ [Legal Aid at Work Coronavirus FAQ](#)
  - ▣ [Work Sharing Application](#), EDD
- [Emergency Disaster Relief for Undocumented Workers](#)
- Paid Leave
  - ▣ [Benefits for workers impacted by COVID-19](#)
  - ▣ Legal Aid at Work's Workers' Rights Clinics: 415-404-9093 (free, confidential legal advice for low-income workers)
- Loans/Grants/Tax Credits for Small Business
  - ▣ [Small Business Owner's Guide to the CARES Act](#)
  - ▣ [Find](#) your local Small Business Development Centers (SBDC) or Women's Business Centers

# Our Websites

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Child Care Law Center

- <https://www.childcarelaw.org/>

Early Edge California

- <http://www.earlyedgecalifornia.org>

First 5 Center for Children's Policy

- <https://first5center.org/>

Legal Aid at Work

- <https://legalaidatwork.org/>

# Q & A





# Thank You!

Resources will be emailed to all participants.



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