

Important California Leave Rules for COVID-19-Related Time Off

This document outlines California/Federal leave provisions that you can use for COVID-19 time-off situations. NOTE: Kaiser Permanente policies on COVID-19-related sick leave/quarantine are evolving as the COVID epidemic continues to unfold. Alliance Unions continue to advocate for improvements in KP's applicable benefits and policies for addressing this situation. Please see the latest KP or Alliance Unions communications or consult KP Human Relations for up-to-date information on the policies.

If a child or family member is sick or quarantined:

- **CA Kin Care Law** – Allows you to use up to half (1/2) of your earned annual sick leave (the amount you would accrue in six months) to care for a sick family member. It does not extend the amount of sick leave available to you but provides a protected reason for taking that leave.
- **CA Paid Family Leave (PFL)** – Provides up to six weeks of benefit payments to care for seriously ill family member (or for baby bonding). Benefit is 60-70% of your wages up to \$1300 per week for up to six weeks. Starting on July 1, 2020, it increases to eight weeks.
- **Family and Medical Leave Act (FMLA) / California Family Rights Act (CFRA)** – Allows 12 weeks of unpaid leave in a 12-month period to care for a family member with a serious health condition, among other purposes. The 12 weeks do not need to be consecutive. Can run concurrent with eligible paid leave.
Eligibility: 1) Employed by the employer for at least 12 months (or 1 year), and 2) have worked at least 1,250 hours during the 12-month period before the start of the leave.

If YOU are sick or quarantined:

- **CA Paid Sick leave for Per diems/Non-benefitted Employees** – If you are **not entitled to sick leave or paid time off under the applicable CBA** (includes per diem, part-time, and temporary employees), you can use sick leave provided under California's Paid Sick Leave Law. Under this law, one hour of paid leave is earned for every 30 hours worked. Accrual begins on the first day of employment. **An employer can allow you to borrow against future sick leave, but they are not obligated.** An employer may limit the amount of paid sick leave an employee can use in one year to 24 hours or three days. Accrued paid sick leave may be carried over to the next year, but it may be capped at 48 hours or six days. **Eligibility:** A qualifying employee must work in California for 30 or more days within a year from the beginning of employment.
- **Family and Medical Leave Act (FMLA) / California Family Rights Act (CFRA)** – Allows 12 weeks of unpaid leave within a 12-month period. The 12 weeks do not need to be consecutive. Can run concurrent with eligible paid leave. **Eligibility:** 1) Employed by the employer for at least 12 months (or 1 year), and 2) have worked at least 1,250 hours during the 12-month period before the start of the leave.
- **Disability Insurance (SDI)** – Provides 60-70% of wages with a maximum of \$1300 per week for up to 52 weeks. For COVID-19 related disability claims, there is no customary one-week waiting period.
- **Unemployment insurance** – California's unemployment insurance practices, combined with the federal economic relief bill addressing the Coronavirus crisis, the CARES Act, provide up to \$450 per week (exact amount is based on your past earnings) for up to 39 weeks of unemployment benefits for reduced work hours through December 31, 2020. The CARES Act also provides up to an additional \$600 per week on top of

the state unemployment benefit but only through July 31, 2020. For COVID-19 related unemployment/reduced hours, there is no customary waiting period.

- **Worker's Compensation** – If you were exposed to and contracted COVID-19 at work you may receive temporary disability, in amount of 2/3 of gross wages, for up to 104 weeks.
- **ADA/FEHA** (disability law) –You may qualify for additional unpaid leave, beyond the FMLA/CFRA limit, as a reasonable accommodation for treatment or quarantine due to contracting or being exposed to COVID-19.

If staying at home with well child(ren) due to school closure:

- **Family School Partnership Act (FSPA)** – Up to 40 hours of protected leave each year for school activities or emergency school or daycare closure. The law requires you to use existing vacation time, personal leave, or other compensatory time off first and then any unpaid leave available. Employer cannot deny but this does not extend the total amount of leave to which you are entitled (including paid and unpaid). If you and your spouse are both employed at the same worksite, the first one who requests time off for the event is entitled to the benefit and the other parent must receive approval in order to take the same time off.
Eligibility: The law applies to parents of children in kindergarten through 12th grade.
- **Sick Leave/CA Kin Care Law** – In published Q&As, both Gov. Gavin Newsom and the California Department of Industrial Relations have suggested that employees can use sick leave to stay home with a well child due to school closures as a form of “preventative care.” **The Alliance has asked Kaiser Permanente to honor Governor Newsom’s guidance and allow employees who request it to access paid sick leave to stay home with a well child during school closures.** By following the Governor’s proposed application of California Kin Care Law, employees can use half (1/2) of their earned annual sick leave (the amount you would accrue in six months) to care for a well child who is home due to school closure.
- **Unemployment insurance** – You may be eligible for unemployment insurance benefits if you have to reduce your work schedule to care for children at home due to school closures. The EDD is conducting phone interviews to determine eligibility on a case-by-case basis. If qualified, you can claim up to \$450 per week for up to 26 weeks of unemployment for reduced hours. The one-week waiting period is waived for COVID-19 related unemployment/reduced hours. The CARES Act also provides up to an additional \$600 per week on top of the state unemployment benefit but only through July 31, 2020. It also extends the total period of eligibility from 26 to 39 weeks through December 31, 2020.

SUPPORTING DOCUMENTATION

Also see: <https://www.labor.ca.gov/coronavirus2019/>



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Program	Why	What	Benefits	More Information	How to File
Disability Insurance	If you're unable to work due to medical quarantine or illness related to COVID-19 (certified by a medical professional)	Short-term benefit payments to eligible workers who have a full or partial loss of wages due to a non-work-related illness, injury, or pregnancy.	Approximately 60-70 percent of wages (depending on income); ranges from \$50-\$1,300 a week for up to 52 weeks.	Learn more about your eligibility for Disability Insurance	File a Disability Insurance claim
Paid Family Leave	If you're unable to work because you are caring for an ill or quarantined family member with COVID-19 (certified by a medical professional)	Up to six weeks of benefit payments to eligible workers who have a full or partial loss of wages because they need time off work to care for a seriously ill family member.	Approximately 60-70 percent of wages (depending on income); ranges from \$50-\$1,300 a week for up to 6 weeks.	Learn more about your eligibility for Paid Family Leave	File a Paid Family Leave claim
Unemployment Insurance	If you have lost your job or have had your hours reduced for reasons related to COVID-19	Partial wage replacement benefit payments to workers who lose their job or have their hours reduced, through no fault of their own.	Range from \$40-\$450 per week for up to 26 weeks.	Learn more about your eligibility for Unemployment Insurance	File an Unemployment Insurance claim
Paid Sick Leave	If you or a family member are sick or for preventative care when civil authorities recommend quarantine	The leave you have accumulated or your employer has provided to you under the Paid Sick Leave law.	Paid to you at your regular rate of pay or an average based on the past 90 days.	Learn more about your eligibility for Paid Sick Leave	If accrued sick leave is denied, file a Wage claim
Workers' Compensation	If you are unable to do your usual job because you were exposed to and contracted COVID-19 during the regular course of your work, you may be eligible for workers' compensation benefits.	Benefits include temporary disability (TD) payments, which begin when your doctor says you can't do your usual work for more than three days or you are hospitalized overnight. You may be entitled to TD for up to 104 weeks. TD stops when either you return to work, your doctor releases you for work, or your doctor says your illness has improved as much as it's going to.	TD generally pays two-thirds of the gross wages you lose while you are recovering from a work-related illness or injury, up to maximum weekly amount set by law. In addition, eligible employees are entitled to medical treatment and additional payments if a doctor determines you suffered a permanent disability because of the illness.	Learn more about your eligibility for Workers' Compensation benefits	File a Workers' Compensation claim