



March 2020 Newsletter

Pandemic Response: Protecting Your People



We're all uncertain and uneasy about how the current global coronavirus pandemic will affect our families and our communities in the coming days, weeks and months. At [Leap Solutions](#), we're committed to efforts to ensure that we have policies and practices in place to protect the safety and wellbeing of our employees—and we want to help you do the same for yours.

While this unprecedented pandemic poses unique concerns for employers, we're confident that with the right guidance and resources, you'll successfully rise to the challenge of finding new, creative ways to support your people and get things done. To that end, we recommend looking to the **State of California ([ca.gov](#))** and the **Centers for Disease Control and Prevention/ CDC ([cdc.gov](#))** websites for up-to-date information, tools and resources, including the following explanation and set of facts about recent state efforts to protect and assist California employers and workers during the pandemic.

Governor Newsom Issues New Executive Order Further Enhancing State and Local Government's Ability to Respond to COVID-19 Pandemic - Published: Mar 12, 2020

The Governor's order:

- Waives the one-week waiting period for people who are unemployed and/or disabled as a result of COVID-19;
- Delays the deadline for state tax filing by 60 days for individuals and businesses unable to file on time based on compliance with public health requirements related to COVID-19 filings;
- Directs residents to follow public health directives and guidance, including to cancel large non-essential gatherings that do not meet state criteria;
- Readies the state to commandeer property for temporary residences and medical facilities for quarantining, isolating or treating individuals;
- Allows local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically; and
- Allows local and state emergency administrators to act quickly to protect public health

FAQ

1. Can an employee use California Paid Sick Leave due to COVID-19 illness?

Yes. If the employee has paid sick leave available, the employer must provide such leave and compensate the employee under [California paid sick leave laws](#). Paid sick leave can be used for absences due to illness, the diagnosis, care or treatment of an existing health condition or preventative care for the employee or the employee's family member. Preventative care may include self-quarantine as a result of potential exposure to COVID-19 if quarantine is recommended by civil authorities. In addition, there may be other situations where an employee may exercise their right to take paid sick leave, or an employer may allow paid sick leave for preventative care. For example, where there has been exposure to COVID-19 or where the worker has traveled to a high-risk area.

2. If an employee exhausts sick leave, can other paid leave be used?

Yes, if an employee does not qualify to use paid sick leave, or has exhausted sick leave, other leave may be available. If there is a vacation or paid time off policy, an employee may choose to take such leave and be compensated provided that the terms of the vacation or paid time off policy allows for leave in this circumstance.

3. Can an employer require a worker who is quarantined to exhaust paid sick leave?

The employer cannot require that the worker use paid sick leave; that is the worker's choice. If the worker decides to use paid sick leave, the employer can require they take a minimum of two hours of paid sick leave. The determination of how much paid sick leave will be used is up to the employee.

4. What options do I have if my child's school or day care closes for reasons related to COVID-19?

Employees should discuss their options with their employers. There may be paid sick leave or other paid leave (*see table below*) that is available to employees. Employees at worksites with 25 or more employees may also be provided up to 40 hours of leave per year for specific school-related emergencies, such as the closure of a child's school or day care by civil authorities ([see Labor Code section 230.8](#)). Whether that leave is paid or unpaid depends on the employer's paid leave, vacation or other paid time off policies. Employers may require employees use their vacation or paid time off benefits before they are allowed to take unpaid leave, but cannot mandate that employees use paid sick leave. However, a parent may choose to use any available paid sick leave to be with their child as preventative care.

5. Can an employer require a worker to provide information about recent travel to countries considered to be high-risk for exposure to the coronavirus?

Yes. Employers can request that employees inform them if they are planning or have traveled to [countries considered by the Centers for Disease Control and Prevention to be high-risk areas for exposure to the coronavirus](#). However, employees have a right to medical privacy, so the employer cannot inquire into areas of medical privacy.

6. Is an employee entitled to compensation for reporting to work and being sent home?

Generally, if an employee reports for their regularly scheduled shift but is required to work fewer hours or is sent home, the employee must be compensated for at least two hours, or no more than four hours, of reporting time pay. For example, a worker who reports to work for an eight-hour shift and only works for one hour must receive four hours of pay, one for the hour worked and three as reporting time pay so that the worker receives pay for at least half of the expected eight-hour shift. [Additional information on reporting time pay](#) is posted online.

7. If a state of emergency is declared, does reporting time apply?

[Reporting time pay](#) does not apply when operations cannot commence or continue when recommended by civil authorities. This means that reporting time pay does apply under a state of emergency, unless the state of emergency includes a recommendation to cease operations.

8. If an employee is exempt, are they entitled to a full week's salary for work interruptions due to a shutdown of operations?

An employee is exempt if they are paid at least the minimum required salary and meet the other qualifications for exemption. Federal regulations require that employers pay an exempt employee performing any work during a week their full weekly salary if they do not work the full week because the employer failed to make work available.

An exempt employee who performs no work at all during a week may have their weekly salary reduced. Deductions from salary for absences of less than a full day for personal reasons or for sickness are not permitted. If an exempt employee works any portion of a day, there can be no deduction from salary for a partial day absence for personal or medical reasons.

Federal regulations allow partial-day deductions from an employee's sick leave bank so that the employee is paid for their sick time by using their accrued sick leave. If an exempt employee has not yet accrued any sick leave or has exhausted all of their sick leave balance, there can be no salary deduction for a partial day absence.

Deductions from salary may also be made if the exempt employee is absent from work for a full day or more for personal reasons other than sickness and accident, so long as work was available for the employee, had they chosen to work.

Also helpful is this table outlining vital, relevant benefits available to employees impacted by COVID-19.

| Program | Why | What | Benefits | More Information |
|-------------------------------|--|--|--|--|
| 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. | For more disability insurance information, or to file a claim, click links below |
| 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. | To learn more about your eligibility for Paid Family Leave, or to file a claim, click links below |
| 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. | To learn more about your eligibility for Unemployment Insurance or to file a claim, click links below |
| 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. | To learn more about your eligibility for Paid Sick Leave, or to file a wage claim if accrued sick leave is denied, click links below |
| 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. Addition, eligible employees are entitled to medical treatment and additional payments if a doctor determines you suffered a permanent disability because of the illness. | To learn more about your eligibility for Workers' Compensation benefits or to file a Workers' Compensation claim, click links below |

WEBSITE RESOURCE LINKS

1. Disability Insurance Information - https://www.edd.ca.gov/disability/am_i_eligible_for_di_benefits.htm
2. Disability Insurance Claim - [https://edd.ca.gov/Disability/How to File a DI Claim in SDI Online.htm](https://edd.ca.gov/Disability/How_to_File_a_DI_Claim_in_SDI_Online.htm)
3. Paid Family Leave Eligibility Information - [https://www.edd.ca.gov/disability/Am I Eligible for PFL Benefits.htm](https://www.edd.ca.gov/disability/Am_I_Eligible_for_PFL_Benefits.htm)
4. Paid Family Leave Claim - [https://edd.ca.gov/Disability/How to File a PFL Claim in SDI Online.htm](https://edd.ca.gov/Disability/How_to_File_a_PFL_Claim_in_SDI_Online.htm)
5. Unemployment Insurance Information - <https://www.edd.ca.gov/unemployment/eligibility.htm>
6. Unemployment Insurance Claim - [https://edd.ca.gov/Unemployment/Filing a Claim.htm](https://edd.ca.gov/Unemployment/Filing_a_Claim.htm)
7. Paid Sick Leave Information - https://www.dir.ca.gov/dlse/paid_sick_leave.htm
8. Paid Sick Leave Wage Claim - <https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>
9. Workers Compensation Eligibility Information - <https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.html>
10. Workers Compensation Claim - <https://www.dir.ca.gov/dwc/FileAClaim.htm>

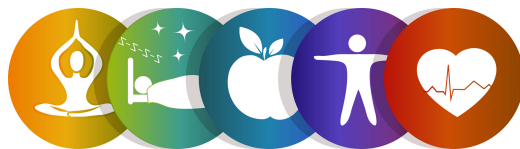
Further resources for businesses and employers, including interim guidance and cleaning and disinfection recommendations, we recommend from the Centers for Disease Control and Prevention (CDC):

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>

In this time of rapidly changing circumstances, continue to look to the ca.gov and cdc.gov websites for the most current updates on COVID-19 and ways that we, as individuals and as a workforce, can most effectively respond.

Foremost, we encourage organizations to create proactive communication plans to keep their employees abreast of any developments in regard to company operations as well as any updates to government programs in support of them and their families. At a minimum, daily communication on emerging issues and developments with your employees will go a long way to providing care and attention to the workforce.

Meantime, be safe, take care of yourselves and your families, reach out to us with questions and concerns, and—most importantly—know that we at [Leap Solutions Group](http://LeapSolutionsGroup.com) are here to partner with you to face these unsettling times, work through them with flexibility and resilience, and come out the other side stronger than ever.



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