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CALIFORNIA  
Work & Family  
COALITION



UNITE LA  
Education Innovation Through Collaboration

March 26, 2020

Honorable Gavin Newsom  
Governor, State of California

Honorable Toni Atkins  
President pro Tempore  
California State Senate

Honorable Anthony Rendon  
Speaker, California State Assembly

Honorable Holly J. Mitchell  
Chair, Senate Budget and Fiscal  
Review Committee

Honorable Phil Ting  
Chair, Assembly Committee on  
Budget

Dear Governor Newsom, Legislative and Budget Committee Leaders, and Legislators:

On behalf of the **over 135 organizations** listed below, we write to respectfully request urgent action to protect the health, safety, and economic well-being of workers in this state. Collectively our organizations represent millions of workers who have been impacted by the COVID-19 outbreak, who are in desperate need of expanded legal protections and economic relief.

We applaud the actions taken thus far by the Governor and the state legislature to address many of the challenges presented by this pandemic, but more must be done to help ensure the safety and economic security of working

Californians. While the federal Families First Coronavirus Response Act, signed by President Trump on March 18, 2020, extends the right to paid sick days and paid school closure leave to some employees, millions of workers are left out. California should fill the gaps and ensure that all workers are entitled to job-protected leave and wage replacement benefits to weather the storm of this unprecedented crisis.

Therefore, we ask the Governor and state legislature to take appropriate immediate action to implement the following changes to state law.

As laid out further below, it is imperative to immediately:

- *Waive or ease medical certification requirements under California's paid family and medical leave laws and social insurance programs during this public health emergency;*
- *Provide adequate emergency funding to ensure the solvency of the State Disability Insurance and Unemployment Insurance Funds and adequate administration of California's wage replacement programs;*
- *Expand California leave laws to ensure coverage for all workers not covered by the federal Families First Coronavirus Response Act; and*
- *Along with providing adequate funding, increase duration and wage replacement rates for Unemployment Insurance, Disability Insurance and Paid Family Leave.*

**A. Expand Job-Protected Leave to Ensure all Workers Can Access the Leave They Need to Keep Themselves and Their Families Healthy:**

- **Waive or ease medical certification requirements during a public health emergency.** Permit workers to self-certify if they need medical or caregiving leave under the California Family Rights Act due to a public health emergency like coronavirus, so as to ease the burden on the health system and adhere to public health guidance to avoid medical settings. Specifically, recognize 60+ as a particular vulnerable group and allow proof of age as sufficient certification.
- **Guarantee job-protected leave to cover all workers under the California Family Rights Act (CFRA), regardless of employer size, hours worked, or tenure.** Expand definition of serious health condition to include an individual who is directed to self-isolate or quarantine due to a public health emergency. Expand coverage to parents who need to take time off to care for a family member whose school, childcare, elder care, or other care has been closed or is otherwise unavailable due to a public health emergency. Provide extended leave beyond 12 weeks as a

reasonable accommodation for employees who need more leave due to a public health emergency.

- **Expand the Family School Partnership Act (FSPA).** Right now only employees who work for employers with 25 or more employees are entitled to up to 40 hours per year to deal with an emergency closure of a child's school or childcare. This must be extended to cover all employees and to provide job-protected leave for the duration of school, childcare, elder care or other care closures due to public health emergencies or natural disasters.
- **Expand the definition of family to cover all family members.** Provide an inclusive definition of family, so that workers can care for seriously ill grandparents, grandchildren, adult children, parents-in-law, siblings, and any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.

## **B. Expand Paid Sick Days.**

- **Expand Paid Sick Days.** Increase the number of paid sick days to at least two weeks during a public health emergency or natural disaster (or the equivalent of 2 weeks of leave for part-time workers), that can be used immediately. Increase the number of permanent paid sick leave to at least 7 days. Clarify that paid sick days may be used to address all scenarios that may arise in public health emergencies or natural disasters, including quarantine or self-isolation, to care for a family member that has been quarantined or in isolation, to care for a family member whose school, childcare, elder care or other care is closed or otherwise unavailable, and when an employee's place of employment is closed by the employer or a public health official due to a public health emergency. Waive medical certification requirements in a public health emergency.

## **C. Expand Access to California's Social Insurance Wage Replacement Programs.**

- **Ensure the State Disability Insurance Fund remains solvent to cover expansion and increased uptake in claims without further taxing employees.** Currently, the State Disability Insurance fund that covers both State Disability Insurance (SDI) and Paid Family Leave (PFL) is entirely employee funded. With the necessary expansion and increase in uptake in these programs due to COVID-19, California must allocate general, reserve, or other emergency funding streams to ensure the adequacy of the fund through this crisis. Additionally, California should eliminate the

regressive cap on taxable wages so that high earners contribute the same percentage to the fund as lower earners.

- **Significantly increase staffing and capacity of the Employment Development Department (EDD)** to ensure workers can access the benefits to which they are entitled and to provide adequate customer support in multiple languages. Immediately ensure that SDI, PFL and Unemployment Insurance (UI) applications are made available online in multiple languages.
- **Expand Paid Family Leave (PFL) and State Disability Insurance (SDI) to cover public health emergency related needs.** Clarify that employees can receive PFL to care for a family member who is quarantined, who is in a high-risk population, or whose school, child care, elder care, or other care is closed or otherwise unavailable during a public health emergency. Clarify that SDI is available to individuals who are unable to work due to membership in a high-risk population.
- **Expand Unemployment Insurance (UI).**
  - o Currently, unemployed workers only receive between \$40 and \$450 per week, for up to 26 weeks. California must expand the duration and pay rate for UI to ensure that unemployed and underemployed workers have sufficient wage replacement benefits to support themselves and their families during the coronavirus crisis.
  - o Clarify that a worker is not required to look for work, or be able or available for work, if caring for children or dependents during school/care center closure due to a public health emergency or natural disaster.
  - o Backdate UI claims to the last day worked.
  - o Do not require reporting of partial wages or any city or county provided supplemental benefits.
  - o Expand California's Work Sharing Program.
  - o Accept applications in any language in which they are completed.
- **Increase Wage Replacement Rates for PFL and SDI, especially for low-wage workers.** Right now, workers who cannot work due to their own disability or because they are caring for a loved one receive only 60 or 70% of their normal weekly wages. These rates are insufficient for far too many workers, particularly low-wage workers, and must be increased to enable California workers to support themselves and their families. Additionally, the length of PFL benefits should be extended beyond 8

weeks, provided there is sufficient general fund or other non-worker revenue contributed to the Fund.

- **Waive or ease medical certification requirements for SDI and PFL during a public health emergency.** As noted above, workers should be able to self-certify if they need medical or caregiving leave due to a public health emergency like coronavirus, so as to ease the burden on the health system and adhere to public health guidance to avoid medical settings.
- **Streamline the process for misclassified workers to access PFL, SDI, and UI.** Deem misclassified workers as employees and affirmatively ask claimants to self-report past earnings in their base period, rather than denying benefits and requiring such workers to appeal the denial in order to receive benefits. Improve the process for the state to recover costs from the employer.
- **Designate emergency funding to provide support to workers, including undocumented workers, who are ineligible for other benefits.**

#### **D. Allow Flexible Work Arrangements and Prohibit Discrimination and Retaliation During Public Health Emergencies.**

- **Require employers to provide reasonable accommodations to allow employees to care for themselves or their families during public health emergencies.** Clarify that an employee is entitled to reasonable accommodations to comply with public health directives to shelter in place or socially distance, including allowing workers to telework, work a modified or flexible schedule, or take an extended leave to care for themselves or family members during a public health crisis.
- **Protect workers from discrimination, harassment and retaliation for complying with public health directives or other government directives such as evacuation orders during natural disasters.** Amend the California Labor Code to provide protection to workers from such conduct and provide a proper remedy.

While conditions are changing rapidly and the full extent of emergency measures necessary to protect California workers and their families is not yet known, the above policy changes are essential to preserve the economic stability of Californians at this time. We thank you for your continued leadership during this crisis and look forward to partnering with you to make these recommendations a reality.

Sincerely,

**The over 135 organizations listed below:**

605 Citizenship Project  
ACCESS Women's Health Justice  
ACLU of California  
ACT for Women and Girls  
Advancing Justice - Asian Law Caucus  
Alzheimer's Association  
American Association of University Women—California  
Anti-Eviction Mapping Project  
API Forward Movement (APIFM)  
APLA Health  
Association of California Caregiver Resource Centers  
Baby Cafe Bakersfield  
Bet Tzedek Legal Services  
BFUU Social Justice Committee  
BreastfeedLA  
Bryan Schwartz Law  
Business & Professional Women of Nevada County  
California Advanced Lactation Institute  
California Advocates for Nursing Home Reform  
California Association of Food Banks  
California Breastfeeding Coalition  
California Child Care Resource & Referral Network  
California Employment Lawyers Association  
California Latinas for Reproductive Justice  
California National Organization for Women  
California Nurse-Midwives Association  
California Pan-Ethnic Health Network  
California Partnership  
California Partnership to End Domestic Violence  
California WIC Association  
California Women's Law Center  
California Work & Family Coalition  
Center for Popular Democracy  
Center for Workers' Rights  
Centro Binacional para el Desarrollo Indígena Oaxaqueño  
Centro Legal de la Raza  
Children's Defense Fund-California  
Chinese Progressive Association  
Citizens For Choice  
Clergy and Laity United for Economic Justice

Coalition of California Welfare Rights Organizations

Community Legal Services in East Palo Alto

Consumer Attorneys of California

CradleSong Birthing

CRLA Foundation

Disability Rights California

Disability Rights Education & Defense Fund

Education and Leadership Foundation

Ella Baker Center for Human Rights

Equal Rights Advocates

Evolve California

Family Violence Appellate Project

First 5 Association of CA

First 5 California

FreeFrom

Friends Committee on Legislation of California

Grace Institute/End Child Poverty in CA

Grass Roots Neighbors

Hand in Hand: The Domestic Employers Network

Healthy Kids Happy Faces

Hero Birth Services

Hollywood NOW

Housing Equality & Advocacy Resource Team (HEART)

Human Impact Partners

If/When/How: Lawyering for Reproductive Justice

Inglewood First United Methodist Church

Inner City Law Center

InnerCity Struggle

Instituto Laboral de la Raza

Jewish Center for Justice

Justice in Aging

Kidango

Korean Community Center of the East Bay

LA Forward

La Raza Centro Legal

LA Voice

Labor Occupational Health Program

Legal Aid at Work

Legal Aid Society of San Mateo County

Legal Services for Prisoners with Children

Los Angeles Black Worker Center

Los Angeles Worker Center Network

Materna Lactation Services

Maternal and Child Health Access

Mi Familia Vota

NARAL Pro-Choice California  
 National Association of Social Workers (NASW) California Chapter  
 National Council of Jewish Women Los Angeles  
 National Employment Law Project  
 National Health Law Program  
 National Immigration Law Center  
 National Lawyers Guild of Los Angeles  
 National Lawyers Guild—SF Bay Area Legislative Reform Committee  
 National Women's Political Caucus of California  
 One Redwood City  
 Orange County Equality Coalition  
 Our Family Coalition  
 Pacifica Progressive Alliance, Pacifica Peace People, Pacifica Social Justice  
 Parent Voices  
 Parent Voices CA  
 PICO California  
 Pilipino Workers Center of Southern California  
 PL+US: Paid Leave for the United States  
 Progressive Asian Network for Action (PANA)  
 Public Counsel  
 Public Law Center  
 Religious Coalition for Reproductive Choice of California  
 Restaurant Opportunities Center of The Bay  
 Rhythm and Truth  
 Rubicon Programs  
 Runyon Saltzman, Inc.  
 San Francisco Senior & Disability Action  
 SEIU California  
 SIREN (Services, Immigrant Rights and Education Network)  
 South Bay Baby Care Nursing Services Inc.  
 Street Level Health Project  
 TechEquity Collaborative  
 Thai Community Development Center  
 The Children's Partnership  
 The Sidewalk Project  
 TODEC Legal Center  
 Tradeswomen Inc.  
 UC Student Workers' Union--UAW 2865  
 UNITE-LA  
 URGE: Unite for Reproductive & Gender Equity  
 VietRISE  
 Village Connect



Voices for Progress  
Warehouse Worker Resource Center  
Watsonville Law Center  
Western Center on Law and Poverty  
Women For: Orange County  
Women Organizing Resources,  
Knowledge and Services (WORKS)  
Women's Foundation of California  
Women's Employment Rights Clinic –  
Golden Gate University  
Work Equity  
Worksafe  
YWCA San Francisco & Marin  
YWCA Silicon Valley