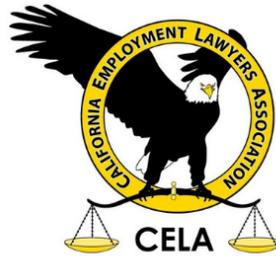




California  
LABOR  
Federation



CALIFORNIA  
Work & Family  
COALITION



"Fighting for Employee Rights"

LEGAL  
AID AT  
WORK



EQUAL RIGHTS  
ADVOCATES



January 12<sup>th</sup>, 2021

Honorable Gavin Newsom  
Governor, State of California

Honorable Nancy Skinner  
Chair, Senate Budget and Fiscal  
Review Committee

Honorable Toni Atkins  
President pro Tempore, California  
State Senate

Honorable Phil Ting  
Chair, Assembly Committee on  
Budget

Honorable Anthony Rendon  
Speaker, California State Assembly

To: Governor Newsom and the California State Assembly and Senate

**The undersigned 115 organizations respectfully request that the California Legislature take immediate action to expand emergency paid sick days and to protect California's families.**

On January 1, 2021, millions of workers across the state lost access to paid sick days. In December, President Trump signed a \$900 billion pandemic relief bill, which includes funding for employers to provide Paid Sick Days and Paid Family and Medical Leave, but notably excluded the right for workers to actually take the paid time off when they need it. As a result, many workers who have been exposed to COVID-19 or believe they have COVID-19 will have to choose between staying home, losing their pay, and risking being fired, or going to work and potentially infecting their coworkers and community. Workers will be forced to face this impossible choice at the same moment that COVID-19 cases are surging across the country and hospitals across the state have reached 0% ICU capacity.[1] At the same time, California employers who choose not to provide paid time off will leave millions of dollars in federal funding on the table, when it should be going to workers who need the time off and who will put the money back into the state's economy.

This is not the time to let critical worker protections expire. California recently surpassed more than 2 million confirmed COVID-19 cases. On January 5th, the average California rate of positive COVID-19 tests over the past seven days reached 15%.[2] [3] This has occurred with the FFCRA protections in place. If California does not take action to allow workers to follow public health advice and stay home when sick, quarantining or caring for a family member with COVID-19, we can expect infection rates to soar even higher. The state of California needs to act immediately to prevent needless suffering and death.

**The undersigned 115 organizations respectfully request that the California Legislature take immediate action to expand emergency paid sick days and paid family and medical leave protections to ensure that:**

- **All California workers with a COVID-19 diagnosis can take time off from work to recover without losing their job or pay.**
- **All California workers ordered to quarantine or self isolate are able to do so without losing their job or pay.**
- **All California workers who need to care for a family member who has COVID-19 or must self isolate or quarantine due to COVID-19 are able to do so without losing their job or pay.**

- **All California workers who need to care for a child or dependent family member whose normal school or care is unavailable due to COVID-19 are able to do so without losing their job or pay.**
- **All California workers are able to receive the COVID-19 vaccine and recover from its side effects without losing their job or pay.**

California needs to ensure that no worker who stays home when sick or ordered to quarantine or self isolate to protect public health can be fired and that no worker has to choose between missing out on essential income and endangering their family and community. A COVID-19 diagnosis is stressful enough; California workers should not also have to fear job and income loss.

### **Life-Saving Federal and State Paid Sick Leave Laws Expired January 1, 2021, as California Faces the Worst of the COVID-19 Crisis.**

In March 2020, the United States Congress passed the Families First Coronavirus Response Act (FFCRA).[4] This act required employers with fewer than 500 employees to offer two weeks of job-protected paid leave to employees who were not able to work because of isolation or quarantine orders, COVID-19 illness, the need to care for ill or quarantining family, or the need to care for children whose normal care was unavailable because of COVID-19. Parents needing to care for children whose normal care was unavailable were provided access to an additional 10 weeks of paid leave to care for their children. This Act was designed based on the evidence available at that time, and as such, was written to expire on January 1, 2021.

The FFCRA took an important first step to protect workers, but based on some estimates, left out up to 80% of California's workforce. So, the state stepped in. On April 16, 2020, Governor Newsom issued an executive order providing all those working in the food industry but left out of the FFCRA with two weeks of job-protected paid leave for their own COVID-19 related need to quarantine or isolate. Following this, on September 09, 2020, the Governor signed AB 1867, which extended these two weeks of job-protected paid sick leave to all workers not covered by the FFCRA for their own need to isolate or quarantine until the later of January 1, 2021 or when the FFCRA Emergency Paid Sick Leave provisions ended.

But Congress has failed to extend FFCRA Emergency Paid Sick Leave. While it extended some employers' access to tax credits if they choose to provide job-protected paid sick leave, it has not extended the requirement that employers provide that job-protected paid leave. As a result, on January 01, 2021, millions of workers across the state are now forced to choose between endangering their job or endangering the public health.

## **Californians Urgently Need Paid Sick Leave to Save Lives and Slow the Spread of COVID-19.**

Forcing workers to make this choice is indefensible, given the significant research showing that job-protected paid sick leave is imperative to fighting this pandemic. According to one study, during the H1N1 pandemic, lack of access to paid sick leave increased the number of cases of influenza-like illnesses across the United States by an estimated 5 million, including 1.2 million cases among the U.S. Hispanic population.[5] Paid sick leave has been shown to overall reduce workplace absences, reduce the spread of contagious disease, decrease the number of workplace accidents, and increase productivity, benefiting the economy as a whole.[6]

Notably, one study found that job-protected paid sick leave has already been effective in fighting COVID-19. States whose workers newly gained access to paid sick leave through the FFCRA saw four hundred fewer confirmed cases per day, translating into approximately one case prevented for every 1,300 workers per day.[7] Additionally, those with access to job-protected paid sick leave are more likely to seek preventative and medical care, both essential to curbing the spread of COVID-19. At this moment, when testing is absolutely critical and we will soon need workers to take time off from work to get vaccinated, making job-protected paid leave available is all the more important.

Further, COVID-19 has devastated our state and particularly communities of color. In Los Angeles, Latino and Black residents are twice as likely to die from COVID-19 as white residents. UCLA's Latino Policy and Politics Initiative concluded that increasing access to health care and paid sick leave for essential workers was necessary to stop the spread. San Francisco Department of Public Health has similarly reported that rates continue to soar among low-income workers and the Latino community, with 1 in 10 Latino residents testing positive for COVID-19 at its Mission test site.

If California fails to extend paid sick days and family and medical leave protections, we can expect more spread of COVID-19, meaning more pain and suffering, more deaths, and continued economic devastation.

## **California Must Act Now to Extend Paid Sick Leave.**

California needs to act to ensure that workers can access job-protected paid time off when they are unable to work because they have COVID-19, have been exposed to COVID-19, or need to care for family because of COVID-19. Not only has the FFCRA's Emergency Paid Sick Leave expired, but all of the protections that the state of California chose to put into place to fill its gaps, have also expired. If the state does not act, we can expect the spike in cases to

continue to grow. It is in all of our interests to make sure that workers who are sick or exposed to the virus can stay home.

We are writing to ask that you take immediate action to ensure that sick and exposed workers can stay home without risking their jobs and their families' economic security. The spread of COVID-19 will not wait; we need action now.

Sincerely,

9to5

A Better Balance

AARP California

ACLU of CA

Asian Americans Advancing Justice - CA

Asian Law Alliance

Association of California Caregiver Resource Centers

Baby Cafe Bakersfield

Bet Tzedek Legal Services

Black Leadership Kitchen Cabinet

BreastfeedLA

Bright Beginnings/Comienzos Brillantes

Business & Professional Women of Nevada County

California Advocates for Nursing Home Reform

California Breastfeeding Coalition

California Child Care Resource & Referral Network

California Conference Board of the Amalgamated Transit Union

California Conference of Machinists

California Employment Lawyers Association

California Labor Federation

California Immigrant Policy Center

California Latinas for Reproductive Justice

California Pan-Ethnic Health Network

California Partnership to End Domestic Violence

California Teamsters Public Affairs Council

California WIC Association

California Women's Law Center

California Work & Family Coalition

Campbell High School Teachers Association

Causa Justa :: Just Cause

Center for Excellence in Nonprofits

Center for Workers' Rights

Centro Binacional para el Desarrollo Indigena Oaxaqueño

Centro Legal de la Raza

Child Care Law Center

CLUE Justice

Community Legal Services in East Palo Alto

Disability Rights California

Disability Rights Legal Center

East Bay Alliance for a Sustainable Economy

Educators for Peaceful Classrooms and Communities

Electric Universe, LLC

Ella Baker Center for Human Rights

Employees Rights Center

Engineers and Scientists of California

Equal Rights Advocates

Family Values @ Work

Family Violence Appellate Project  
First 5 Association of CA  
Food Empowerment Project  
Frente Indigena de Organizaciones Binacionales  
Friends Committee on Legislation of California  
Gardner Health Services  
Goldenway Consulting  
Graton Day Labor Center  
Healthy Kids Happy Faces  
Human Impact Partners  
IFPTE Local 21  
Inland Equity Partnership  
IUCC Advocates for Peace & Justice  
Justice at Last  
KIWA  
Korean Community Center of the East Bay  
LA Alliance for a New Economy  
LA Best Babies Network  
La Raza Centro Legal  
Latinas Contra Cancer  
Latino Coalition for a Healthy CA  
Law Foundation of Silicon Valley  
Legal Aid at Work  
Legal Aid of Marin  
LOOM  
MACLA/Movimiento de Arte y Cultura Latino  
Americana  
Mi Familia Vota  
NARAL Pro-Choice California  
National Council of Jewish Women Los Angeles  
National Employment Law Project  
National Multiple Sclerosis Society  
National Partnership for Women & Families  
National Writers Union, Northern California  
Chapter  
North Bay Jobs with Justice

North Bay Labor Council  
One Fair Wage  
Orange County Equality Coalition  
Pacific Yearly Meeting Youth Programs  
Padres Unidos  
Paid Leave for the United States (PL+US)  
Parent Voices CA  
PICO California  
Project MORE  
Public Counsel  
Public Law Center  
Restore Oakland  
ROC The Bay  
San Mateo Labor Council  
Santa Clara County Wage Theft Coalition  
SEIU California  
Silicon Valley Rising  
SJSU Human Rights Institute  
SOMOS Mayfair  
South Bay Baby Care Nursing Services, Inc.  
Street Level Health Project  
The Central Valley Urban Institute  
The Jewish Center for Justice  
UAW 2865  
UAW Local 5810  
UNITE HERE  
United Food and Commercial Workers Western  
States Council  
Utility Workers Union of America  
West Valley Community Services  
Women For: Orange County  
Women's Foundation California  
Work Equity  
Working Partnerships USA  
Worksafe

[1] Tracking Coronavirus Hospitalizations in California by County. Accessed January 5, 2021 <https://calmatters.org/health/coronavirus/2020/04/california-coronavirus-covid-patient-hospitalization-data-icu/>

[2] California Department of Public Health: COVID-19 by the Numbers. Accessed January 5th 2021.  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers>

[3] Tracking COVID-19 in California. Accessed January 5, 2021.  
<https://covid19.ca.gov/state-dashboard/>

[4] Families First Coronavirus Response Act: Paid Family Leave Rights.  
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

[5] Kumar, Supriya, Sandra Crouse Quinn, Kevin H. Kim, Laura H. Daniel, and Vicki S. Freimuth. 2011. "The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic." *American Journal of Public Health* 102 (1): 134–40.

[6] See Jack Smalligan and Chantel Boyes. December 2020. "National Paid Sick Leave, Achieving Universal Workers Coverage." Urban Institute.  
[https://www.urban.org/sites/default/files/publication/103392/national-paid-sick-leave-achieving-universal-worker-coverage\\_0.pdf](https://www.urban.org/sites/default/files/publication/103392/national-paid-sick-leave-achieving-universal-worker-coverage_0.pdf)

[7] Pichler, Wen, and Ziebarth. Oct. 2020. "COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In the United States." *Health Affairs*, 39, No. 12:2197-2204. <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2020.00863>