

# Side by Side Comparison of COVID-19 Paid Leave



## Side by Side Comparison of CA Paid Family Leave, CA Paid Sick Leave and Federal Families First Coronavirus Response Act (FFCRA)

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency Paid Sick Leave	CA COVID-19 Supplemental Paid Sick Leave for Food Sector Workers	FFCRA Emergency Paid Family & Medical Leave
Qualifying reasons for leave	<p>To care for a seriously ill family member or to bond with a new child entering the family through birth, adoption, or foster care placement</p> <p>(eff. Jan. 1, 2021, this will also include a “qualifying exigency” related to the military duty of the employee’s family member).</p>	<p>(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member.</p> <p>(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Labor Code Section 230 and subdivision (a) of Section 230.1.</p>	<p>If the employee is unable to work (or telework) due to a need for leave because:</p> <p>(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. (this is only applicable if, but for being subject to the order, the employee would be able to perform work permitted by the employer, either at the workplace, or by telework. Not permissible if there is no work available).</p> <p>(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (this is only applicable if the health care provider believes the employee has COVID-19, MAY have COVID-19, is particularly vulnerable to COVID-19, and if, by following the health care provider’s advice to self-quarantine, the employee is prevented from working, either at the workplace or by telework.)</p> <p>(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. Leave is limited to a time the employee is unable to work because they are taking affirmative steps to obtain a medical diagnosis, such as making, waiting for or attending an appointment for a test for COVID-19.</p> <p>(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2). Leave is not available if there is no work for the employee. An <i>individual</i> means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if they were quarantined or self-quarantined.</p>	<p>If the Food Sector Worker is unable to work for the following reasons:</p> <p>(1) The Food Sector Worker is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</p> <p>(2) The Food Sector Worker is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or</p> <p>(3) The Food Sector Worker is prohibited from working by the Food Sector Worker’s Hiring Entity due to health concerns related to the potential transmission of COVID-19.</p>	<p>The employee is unable to work (or telework) due to a need to care for a son or daughter whose school or place of care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19.</p> <p>An employee may take leave to care for this son or daughter whose school or place of care has closed or whose child care provider is unavailable only if:</p> <ul style="list-style-type: none"> <li>* No other suitable person is available to care for the child; and</li> <li>* The employee would be able to perform work for the employer, but the need to care of their child, either at the employee’s normal workplace, or by telework.</li> </ul> <p>Leave is not available if the employer does not have work for the employee.</p> <p>A school or place of care is considered closed even if it utilized distance learning while the physical location is closed, according to the FFCRA Q&amp;A.</p>

			<p>(5) The employee is caring for a son or daughter whose school or place of care has been closed, or whose childcare provider is unavailable, for reasons related to COVID-19.</p> <p>An employee is not eligible for leave under the ePSLA when their child’s school or a child care provider is closed for summer vacation, or any other reason not related to COVID-19. However, an employee may be eligible for leave if their child’s care provider (e.g. camp or other program in which the employee’s child is enrolled) during summer is closed or unavailable for a COVID-19 related reason.</p> <p>(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.</p>		
	<b>CA Paid Family Leave</b>	<b>CA Paid Sick Leave</b>	<b>FFCRA Emergency Paid Sick Leave</b>	<b>CA COVID-19 Supplemental Paid Sick Leave for Food Sector Workers</b>	<b>FFCRA Emergency Paid Family &amp; Medical Leave</b>
<b>Employers/Hiring Entities covered</b>	<p>State Paid Family Leave is funded solely through <b>employee</b> contributions. Employees who contribute to the program (generally through paycheck deductions) are eligible if they earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during the applicable base period.</p>	<p>All employers who have employees in California except for certain employers of employees covered by a valid collective bargaining agreement, certain employers subject to Railway Labor Act, and retired annuitants of public employers</p>	<p>Private employers with fewer than 500 employees and public employers.</p> <p>Private employers with less than 50 employees may claim an exemption from providing paid leave to an employee to care for a child whose school or place of care is closed or whose child care provider is unavailable if they determine that providing such leave would jeopardize business viability. USDOL has issued a temporary rule that specifies the criteria for such denial, which the business must document and retain for its own files.</p> <p>Employers of health care providers or emergency responders may exclude their employees from these sick leave protections.</p>	<p>Hiring entities with 500 or more employees in the United States.</p> <p>Exception: Hiring entities that, as of April 16, provide supplemental paid benefits for the same purposes listed in the Executive Order that compensate Food Sector Workers at a level equal to or greater than what the Executive Order provides.</p>	<p>Private employers with fewer than 500 employees and public employers (except certain federal agencies).</p> <p>Private employers with less than 50 employees may claim an exemption from providing paid leave to an employee to care for a child whose school or place of care is closed or whose child care provider is unavailable if they determine that providing such leave would jeopardize business viability. USDOL has issued a temporary rule that specifies the criteria for such denial, which the business must document and retain for its own files.</p> <p>Employers of health care providers or emergency responders may exclude their employees from these family leave protections.</p>

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<b>Workers Covered</b>	Employees	Employees	Employees	<p>Food Sector Workers, defined as workers who:</p> <ul style="list-style-type: none"> <li>Perform work in the food sector as either a farm worker, or anywhere else in the retail food supply chain, including pick-up, delivery, supply, packaging, retail, or preparation;</li> <li>Perform work for the business outside the home; and</li> <li>Are exempt as Critical Infrastructure workers from any statewide stay-at-home order.</li> </ul> <p>Examples include grocery workers, store workers at stores where food is sold, restaurant or fast food workers, warehouse workers, and workers who pick-up or deliver any food items.</p>	Employees
<b>Amount of paid leave</b>	6 weeks maximum (will increase to 8 weeks July 1, 2020)	1 hour for every 30 hours worked or another approved method; employer may cap accrual at 48 hours and use at 3 days or 24 hours, whichever is greater, within a 12 month period Note: CA paid sick leave is separate from, and in addition to, paid sick leave under the FFCRA. However, employees may use their CA paid sick leave to supplement the amount they receive in FFCRA paid sick leave, up to the amount the employee would have normally earned during the period of sick leave.	80 hours for full-time employees; for part-time employees, the number of hours the employee is normally scheduled to work over two workweeks (those with variable schedules entitled to 14 times the average number of hours they worked per day over the past 6 months)	80 hours for full-time workers and those working an average of 40 or more hours per week; for part-time workers with a normal weekly schedule, the number of hours the worker is normally scheduled to work; for part-time workers with variable schedules, 14 times the average number of hours they worked each day over a six-month period (or for those workers who have worked fewer than six months, over the entire period of their employment)	<p>12-week period (but unpaid during first 2 weeks, which could be covered by other paid leave)</p> <p>If an employee has already taken FMLA leave in the past 12 months, the FFCRA does not provide additional leave. An employee is entitled to a maximum of 12 weeks of protected leave per 12-months period, with 10 of the weeks paid under FFCRA if the leave is taken for FFCRA-qualifying purposes.</p> <p>An employee may choose, or an employer may require that an employee use this additional leave concurrently with any leave offered under the employer's policies that would be available for the employee to take care of their child, such as vacation, personal leave, or paid time off.</p>

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<b>Wage payment amount</b>	60-70% of wages (depending on income), ranges from \$50-\$1,300 per week	Regular rate or average rate for preceding 90 days	<p><b>For employee:</b> Higher of regular rate or minimum wage rate, not to exceed \$511 per day and \$5,110 in total</p> <p><b>For family care:</b> 2/3 of regular rate, not to exceed \$200 per day and \$2,000 in total</p>	Highest of regular rate of pay for last pay period, State minimum wage, or local minimum wage, not to exceed \$511 per day and \$5,110 in total	<p>2/3 of regular rate, not to exceed \$200 per day and \$10,000 total</p> <p>Amount of pay based on the number of hours the employee is normally scheduled to work. For employees with variable schedules, employer can use the average number of hours the employee was scheduled per day for prior six months. For employees who have been employed for fewer than six months, pay can be based on the average agreed-upon number of hours per workday, or the average hours per workday over the period of employment. Alternatively leave can be paid at 2/3 of the employee's regular rate in hourly increments.</p>
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<b>When leave becomes available</b>	<p>When employee loses wages due to inability to work because of need for family care/bonding; employee must have earned at least \$300 from which State Disability Insurance (SDI)</p> <p>deductions were withheld during base period</p>	Begins to accrue upon hire & may be used after 90 days	April 1, 2020 through December 31, 2020: Employees can take leave immediately, regardless of how long they've worked for the employer.	April 16, 2020 and effective during the pendency of any statewide stay-at-home order.	<p>April 1, 2020 through December 31, 2020: Employees may take leave if they were on the employer's payroll for 30 calendar days immediately prior to the day that leave would begin.</p> <p>This includes employees who were laid off or otherwise terminated on or after March 1, 2020, had worked for the employer for at least 30 of the prior 60 days, and were subsequently rehired/reemployed by the same employer on or before December 31, 2020.</p>

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<b>Family members for whom care may be provided</b>	<ul style="list-style-type: none"> <li>• Child, including a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis.</li> <li>• Biological, foster, or adoptive parent, parent-in-law, stepparent, legal guardian, or other person who stood in loco parentis when the employee was a child.</li> <li>• Spouse</li> <li>• Registered domestic partner</li> <li>• Grandparent</li> <li>• Grandchild</li> <li>• Sibling</li> </ul>	<ul style="list-style-type: none"> <li>• Child, including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.</li> <li>• Biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.</li> <li>• Spouse</li> <li>• Registered domestic partner</li> <li>• Grandparent</li> <li>• Grandchild</li> <li>• Sibling</li> </ul>	<ul style="list-style-type: none"> <li>• “Individual” who employee is caring for who is subject to a quarantine order or self-quarantine advised by a health care provider means an immediate family member, person who regularly resides in employee’s home, or similar person with whom employee has a relationship that creates an expectation of care.</li> <li>• For purposes of caring for a child whose school is closed or whose child care provider is unavailable: <ul style="list-style-type: none"> <li>A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is- <ul style="list-style-type: none"> <li>(A) under 18 years of age; or</li> <li>(B) 18 years or older and incapable of self-care because of a mental or physical disability</li> </ul> </li> </ul> </li> </ul>	<p>Any person whose symptoms, exposure, or diagnosis makes a food sector worker:</p> <p>(1) subject to a Federal, State, or local quarantine order related to COVID-19; OR</p> <p>(2) advised by a health care provider to self-quarantine or self-isolate due to COVID-19 related concerns; OR</p> <p>(3) prohibited from working by the Food Sector Worker’s Hiring Entity</p>	<ul style="list-style-type: none"> <li>• Child under 18 who is a biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in loco parentis, or who is 18 or older and incapable of self-care because of mental or physical d</li> </ul>