



COVID-19 TELE-TOWNHALL #2 SUPPORTING WORKERS (03 -25- 20)

Welcome remarks from members (6 minutes; 2 minutes each)

- Senator Hannah-Beth Jackson
 - In the last two weeks 1 million Californians have filed for unemployment. There may be struggles with wait times
 - It is going to take longer than 21 days to get the first payment.
- Assemblywoman Monique Limon
 - Importance of state and federal governments working together
 - Federal government will help with raising the amount of employment received
 - <https://a37.asmdc.org/coronavirus-what-you-need-know>
- Congressman Salud Carbajal
 - 8.3-billion-dollar appropriation bill
 - Helps pay for things like testing kits and research and development for a vaccine
 - A National emergency has been declared which means FEMA is available to assist and some regulations have been relaxed.
 - 2 trillion-dollar package moving forward
 - 260 billion to help with unemployment waives waiting period, extends benefits, expands benefits to self-employed and gig workers

Employment Law Experts

- George Warner, fellow with the Wage Protection Program at Legal Aid At Work
 - SF based non-profit law firm working in workers' rights claims
 - <https://legalaidatwork.org/>
 - <https://legalaidatwork.org/factsheet/coronavirus-faq/>
 - (415) 404-9093 for specific individual questions.
 - Apply for unemployment insurance if you MIGHT be eligible
 - Apply online, phone, fax, or online
 - If you can, apply online because your claim will be processed faster
 - Currently people can receive \$40-\$450/ week. If Congress passes the next COVID19 bill, that will be raised to up to \$600/week.
 - Benefits will also be extended to up to 39 weeks.
 - You can receive unemployment benefits IF:
 - You are unemployed under no fault of your own (you didn't quit)
 - You earned enough wages to qualify (\$1300/quarter)
 - You are able and willing to work
 - You will need to keep a log of jobs you are applying to (online counts)
 - You also must be eligible to work (have proper documentation to be able to work in the United States)



- There are other private funds to help undocumented people who are out of work
 - <https://legalaidatwork.org/factsheet/undocumented-workers-employment-rights/>
- Jenna Gerry, Senior Staff Attorney, Legal Aid at Work
 - Paid sick days
 - Workers may use accrued pay sick leave. CA requires employers to give you at least 3
 - If the business has fewer than 500 employees than you are required to have 2 weeks
 - Smaller businesses will smaller requirements for paid sick days
 - State Disability
 - Employee funded
 - To see if you are eligible you can check you pay stub, and see if you have been paying into CA-SEI.
 - Under state disability you would receive 60-70% of your normal weekly pay.
 - Usually there is a one week waiting period, but under these circumstances, EDD has waived one week waiting period. You can receive benefits for the entire time you are out.
 - If caring for family may qualify for paid family leave
 - It would cover up to 6 and up to 8 weeks (starting July 3rd)
 - It requires medical certification from a doctor.
 - Citizenship and immigration status does not impact eligibility. Also if you are fired, let go or quit.
 - You can apply online, mail, or phone
 - The online application is only available in English.
 - You can order forms in Spanish, and for all other languages you can only apply over the phone.
 - This is not applicable to independent contractors
 - But if you are an independent contractor, it is very likely you have been misclassified and you should apply anyways. EDD will make the determination of if you are an employee or a independent contractor.
 - There is also the California Family Rights Act
 - This allows for 12 weeks of unpaid job protected leave.
 - The Family school partnership act
 - If the company has fewer than 25 employees they must provide unpaid job protected leave for school or emergencies.
 - Starting April 2nd, Companies that have fewer than 500 employees, they are required to provide you job protected paid leave at 2/3 of your regular pay rate (up to \$200 per day), under the COVID19 emergency benefit law. (exemptions are made for employer with under 50 employees)



- <https://www.nytimes.com/2020/03/25/us/coronavirus-file-unemployment-ca.html>
- James H. Cordes, Esq., Attorney at Law
 - There has been an Executive Order directing people to stay put except essential workers
 - Essential workers cover 16 different industries
 - This includes: Energy, water, transportation, health care, food, government, hazardous materials
 - List:
<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>
 - List is designed to be broad and over inclusive
 - If you are an “essential worker” California legal protections still apply (safe work place) (CalOSHA)
 - You have a right to have a safe workforce
 - They are still required to have sick employees stay home and allow for flexibility in the workplace
 - You have the right to be paid.
 - You can’t be forced to draw down sick leave you can use unpaid leave
 - You are still protected from discrimination
 - If you make a complaint about unsafe conditions or discrimination you are protected as a whistleblower.
 - Workers compensation is still available, including temporary disability
 - Regardless of if you get a w-2 or a 10-99 apply anyways, EDD will make the determination
 - Independent contractors: just because your employer calls you an IC, doesn’t mean that it is always the case, so please apply to the benefits that apply to you, and let the EDD decide. Since AB 5 was enacted in beginning of the year, very easy for workers to be classified as employees.

Q&A:

Q: I work in environmental safety inspections, I have to continue to do inspection of food facilities. My job is not providing any protection like gloves or masks and we are not allowed to wear them during inspections. Is it not my right to protect myself while at the workplace?

A: If your job exposes you to air transmission diseases act, there is a specific law that protects you. A health inspector may not apply, but if you work in one of those fields your employer must give you protective gear. You are entitled generally to a safe workplace with protective gear. Recommends purchasing the equipment and asking the employer for reimbursement.

Q: If work is reduced, but not eliminated, does this qualify for unemployment? How are benefits calculated? Do self-employed earnings count toward base pay?



A: If your hours are reduced you may still apply depending on how much you earn (if you are making more than \$600/week you would not be eligible) But with upcoming federal laws you might be eligible. 75% of the money you earn is coming out of your benefits

Q: I applied for unemployment benefits but it will take time and the first of the month is coming up, landlord expects to be paid. How long does it take to get my first check of unemployment?

A: Processing time normally takes 21 days, now it will be longer, EDD is overwhelmed. You are encouraged to talk to landlord, it is not a great time to have a vacancy and many jurisdictions have moratoriums on evictions. **(UPDATE AFTER TOWNHALL: CA has executed a pause on evictions due to lack of pay until May 31)** When you apply, you have the option of receiving benefits by check or debit card. Debit card is faster. With the debit card, you can eventually get signed up for direct deposit which is the fastest option.

Q: Currently a salon worker who doesn't pay into state disability. But for the rest of my working life have I have paid into it; do I have access to it now.

A: If you can work but unable to find a job you should apply. As a salon worker, you were likely misclassified. You should keep records of your pay on a quarterly basis. EDD does not go after misclassified independent contractors or employees.

Q: I applied for unemployment insurance for my full-time job loss of wages, would working at a non-profit organization a few hours here and there effect or influence the amount of support I get for unemployment? The Part time hours aren't enough income to survive on and I need to know if it's better to decline the few days of work if it will significantly affect my UI amount.

A: Unless you are making more than \$600/week, if you continue to take on part time work it will overall increase the amount of money you receive. If you are earning some wages you just need to report them accurately. Calculator on EDD's website: <https://www.edd.ca.gov/Unemployment/UI-Calculator.htm>. This calculator may not be updated with the federal bill that is coming in.

Q: I am a registered nurse with children, I have to take off time from work to care for my children, and have had to take PTO. Is there any relief? I do not have much PTO to use.

A: School closures → if you run out of PTO you can apply for unemployment. Starting April 2, employers are required to provide paid leave at 2/3 of normal rate up to \$200/day, if they have more than 50 employees and less than 500 employees.

Q: Is it legal for an employer to ask their employees to sign away their rights and ability to hold them, the employer, liable should they, the employee, get sick while continuing to work during the stay-at-home order?

A: No. cannot require you to give up rights as a condition of holding your job.



Q: Will substitute teachers have any access to unemployment benefits? The online form doesn't accept teacher, substitute teacher or educator.

A: They should apply. If you are having trouble with the online form, choose the best possible answer even if it is not fully accurate. Teachers can get unemployment, and will probably receive federal assistance from one of the federal bills coming soon.

Q: If Employers would like to pay something because unemployment is too low, is there a way to pay up to \$1000 when they furlough employees during the crisis.

A: Things are changing rapidly so we don't know what the new federal proposals will be

- This would probably need an Executive Order or legislative action.
- Employers could furlough pay them for a short period before the benefits kick in
- Paying something might not make them ineligible. There are work-sharing programs employers can sign up for:
 - Workers can be put on part time instead of laying them off
 - Usually they could get more money on part time than through insurance

Q: Can I get unemployment if I am working less because I am taking care of children?

A: See above → 12 weeks at 2/3 pay

Q: Is state and federal unemployment available to undocumented people?

A: No, there needs to be documentation or work authorization. There are some private funds available for the undocumented. Even if they have a tax id number the benefits are not available. But they can receive **state disability insurance and paid family leave benefits.**

You can find more information and links to the resources available to you on my website:

ASSEMBLY.CA.GOV/LIMON