

Employment Law Issues & COVID-19



Linda Jacobs

*Chief Executive Officer
CVNL+Volunteer Center of Sonoma County*



Mary Topliff

*Employment Law Attorney
Law Offices of Mary L. Topliff*

Full recordings will be available after the presentation

About the Trainer Topliff@joblaw.com



Mary L Topliff has specialized in employment law for over 30 years.

She regularly advises business owners and human resource professionals on all aspects of workplace issues with the goal of preventing costly disputes.

Mary is a frequent speaker and author on practical applications of workplace legal issues.



Selected Issues

- Furlough .vs. Layoff
- Reduced Work Schedules
 - Exempt employee salary basis
 - Availability of Vacation/Paid Time Off/Paid Sick Leave
- Layoffs
 - Payout of Vacation/Paid Time Off
 - WARN Act notice (employers with >75 employees)
 - 60-day notice suspended

California Benefits

- CA Paid Sick Leave: For employee or family member illness or preventative care due to quarantine recommendation.
- State Disability Insurance: For employees unable to work due to medical quarantine or illness related to COVID-19 (*certified by medical professional*); weekly benefit from \$50-\$1,300 up to 52 weeks.

California Benefits

- CA Unemployment Insurance: For job losses or reduced work hours (due to COVID-19); weekly benefit from \$40-\$450 up to 26 weeks; 7-day waiting period waived by Governor.
- Paid Family Leave: For employees caring for ill or quarantined family member with COVID-19 (certified by medical professional); weekly benefit of \$50-\$1,300 up to 6 weeks (or 8 weeks beginning July 1).
- Workers' Compensation: For employees who contract COVID-19 while working.



Federal Benefits

- Families First Coronavirus Relief Act
 - Emergency Paid Sick Leave Act
 - Emergency Paid Family and Medical Leave Expansion Act
 - Payroll Tax Credits
- Effective date: April 1, 2020 (benefits are not retroactive), expires December 31, 2020
- Model notice and Fact Sheets ([dol.gov](https://www.dol.gov))
- Covers private employers with less than 500 employees and most public sector

Federal Benefits

- Emergency Paid Sick Leave (80 hours) –
Time off due to COVID-19:
 1. Government quarantine or isolation order
 2. HCP advises employee to self-quarantine
 3. Employee has symptoms & seeking diagnosis
 4. Caring for individual subject to quarantine or isolation order or advised to self-quarantining
 5. Caring for child if school closure or child care unavailability
 6. Employee has substantially similar condition as Covid-19

Federal Benefits

- Emergency FMLA (up to 12 work weeks) if unable to work due to caring for child under 18 due to school closure or unavailability of child care
 - Employee eligibility: 30 calendar days of employment pre-4/1
- Covers private employers with less than 500 employees and most public sector

Federal Benefits

- If employee is not scheduled to work or telework due to furlough or reduced work hours, employee is not entitled to PSL or E-FMLA
- Small business (<50 employees) exemption for school closure time off if:
 - Expenses would exceed revenue & cause ceasing of operations at minimal capacity or employee's absence would cause substantial risk due to employees' specialized skills or there are insufficient qualified workers to perform services needed for the business to operate at minimal capacity

Federal Benefits

- Pay rate for Reasons 1-3: Employee's regular rate with cap of \$511 per day, \$5,110 aggregate
- Pay rate for Reasons 4-6: 2/3's of employees regular rate with cap of \$200 per day, \$2000 aggregate
- E-FMLA: 1st two weeks are unpaid; can be paid EPSL
- Payroll Tax Credit
 - Dollar for dollar reimbursement by keeping part of deposits for payroll taxes and reimbursement if paid leave amounts exceed payroll taxes; credits include amounts paid to maintain health insurance for E-FMLA

Federal Benefits

- Coronavirus Aid, Relief, and Economic Security Act (CARES Act)
 - Temporary Pandemic Unemployment Assistance program through December 31: additional emergency increase of \$600 per week to each UI recipient for up to 4 months
 - Additional 13 weeks of unemployment benefits available through December 31

Worksite Issues

- EEOC/DFEH COVID-19 Guidance
- Cal-OSHA COVID-19 Guidance

California Resources

- https://www.edd.ca.gov/about_edd/coronavirus-2019.htm
- <https://www.labor.ca.gov/coronavirus2019/>



Q&A Session

If you haven't already, please send in your follow-up questions via the webinar's dashboard.

Time permitting we hope to respond to everyone's inquiries



Thanks for Joining Us!



Linda Jacobs

ljacobs@cvnl.org

415.448.0322



Mary Topliff

Topliff@joblaw.com

415.398.9597

Survey & full presentation recording coming via email