
Coronavirus – Frequently Asked Questions

 legalaidatwork.org/factsheet/coronavirus-faq

1. Due to coronavirus (also known as COVID-19), my employer has cut my hours, forced me to take unpaid leave, or ended my employment. What can I do?

You may file a claim for Unemployment Insurance benefits with the California Employment Development Department (“EDD”). To get benefits, you only need to meet certain minimum requirements, including having sufficient past earnings and an immigration status that allows you to work. If EDD approves your claim, you can get between \$40 and \$450 each week, depending on your past earnings. If you are unemployed as a result of coronavirus, the EDD has waived the usual one-week waiting period during which you otherwise would not receive Unemployment Insurance benefits.

If you are temporarily out of work and plan to return to the same employer, you do not need to meet the usual requirement of looking for work while you are collecting UI benefits. However, if you are not connected to a certain employer with a job to return to, you are required to look for work while collecting UI benefits.

For more information about Unemployment Insurance benefits, including eligibility requirements and how to file a claim, please visit <https://www.edd.ca.gov/Unemployment/> or call 800-300-5616 (English), 800-326-8937 (Spanish), 800-547-3506 (Cantonese), or 866-303-0706 (Mandarin).

2. Because of coronavirus, my employer made assumptions about me or treated me differently than coworkers because I am Asian or from another country. What can I do?

An employer who treats you worse than other workers because of your race, national origin, or ethnic background is violating the law. This includes employer actions that single you out because of negative stereotypes.

[Click here for more information about filing a charge for discrimination.](#)

3. My employer is forcing me to stay at home because a family member returned from one of the affected countries. What can I do?

Your employer cannot treat you differently because of your association with a person who it believes has coronavirus. Employers should not make assumptions about your family members. However, if your family member was ordered to quarantine by a government official, you may be able to receive up to 2 weeks of Paid Sick Days if you stay home to care for them.

4. I have a disability; is my employer required to provide me with reasonable accommodations related to the Coronavirus?

If you have a disability such as a compromised immune system, your employer may be required to provide you with a reasonable accommodation such as telecommuting.

[Click here for more information about reasonable accommodations.](#)

Having common cold or seasonal flu symptoms is not likely a disability. However, complications from coronavirus, such as pneumonia, might be a disability. If you have complications, you and your employer should explore changes that allow you to continue your job or take time off from work.

5. Can my employer ask me if I have a health condition (like a compromised immune system) that would be affected by coronavirus?

No. Your answer to that question is likely to disclose a disability. Therefore, the employer's question is against the law.

6. If I traveled to a country affected by coronavirus, can my employer ask me if I was exposed to coronavirus or require me to stay home during the incubation period?

Yes, the Centers for Disease Control (CDC) has recommended that travelers to certain countries stay home for 14 days. The list of countries may change; refer to the [CDC website](#) for further information.

7. If I have coronavirus, what can my employer tell others about my condition?

Your employer is required to keep all medical information about you private and confidential.

8. Can my employer take my temperature before work?

Usually, it is not legal for an employer to measure your body temperature. Sometimes the CDC or your local health authority may recommend that employers take your temperature.

9. What if I become sick at work with symptoms relating to coronavirus? Can my employer send me home?

Yes. The CDC recommends that employees who become sick with coronavirus symptoms (such as fever, cough, shortness of breath) should be separated from other employees and sent home immediately.

For information about how the federal government's U.S. Equal Employment Opportunity Commission (EEOC) is interpreting employment laws relating to disability during the pandemic, please consult the [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act](#).

10. I have coronavirus and am not currently able to work because of my illness. What can I do to receive income while I'm not working?

You are entitled to use Paid Sick Days if you are missing work because of illness. Your employer should provide you with pay for the accrued sick days you have. For more information see the [Labor Commissioner's FAQs](#). Employers may limit the number of sick days an employee may use to as little as 3 days of pay in some places. (Some places like Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco and Santa Monica require that employers provide more than 3 sick days.) Additionally, starting April 2, under the Families First Coronavirus Response Act, as long as your employer has fewer than 500 employees, you should be able to access 2 weeks of additional Paid Sick Days.

You may also be eligible for State Disability Insurance (SDI) to replace some of the income you lose while you are not working. You can apply for SDI from the Employment Development Department (EDD) online at www.EDD.ca.gov. A healthcare provider or local health official will need to certify your application.

SDI benefits are usually 60% or 70% of your normal pay, depending on your income. If you are disabled as a result of coronavirus, the EDD has waived the usual one-week waiting period during which you otherwise would not receive SDI benefits.

Finally, If you are unable to do your usual job because you contracted coronavirus during the regular course of your work, you may be eligible for workers' compensation benefits, including temporary disability payments and medical treatment. To start the process, you will need to file the claim form (DWC-1) with your employer. The form is available from your employer or at <https://www.dir.ca.gov/dwc/forms.html>.

11. Can I lose my job if I miss work because I'm sick with coronavirus?

Your employer cannot retaliate against you because you have used Paid Sick Days or filed a workers' compensation claim. Starting April 2, under the Families First Coronavirus Response Act, if your employer has fewer than 500 employees, you can access 2 weeks of Paid Sick Days.

In addition, you may be entitled to job-protected time off from work for up to 12 weeks. You likely qualify for this leave if all of the following statements apply to you:

1. You work for an employer with at least 50 employees within 75 miles of your worksite;
2. you have worked there for at least a year, and
3. you worked at least 1250 hours in the year before you take time off.

For more information about job-protected leave, see [Disability + My Job](#).

12. A close family member of mine has coronavirus, and I will stay home from work to take care of them. What can I do to receive income while I'm not working?

If your employer has fewer than 500 employees, you can use Paid Sick Days to care for a sick family member, starting April 2 under the Families First Coronavirus Response Act. If you work for a larger employer, you may also use Paid Sick Days, if you have them accrued. In addition, you may be eligible to receive Paid Family Leave (usually 60% or 70% of your pay for up to 6 weeks) if you are missing work to care for a seriously ill parent, parent-in-law, child, spouse, domestic partner, sibling, grandparent or grandchild. You can apply for Paid Family Leave from the Employment Development Department at www.EDD.ca.gov. You will need a healthcare provider or local healthcare official to certify your family member's health condition.

For more information, visit the EDD website by [clicking here](#).

13. Can I lose my job if I'm staying home to care for a seriously ill family member with coronavirus?

If you work for an employer with at least 50 employees within 75 miles of your worksite, you have worked there for at least a year and you worked at least 1250 hours in the year before you take time off, then your employer must provide you with up to 12 weeks of job protected time off to care for a parent, spouse, domestic partner, minor child, or adult dependent child with a serious health condition. For more information see [Caregiving + My Job](#).

14. Can my employer not pay me if I am sent home early from work, or told not to come in for a scheduled shift?

It depends. If an employer sends you home because business is slow after you have reported for work, then yes, the employer is required to pay you half of your scheduled hours for that shift. (If you were scheduled less than four hours, you are owed two hours of pay. If you were scheduled more than eight hours, you are owed four hours of pay.) You are also entitled to Reporting Time Pay if you are required to call in soon before a scheduled shift, and are told not to come in for that shift because business is slow.

If an employer sends you home or instructs you not to come in to work because the employer has been encouraged or ordered to close the business or limit operations by government authorities, or otherwise is reasonably concerned about the safety of employees, then the employer is not required to pay you Reporting Time Pay for your scheduled shift, however, you may be able to request Paid Sick Days under the Families First Coronavirus Response Act.

More information is available at

https://www.dir.ca.gov/dlse/FAQ_ReportingTimePay.htm

15. My child's day care or school is closed because of the coronavirus threat. Can I take time off to care for my child?

Starting April 2, if your employer has fewer than 500 employees, your employer is required to provide you with 12 weeks of job-protected, paid leave, at 2/3 your normal pay rate, up to \$200 per day, under the Families First Coronavirus Response Act. However, if your employer has fewer than 50 employees, it may seek an exemption.

If your employer has 25 or more employees working at the same location in California, you can take off up to 40 hours each year to address an emergency at your child's day care or school. A closure because of the coronavirus qualifies as such an emergency.

However, you must still notify your employer ahead of time that you intend to take this time off.

You also may be eligible for Unemployment Insurance if you have exhausted all other care options but have to miss work to stay home with your child because of a school closure. Apply for Unemployment Insurance at www.EDD.ca.gov. For more information, see the EDD's [information on coronavirus](#).

16. What if I am undocumented? How can I get income if I cannot work?

Unfortunately, undocumented workers cannot get Unemployment Insurance. Only individuals with legal authorization to work in the U.S. are eligible for Unemployment Insurance (for example, asylees, refugees, DACA recipients, individuals with temporary protected status, lawful permanent residents (even if their green card has expired), and individuals who have been issued an Employment Authorization Document while their application for legal immigration status is pending).

However, undocumented workers can get income from other programs, including:

For example, consider an undocumented worker who loses her job and becomes too depressed to work as a result: She does not qualify for Unemployment Insurance because she is undocumented. But she may qualify for SDI. (Note that workers need proof of their medical condition from a doctor to qualify for SDI.)

Please see our [fact sheet on Undocumented Workers](#) for more information.

17. I'm covered by a shelter-in-place or stay-at-home order from my county or the state, but my employer is still requiring me to come to work. What happens if I don't go to work? Can they fire me and what can I do for income?

If your employer is requiring you to work in violation of a government order to stay home, you may be able to request paid sick days or job-protected unpaid leave. Starting April 2, if your employer has fewer than 500 employees, you can access 2 weeks of paid sick days for government mandated isolation under the Families First Coronavirus Response Act.

If you have an underlying health condition, you may also be able to take 12 weeks of job-protected leave under the California Family Rights Act. To be eligible, you need to work for an employer with at least 50 employees within 75 miles, to have worked for

your employer for at least one year, and to have worked at least 1250 hours within that year. Leave also may be available for workers with disabilities as a reasonable accommodation.

Beyond paid sick days, if you have an underlying health condition and your healthcare provider or a local health official certifies that you should not work, you can apply for State Disability Insurance (SDI) from the Employment Development Department (EDD) at www.EDD.ca.gov. If your employer fires you for not coming to work, it will not impact your eligibility for SDI.

If your employer fires you for not coming to work in compliance with a government directive, you may have a claim for wrongful termination in violation of public policy.

If you are terminated, you can apply for Unemployment Insurance benefits with the EDD. See Question 1 for more information about Unemployment Insurance.

If you quit, you may still be eligible to receive Unemployment Insurance if you can establish both that you had “good cause” to leave your work, which can include a reasonable, good faith fear for your safety, and that you took reasonable steps to resolve the problem before leaving your work, like requesting leave or paid sick days.

18. I have more questions. Where can I get free, high-quality legal information about my rights?

The Workers’ Rights Clinic can provide you with a free confidential consultation regarding your legal rights related to work. There are strict timelines to file a complaint against your employer if you think they violated the law. Please visit our website to learn more about the Clinic’s services.

Disclaimer

Please be advised that due to the U.S. being in a state of emergency laws and associated enforcement procedures are rapidly changing. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, Legal Aid at Work cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

