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## Coronavirus – Frequently Asked Questions

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 [legalaidatwork.org/factsheet/coronavirus-faq](http://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 (UI) 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 you are undocumented, see Question 16.) If EDD approves your claim, you can get between \$40 and \$450 each week, depending on your past earnings. In addition, you may be entitled to an additional \$600 per week through July 2020, under the Coronavirus, Aid, Relief, and Economic Security (CARES) Act. Under the CARES Act, you can receive up to 39 weeks of UI benefits. 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. For more information about the CARES Act, see Question 20.

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.

[Click here for more information about your workplace privacy rights](#)

## 8. Can my employer take my temperature before work?

Usually, it is illegal for an employer to measure your body temperature. However, the U.S. Equal Employment Opportunity Commission (EEOC) has issued guidance allowing employers to take employees' temperatures to try and prevent the spread of the coronavirus. For a summary of the EEOC's guidance, please visit their website [here](#).

## 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 1, 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](http://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 caught coronavirus at work, you may be eligible for workers' compensation benefits, including temporary disability payments and medical treatment. Illness due to the common cold or flu is not considered work-related for the purposes of workers' compensation, however, diseases such as tuberculosis, brucellosis, hepatitis A, or COVID-19 are considered work-related if you are infected at work. If it is not obvious whether exposure occurred in the work environment or occurred away from work, you and the employer must evaluate your work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. To start the workers' compensation 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 1, 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:

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

If you do not meet the eligibility requirements but work for an employer with at least 5 employees, your employer may be required to grant you a leave of absence as a reasonable accommodation for a disability. 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 1 under the Families First Coronavirus Response Act. If you work for a larger employer, you may also use California 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](http://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](#).

Additionally, if your employer has fewer than 500 employees, you can use two weeks of Paid Sick Days to care for a sick family member, starting April 1 under the Families First Coronavirus Response Act.

### 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. ("Reporting Time 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 (for example, two hours) 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.

More information is available at

[https://www.dir.ca.gov/dlse/FAQ\\_ReportingTimePay.htm](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 1, 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 job-protected time 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. This time can be unpaid, or you can apply paid time off from your employer.

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](http://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:

- State Disability Insurance (SDI);
- Paid Family Leave (PFL);
- Workers' Compensation; and
- Paid sick days.

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.

To assist undocumented workers who have lost their jobs or income as a result of the Coronavirus outbreak, Legal Aid at Work has also compiled a [list of known relief funds for undocumented workers](#).

## 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 1, if your employer has fewer than 500 employees, has continued operations and continued to schedule you, you may be able to 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](http://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'm afraid of getting COVID-19, or I feel unsafe in my workplace because of COVID-19. Can I be fired if I don't show up to work?

Yes. But if you have a reasonable basis for not going to work, such as an occupational safety and health complaint against your employer for not providing a safe workplace, then you should request that your employer take steps to eliminate or minimize the harm.

If the employer is helping with social distancing, requiring employees who are sick (e.g., coughing, fever) to go home, offering telework, and/or rotating in-office schedules, then the employer is attempting to provide a reasonably safe workplace.

If you work in an environment at high risk for infectious diseases such as a hospital, clinic, emergency medical service facility, laboratory, prison, homeless shelters, and/or facility where you have to work directly with animals, you may have added protections to prevent illness from infectious diseases that can be transmitted by inhaling air that contains viruses, bacteria, or other disease organisms (e.g., personal protective equipment (PPE) such as respirators or N95 face masks). [Click here for more information if you work in these types of environments.](#)

If you are a hospital worker providing direct care of patients with COVID-19, you have additional protections. For additional guidance, see COVID-19 Hospital Preparedness Assessment Tool, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/hcp-hospital-checklist.html>.

[Click here for more information about health and safety in the workplace](#)

## 19. What benefits can I receive if I lost work as an independent contractor because of the coronavirus?

Self-employed individuals and independent contractors who do not qualify for Unemployment Insurance are eligible for a new type of benefit called Pandemic Unemployment Assistance (PUA). To access PUA workers should apply for Unemployment Insurance benefits with the EDD, preferably online at <https://portal.edd.ca.gov/WebApp/Home>. For more information about PUA, see Question 20.

Note: many people who work as “independent contractors,” “freelancers,” and “gig workers” may qualify for benefits through regular Unemployment Insurance (or State Disability Insurance and Paid Family Leave instead) because they have been misclassified as independent contractors or because they worked as employees before becoming self-employed. California law presumes workers are employees, and it is the up to the hiring entity to disprove that presumption. People receiving unemployment insurance (whether through regular UI or Pandemic Unemployment Assistance) are also eligible for an additional \$600 per week through the end of July.

When applying for benefits online, applicants should provide the following information to the EDD to expedite the processing of their claims: the name, phone number, and address/physical location of the companies they worked for; type of work performed; dates worked; gross earnings and how earnings were paid (hourly, weekly, by contract, etc.). If applicants have access to records that allow them to report their quarterly earnings, they should report that information as well.

If true, applicants should answer “Yes” to the question: “Are you unemployed as a direct result of a recent disaster (for example: earthquake, flood, mudslide, or fire) in California?” and select “Public Health” as the “type of disaster.”

## 20. What does the Federal government’s “stimulus package” include for workers struggling due to the coronavirus pandemic?

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) creates three new programs:

**Pandemic Unemployment Assistance (PUA)** provides emergency unemployment assistance to workers who are left out of regular state unemployment insurance (UI) or who have exhausted their state UI benefits (including any Extended Benefits that might become available in the future). Up to 39 weeks of PUA are available to workers who are eligible to receive PUA. Those eligible for PUA include self-employed workers, including independent contractors, freelancers, workers seeking part-time work, and workers who do not have a long-enough work history to qualify for state UI benefits. The program will expire on December 31, 2020, unless otherwise extended. Because PUA is available to those who do not qualify for UI, if you are not sure whether you qualify for UI or PUA, file a claim for unemployment insurance with the EDD as described above in Question 1.

**Pandemic Unemployment Compensation (PUC)** provides all regular UI and PUA claimants with an additional \$600 per week in compensation on top of their usual calculated benefit through July 2020. PUC is a flat amount provided to those on UI or PUA, including those who are receiving a partial unemployment benefit check.

**Pandemic Emergency Unemployment Compensation (PEUC)** provides an extra 13 weeks of state UI benefits to the end of the existing number of state UI weeks. This benefit will apply until December 31, 2020, unless otherwise extended.

In short, because of the CARES Act, more workers, including independent contractors, will be able to access unemployment insurance benefits for up to 39 weeks, retroactive to as early as January 27, 2020, with an additional \$600 paid on top of their normal benefit amount, through July 31, 2020.

## 21. Are there other benefits I can access at this time to help pay my bills and feed my family?

Yes. You may be able to access additional help from the government and private organizations if you have lost work or income because of the pandemic.

- To apply for CalFresh, California's SNAP program, go to <http://mycalfresh.org>.
- If you need health coverage right away, you should apply for MediCal and see if you are eligible for assistance in getting private insurance at <https://www.coveredca.com/apply/>.
- To find a food bank near you, go to <http://cafoodbanks.org/find-food-bank>

Many utility companies, including PG&E, Edison, SDG&E and the Southern California Gas Co., have agreed to not shut off customers' utilities for lack of payment right now. If you need to prioritize bills, consider delaying payment on your utilities bills. Consult your utility company for additional information.

You may also be able to learn about more resources in your area by dialing 311. For more information on possible benefits you can access, we recommend Western Center on Law & Poverty's guide, available at <https://wclp.org/covid-19-coronavirus-information-response-and-considerations/>.

## 22. I cannot pay my rent or mortgage. What should I do?

If you are a renter in California, you should tell your landlord in writing that you cannot pay your rent because of the societal response to the COVID-19 pandemic. You should tell your landlord before rent is due, or at most within 7 days of your rent being due.

Governor Newsom has issued an executive order providing renters temporary relief from eviction if they who give their landlords notice within 7 days of rent being due that they cannot pay because of the COVID-19 pandemic temporary relief from eviction. Many counties and cities have put in place much stronger protections for renters.

Many mortgage lenders in California, including “Citigroup, JPMorgan Chase, U.S. Bank, and Wells Fargo and nearly 200 state-chartered banks, credit unions, and servicers” have agreed to give borrowers 90-day grace periods for mortgage payments. If you are having trouble paying your mortgage, you should reach out to your mortgage servicer or bank.

The CARES Act prohibits foreclosures on all federally-backed mortgage loans for a 60-day period beginning on March 18, 2020, and provides borrowers who have experienced financial hardship related to COVID-19 a 180-day moratorium on making loan payments on federally-backed mortgages. Examples of federally-backed mortgages include those purchased by Fannie Mae and Freddie Mac, insured by HUD, VA, or USDA, or directly made by USDA.

## 23. 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

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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.