

FAQ's on Employment

Is my employer required to pay me for the time that I was unable to work due to the fire?

Maybe. Generally, if you are a salaried employee, your employer is required to continue to pay you if you were unable to work due to the fire. But if you are an hourly or contract employee, your employer is not required to pay you for the work that you missed due to the fire.¹

Is my employer required to pay me if I report to work but there is no work available due to a wildfire or because of a power outage by a public utility?

No. Hourly workers are normally entitled to "Reporting Time Pay" when they are scheduled to report to work but are not actually put to work - or are given less than half of their usual or scheduled day's work - because of inadequate scheduling or lack of proper notice by their employer. In those cases, the workers must be paid for half the usual or scheduled day's work, but not less than two hours nor more than four hours, at their regular rate of pay. **But** if an employer has no work available for the day, or reduced the workers' shift for the day, because of an "Act of God" (e.g., a wildfire) or a power outage by a public utility, then the workers are **not** entitled to Reporting Time Pay.

Is my employer required to provide me with paid or unpaid leave if I was injured as a result of the fire?

Maybe. Your employer may be required to provide you with unpaid leave, if you or a member of your immediate family is suffering from a serious health condition or you are disabled and granting such leave would be necessary to reasonably accommodate your disability.

Is my employer required to provide me with paid or unpaid leave if I am too emotionally traumatized to return to work after the fire?

Possibly. Your employer may be required to provide you with unpaid leave, if your emotional trauma constitutes a serious health condition or disability which requires such accommodations.

What benefits can I apply for if I am unable to return to work as a result of the fire?

You may be eligible for federal or state benefits, including: disability benefits or unemployment insurance benefits. If the federal government has approved disaster unemployment benefits for this disaster, you might be entitled to those. Check with your employer or the Employment Development Department to determine your eligibility. You can learn more and file a claim for Unemployment Insurance Benefits, either by phone at 1-800-300-5616 or online at <https://www.disasterassistance.gov/get-assistance/forms-of-assistance/4466>. To learn which

¹ Updated October 2019

benefits are currently available, go to https://www.edd.ca.gov/about_edd/disaster_related_services.htm.

What is Unemployment Insurance and how can I file a claim for it?

Unemployment Insurance provides temporary income to workers who are eligible to work in the United States but have lost their job through no fault of their own. Unemployment Insurance is paid weekly and the payment amount is generally based on the worker's earnings during the previous calendar year. You can learn more and file a claim for Unemployment Insurance, either by phone at 1-800-300-5616 or online at <https://www.disasterassistance.gov/get-assistance/forms-of-assistance/4466>.

What is Disaster Unemployment Assistance and how can I file a claim for it?

If it is approved by the federal government, Disaster Unemployment Assistance provides temporary income to workers who are eligible to work in the United States, do not qualify for Unemployment Insurance, and have lost their income as a direct result of a natural disaster. For example, a person who is self-employed may not be eligible for Unemployment Insurance; however, they may qualify for Disaster Unemployment Assistance. Disaster Unemployment Assistance is only available if the President approves it for those affected by a particular disaster. You can learn more and file a claim for Disaster Unemployment Assistance by phone as 1-800-300-5616 or online at [eapphttps://www.disasterassistance.gov/get-assistance/forms-of-assistance/4466](https://www.disasterassistance.gov/get-assistance/forms-of-assistance/4466).

Where can I get help with all this?

To get legal help, search for a legal aid provider near you using this link: <https://lawhelpca.org/legal-directory>

Or find a local lawyer referral hotline by using this link: <https://www.calbar.ca.gov/Public/Need-Legal-Help/Lawyer-Referral-Service>

If the President has declared a disaster with Individual Assistance, then FEMA will open a Disaster Recovery Center (DRC) in the area affected by the disaster. The DRC will have tables staffed by FEMA, the Red Cross, Legal Aid, and many other groups there to help. To find out if an Individual Assistance Disaster has been declared, go to <https://www.fema.gov/disasters>. (If

it only says “Fire Management Assistance,” that means the President has not declared Individual Assistance disaster. That could still happen, but has not happened yet.

If the President HAS declared an Individual Assistance disaster, go to <https://egateway.fema.gov/ESF6/DRCLocator> to find a DRC near you.²

² DLAC appreciates the hard work of Legal Aid of Sonoma County, Neighborhood Legal Services of Los Angeles NLSLA, Legal Services of Northern California, and Legal Aid at Work, for this information in this sheet.