
Coronavirus – Frequently Asked Questions

 legalaidatwork.org/factsheet/coronavirus-faq

1. My employer closed my workplace temporarily because of the coronavirus and is forcing employees to take unpaid leave. 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. However, you likely will not receive any Unemployment Insurance benefits until the beginning of the week after you file your initial claim.

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.

3. My employer thinks that I have coronavirus and treated me differently because of that. What can I do?

Your employer should not make assumptions about your illness or health condition. You may be able to bring a claim that your employer “regarded” you as having a disability under discrimination laws.

4. 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.

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 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.

7. 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; if you work in San Francisco, [click here](#) for more information about sick days).

If you need to miss work for more than a week, 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 will need to certify your application.

SDI benefits are usually 60% or 70% of your normal pay, depending on your income. But the first week of SDI benefits is unpaid. You can use Paid Sick Days or other paid time off during the first week unpaid week of your SDI claim if you have paid time off available.

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

8. 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.

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](#).

9. 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?

You can use Paid Sick Days to care for a sick family member, 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.

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

10. 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](#).

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

Most workers in California, including restaurant and retail workers, are entitled to Reporting Time when they are sent home after arriving for a shift or are told 2 hours before a scheduled shift that they are no longer required to show up. If a worker was scheduled a shift of four hours or less, the worker is owed two hours of pay at their normal hourly rate. If a worker was scheduled a shift of eight hours or more, the worker is owed four hours of pay at their normal hourly rate. If a worker was scheduled to work between four and eight hours, the worker is owed pay at their normal hourly rate for half the time of their scheduled shift.

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

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.

13. 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 [CLICK HERE](#) to arrange to make an appointment for legal help through the Workers' Rights Clinic.

Disclaimer

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.