

EMPLOYMENT AND RELATED BENEFITS

This resource provides an overview of some legal issues individuals may face after a disaster. This material was drafted in 2024 and we cannot guarantee that all information is current. This resource will not answer all of your questions. It is designed to set out some of the issues you may have to consider, to help you understand the basics about each issue, and to point you in the right direction for help. Much of the information is general, and you may need to contact legal aid organizations or federal, state, city, or county officials to obtain more specific information and advice. This resource was prepared by various law firms, legal aid organizations, and other nonprofit organizations as a free resource. Although the authors hope that it will be helpful by providing background material, we cannot warrant that it is accurate or complete, particularly since circumstances may change. It is not intended to constitute legal advice and should not be relied on as legal advice. Readers should seek tailored advice from their own legal counsel. If you cannot afford to hire a lawyer, you can contact (888) 382- 3406 for referral to a nonprofit legal aid organization.

This resource assumes that the affected employees are not covered by collective bargaining agreements and do not have employment agreements with their employers other than agreements for an at-will employment relationship. If there is a collective bargaining agreement or an employment agreement for a relationship other than at-will employment, the employee should consult the terms of those agreements. Also, if the employer has established employment policies, the employee should review those policies to see whether they provide additional benefits or rights.

Because these answers address general situations, you should consider obtaining further advice from human resource professionals or consult a qualified lawyer or legal aid organization when dealing with specific situations, particularly if difficulties are anticipated or arise.

GETTING PAID

If my employer's payroll records were destroyed, when should I expect to receive my paycheck?

The state of California requires timely payment of wages pursuant to applicable wage-and-hour laws. If records of working hours are not available, employees should work with their employers to create a good faith reconstruction of the hours worked during the applicable pay period. When that is done, employers should promptly pay the amounts due. It is a good practice to keep personal contemporaneous records of your hours worked rather than rely exclusively on your employer's records. In the event that you need to pursue a claim for unpaid wages against your employer, your personal records and other evidence—such as emails, phone records, GPS data, or anything else that reflects when you were working—may form a basis for calculating how much your employer owes you.

Does my employer have to pay me for the days the business was closed as a result of the disaster?

The answer depends in part on whether you are considered a “non-exempt” employee (typically, employees paid by the hour, but can also be certain salaried employees) or an “exempt” employee (must be salaried) for purposes of federal and state wage-and-hour laws, and whether you performed work for your employer during the pay period in question.

Non-exempt Employees: In general, an employer is not required to pay its non-exempt employees for any days or hours they did not work because the business was closed due to a disaster. However, if your employer requests that you remain available for work, your employer may be required to pay you for “on-

call” time, which occurs when an employee is required to be ready to work, even if they are off premises. Whether time spent “on-call” is compensable under California law will depend on a number of factors, including whether you have the freedom to engage in personal activities or leave a certain geographic area while being “on-call.”

Relatedly, if due to a disaster you are unable to leave an employer’s facility to go home and as a result you work additional hours, you are entitled to compensation for those additional hours (including overtime, if applicable). In general, California employers are required to pay their non-exempt employees for all time the employees are subject to the employers’ control.

Exempt Employees: On the other hand, exempt employees should receive their full salaries for any workweek in which they performed any work, regardless of the number of days or hours worked. In other words, if a business is closed due to a disaster for less than a week and an exempt employee performs some work during that week, the employer must fully compensate that exempt employee for that entire week. However, if the business is closed for the entire week and the exempt employee performs no work during that time, the exempt employee will not receive their salary for that workweek.

TIME OFF AND THE RIGHT TO RETURN

Can my employer compel me to use my accrued vacation, PTO, or sick leave to cover my absence from work due to a disaster?

If you are unable to report to work as a result of a disaster, your employer may require you to use your accrued vacation or PTO and may allow you to use sick leave to cover your absences, provided this is consistent with the employer’s leave policies. However, you can ask your employer if it is offering any other leave or assistance during this time.

You may also ask your employer if your absence qualifies as leave under the California Family Rights Act (CFRA) or the federal Family Medical Leave Act (FMLA), or as disability leave or pregnancy disability leave under the California Fair Employment and Housing Act (FEHA). These types of leaves are discussed in further detail below.

Does my employer have to provide either paid or unpaid leave under the CFRA, FMLA, or FEHA if I am unable to work as a result of an injury suffered during the disaster?

Employers with five (5) or more employees are subject to the CFRA. Employers with fifty (50) or more employees are subject to the FMLA. An employer may be required to provide unpaid leave (1) under the FMLA or CFRA if you or a member of your immediate family is suffering from a “serious health condition”; (2) under the FEHA for pregnancy, childbirth, or related medical conditions; or (3) under the FEHA or Americans with Disabilities Act (ADA) if you are disabled and if a leave would serve as a reasonable accommodation to your disability.

A serious health condition could be an injury or illness that involves, for example:

- An overnight stay in a hospital, hospice, or residential medical care facility or any further treatment in connection with that inpatient care.
- Any period of incapacity, including an inability to work or to perform regular daily activities, for more than three consecutive, full calendar days and any later treatment or incapacity required or caused by the same condition that also involves either:
 - two treatments (an in-person visit to a health care provider), with the first treatment occurring within seven days of the first day of incapacity; or
 - one treatment by a health care provider who prescribes continuing treatment.

- Chronic conditions, such as migraines, depression, or diabetes, that:
 - require at least two visits per year to a health care provider for treatment;
 - continue over an extended period; and
 - cause episodic incapacity.
- Conditions that require absence to receive multiple treatments.

California's Healthy Workplaces, Healthy Families Act of 2014 (HWHFA) also requires employers to provide paid sick leave benefits for eligible employees. In addition, some cities in California have their own paid sick leave ordinances.

Leave Under the CFRA and FMLA. The CFRA and FMLA permit covered employees to take a total of 12 weeks of unpaid leave during a 12-month period for specified qualifying reasons. While the employee is on leave, the employer must maintain the employee's health benefits and must guarantee that the employee will be reinstated to the same or an equivalent position. FMLA and CFRA leaves are unpaid unless the employer has elected to pay employees during the leave or requires or permits employees to use paid vacation, PTO, or sick leave.

As described below, employees may also be eligible for disability benefits under the California State Disability Insurance (SDI) program during a qualifying FMLA or CFRA leave, or, as described below, in the case of work-related injuries, for workers' compensation benefits. As described below, employees may also be eligible to receive benefits under the California Paid Family Leave (CPFL) program during a qualifying FMLA or CFRA leave if the leave is taken to care for a seriously ill family member.

An employee is entitled to FMLA or CFRA leave if the employee (1) has been with the employer for at least 12 months, (2) has logged at least 1,250 hours of service during the 12-month period immediately preceding the start of the leave, and (3) for FMLA only, is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite. FMLA or CFRA leave may be taken to care for the employee's spouse, domestic partner, minor or dependent child, parent, grandparent, grandchild, sibling, or because the employee's serious health condition renders the employee unable to perform the functions of the employee's position except for disability due to pregnancy, childbirth, or related medical conditions. Leave may also be taken for certain reasons related to military service. In addition, under the CFRA, employees may also take leave to care for a "designated person," a parent-in-law, an adult child, grandparent, grandchild, or sibling with a serious health condition. For more information regarding compliance with the FMLA, see <https://www.dol.gov/agencies/whd/fmla>. For more information regarding compliance with the CFRA and FMLA, see <https://calcivilrights.ca.gov/employment/family-care-medical-leave-guide/>.

Pregnancy-Related Leave Under FEHA. Under the FEHA, employers with five or more employees must allow employees to take up to four months of leave for periods of disability due to pregnancy, childbirth, or related medical conditions. The employee may choose to use accrued vacation or PTO and may be required to substitute sick leave or any other accrued leave made available by the employer to temporarily disabled employees. Pregnancy-related leave under the FEHA is unpaid unless the employer has elected to pay employees during the leave. The employer must continue to provide you the same benefits or privileges of employment granted by that employer to other employees. For more information regarding the FEHA, check the following websites: https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/12/Pregnancy-Disability-Leave-Fact-Sheet_ENG.pdf and <https://calcivilrights.ca.gov/employment/pdl-bonding-guide/>.

Disability Leave Under the ADA and FEHA. Under certain circumstances, an employer may be required to provide an employee with leave under FEHA or the ADA. FEHA and the ADA require employers, in certain circumstances, to provide reasonable accommodations to disabled employees. A "reasonable

accommodation” may include providing an unpaid or paid leave of absence. FEHA generally provides broader protections than its federal counterpart, the ADA. While the ADA applies only to those employers that employ 15 or more employees for each working day in each of 20 or more calendar workweeks in the current or preceding calendar year, FEHA applies to employers with five or more employees. Under the ADA, an employee is “disabled” if the employee has a physical or mental impairment that *substantially* limits a “major life activity,” including walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, or reaching. Under FEHA, an employee is “disabled” if he or she has a physical or mental impairment that limits a “major life activity.” Generally, under the ADA, temporary impairments are not considered protected disabilities. However, FEHA’s coverage of protected disabilities is intended to be broader than the ADA, so some temporary impairments may be considered protected disabilities. For additional information about the FEHA, see <https://calcivilrights.ca.gov/peoplewithdisabilities/>. For additional information about the ADA, see <https://www.eeoc.gov/disability-discrimination-and-employment-decisions>.

Paid Sick Leave. Under the HWHFA, employers must provide all employees who have worked in California for at least 30 days within a year of starting employment and have satisfied a 90-day employment period (similar to a probationary period) with specified amounts of paid sick leave benefits for diagnosis, care, or treatment of an existing medical condition of—or preventative care for—the employee or the employee’s family member (defined as a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling). For more information regarding the HWHFA, see <https://www.dir.ca.gov/dlse/ab1522.html>. Some cities in California also provide additional paid sick leave to employees for similar reasons.

If an employee is injured while working on behalf of the employer, the employer must notify the employee of his or her right to file a claim for workers’ compensation benefits and must notify its workers’ compensation carrier of the injury.

Am I entitled to either paid or unpaid leave so I can care for children or family members injured in the disaster?

As described above, you may be entitled to FMLA or CFRA leave, which you can use to care for children or family members injured in the disaster. If you are entitled to FMLA or CFRA leave as described above, then your employer must allow you to take FMLA or CFRA leave. This leave is unpaid unless your employer has elected to pay employees during the leave or requires or permits you to use vacation, PTO, or sick leave. You may also be eligible to receive benefits under the California Paid Family Leave (PFL) program during a qualifying FMLA or CFRA leave. PFL provides benefit payments to people who need to take time off work to care for a seriously ill family member or bond with a new child. If your employer has a policy providing for leave under such circumstances, the employer will be required to comply with its policy. For more information regarding the CPFL program, see http://www.edd.ca.gov/Disability/Paid_Family_Leave.htm and https://www.edd.ca.gov/pdf_pub_ctr/de2511.pdf. For information on how to file a claim for CPFL, see https://www.edd.ca.gov/Disability/Options_to_File_for_PFL_Benefits.htm.

Am I entitled to either paid or unpaid leave if I am too afraid or emotionally traumatized to return to work?

If you are suffering from post-traumatic stress or another mental condition, your employer may be required to provide you with unpaid leave under the FMLA or CFRA or as an accommodation under the ADA or FEHA, but you will have to meet the requirements of these laws as discussed above. You may be required to give your employer medical certification of your need for leave. The leave will be unpaid, although you should be able to use any accrued vacation, PTO, or sick leave for the absence. As

described below, you may also be eligible to receive disability benefits under the California SDI program. If your injury arose while you were performing work for your employer, you may be entitled to workers' compensation benefits. Generally, you may be entitled to receive SDI benefits or workers' compensation benefits, but not both for the same injury.

If I become ill or I am injured because of a disaster and cannot return to work, what benefits can I apply for?

You should first check with your employer to determine whether it provides any benefits, including any short-term or long-term disability insurance coverage. If your illness or injury arose while you were performing work for your employer, you may be entitled to workers' compensation benefits.

You may be eligible for disability benefits under the SDI program, a partial wage-replacement insurance plan funded through employee payroll deductions. Most California workers are covered under SDI, but some are exempt, including railroad employees, some employees of non-profit agencies, employees who claim religious exemptions, and most government employees. Covered workers who are unable to work can receive approximately 60% to 70% of wages earned 5 to 18 months before your claim start date. Weekly benefits range from \$50 to \$1,681, depending upon your income.

https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de2588.pdf

Alternatively, you may be eligible for unemployment insurance benefits or Disaster Unemployment Assistance, although you may not be eligible for SDI benefits if you are claiming or receiving unemployment insurance benefits, Disaster Unemployment Assistance, or workers' compensation benefits.

This jumble of laws about the different types of leaves is confusing. How do I keep them straight?

Charts chart comparing CPFL to California Paid Sick Leave and the CFRA to the FMLA are available at <https://calcivilrights.ca.gov/employment/family-care-medical-leave-guide/>.

Am I eligible for SDI benefits?

SDI benefits can be paid only if you meet all of these requirements:

- you are unable to do your regular or customary work for at least eight consecutive days;
- you were employed or actively looking for work at the time you became disabled;
- you have lost wages because of your disability, and you earned at least \$300 during your base period, from which SDI deductions were withheld (check your pay statements);
- you are under the care and treatment of a licensed physician/practitioner or accredited religious practitioner during the first eight days of your disability (and must remain under care and treatment to continue receiving benefits);
- you timely complete and submit your claim for disability insurance benefits; and
- your physician/practitioner completes the medical certification of your disability.

Citizenship and immigration status do not affect eligibility, as long as you contributed to SDI through payroll deductions.

For further information, see http://www.edd.ca.gov/Disability/Am_I_Eligible_for_DI_Benefits.htm.

How do I file a claim for SDI benefits?

Submit a claim online or complete and mail a claim form between nine and 49 days of the date you became disabled, or you may lose benefits. Filing a disability insurance claim online at

http://www.edd.ca.gov/Disability/SDI_Online.htm is the preferred, fastest method. Otherwise, a claim form may be obtained from the EDD at the website http://www.edd.ca.gov/Disability/How_to_File_a_DI_Claim_by_Mail.htm or by calling (800) 480-3287 (English), (866) 658-8846 (Spanish), or (800) 563-2441 (TTY). A completed claim form, including a doctor's certification of your disability, should be mailed to the following address:

State of California
Employment Development Department
P.O. Box 989777
West Sacramento, CA 95798-9777

HEALTH BENEFITS

I was injured or became ill as a result of a disaster and cannot return to work. Can I continue my health insurance?

Most California employers are required to offer employees the ability to continue their medical coverage at their own cost for a set amount of time if they cannot return to work. This coverage is generally referred to as Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage. Normally, you must sign up for COBRA coverage within 60 days after the date your medical coverage terminates as a result of the termination of your employment. If the employer did not provide notice of COBRA coverage on the date of termination, then the 60 days may be extended.

What rights do I have to health coverage under COBRA?

Employers with 20 or more employees who offer health plans are required by federal law to offer continuing medical coverage to qualified beneficiaries (participating employees and their dependents) who lose health coverage due to a "qualifying event," such as the death of the covered employee, termination of employment, or a reduction of the employee's hours sufficient to cause the loss of medical coverage. Employees must pay for this medical coverage themselves. COBRA coverage is available for up to 18 months, and, in some cases, up to 36 months.

Smaller employers (with two to 19 employees) that maintain health plans but are not covered by COBRA are required by California's Continuation Benefits Replacement Act (Cal-COBRA) to provide COBRA-like coverage to their eligible employees. Like COBRA, Cal-COBRA requires employees to pay for this medical coverage themselves. Cal-COBRA coverage is available to eligible employees for up to 36 months. Employees whose COBRA coverage expires after 18 months may be eligible for an additional 18 months of continued health benefits under Cal-COBRA.

More details about these programs can be found on the California Department of Managed HealthCare website: [http://www.dmhc.ca.gov/healthcareincalifornia/typesofplans/keepyourhealthcoverage\(cobra\)](http://www.dmhc.ca.gov/healthcareincalifornia/typesofplans/keepyourhealthcoverage(cobra)).

Can my family members keep their health insurance coverage?

Your dependents can elect COBRA coverage at their own cost if they were previously covered by your health plan during your employment.

What can my employer do to help me recover psychologically from the trauma of the disaster? Are there any counseling services available to people affected by the disaster?

Your employer's health plan may offer counseling to you and your dependents. Some employers may provide assistance under Employee Assistance Programs (EAPs). If you want counseling, you should ask your employer about the availability of counseling for both you and your family. If you are a veteran, you

may seek assistance from the Department of Veterans Affairs at www.veteranscrisisline.net or by calling the Veterans Crisis Line at (800) 273-8255 (press 1). You may also seek help from a mental health agency in the county in which you live, either permanently or temporarily.

The National Disaster Distress Helpline, staffed by trained mental health counselors, is available to help those coping with the emotional consequences of the disasters. The toll-free Helpline is available 24 hours a day, seven days a week. Call or text (800) 985-5990 (press 2 for Spanish). For more information, see <https://www.samhsa.gov/find-help/disaster-distress-helpline>. Deaf and hard of hearing individuals can connect directly to an agent in American Sign Language by clicking the “ASL Now” button on the link in the previous sentence or by calling (800) 985-5990 from a videophone.

In addition, if you or someone you know has thoughts of suicide, the National Suicide Prevention Lifeline provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week, across the United States. Call or text 988, call (800) 273-8255, or click the button to “Chat with Lifeline” at <https://988lifeline.org/>. Services are available in English and Spanish and for the deaf and hard of hearing.

If you are suffering psychological effects from a disaster because of something that happened to you while you were working for your employer, you may be eligible for workers’ compensation benefits..

OTHER BENEFITS

Am I entitled to other benefits if I was injured or became ill as a result of a disaster and I was working at the time I was injured or became ill?

You may be eligible to receive workers’ compensation benefits to provide you with the medical treatment you need to recover from your physical or mental work-related injury or illness and replace lost wages if you were working at the time you were injured or became ill. You should contact your employer immediately and ask for a workers’ compensation claim form (Form DWC-1) if you believe you have sustained a disaster-related or other workplace injury or illness. Your employer must give or mail you a claim form within one working day after learning about your injury or illness. You should file a workers’ compensation [claim form \(Workers’ Compensation Claim Form \(DWC 1\) & Notice of Potential Eligibility\)](#) to protect your rights and start the workers’ compensation process claim with your employer within 30 days of your injury. If this is an injury or illness that developed gradually, report it as soon as you learn or believe it was caused by your job. Your employer is responsible for promptly notifying its workers’ compensation insurance carrier of your injury. If you need emergency care, you should first call 911 or go to an emergency room. For more information about workers’ compensation benefits, see <https://www.dir.ca.gov/dwc/InjuredWorker.htm>. There is generally a time limit of one year from the date of injury to file a workers’ compensation case in the workers’ compensation court. Labor Code § 5405. Exceptions may apply, so talk to a workers’ compensation lawyer if unsure.

I’m not eligible for workers’ compensation. Are there other benefits available?

If you are employed but were not at work at the time you were injured or became ill, you may be entitled to short-term or long-term disability insurance payments. Check with your employer and personal insurance agent to find out what coverage is available to you. Your employer may also provide benefits for specific injuries such as loss of a limb under an accidental death or dismemberment policy. If you have been injured, you should inquire about this coverage as well.

Emergency loans against the cash value of some life insurance policies may also be available. Contact your agent, employer, or insurance company to learn more.

If you have a 401(k) retirement savings account, you may also be able to take a loan against your account. There are very strict rules about repayment of the loan, and non-compliance can trigger costly tax consequences. Be sure you understand the rules of the loan and the consequences before taking this kind of loan. <https://www.irs.gov/retirement-plans/considering-a-loan-from-your-401k-plan>.

WORKER SAFETY

Can my employer require me to work in an area under mandatory evacuation order?

If your worksite is in an area covered by a mandatory evacuation zone, you may not be required to report to work in that area, with some exceptions. Labor Code section 1102.5(c) requires that an employer cannot retaliate against you for refusing to participate in an activity that results in a violation of local, state or federal statute, rule, or regulation. Labor Code section 6311 similarly provides that you cannot be laid off or discharged for refusing to work in violation of occupational safety or health standards.

I work outdoors in an area where there is wildfire smoke. Is my employer required to do anything to protect me and my coworkers from risks due to wildfire smoke hazards?

Wildfire smoke is composed of harmful chemicals and tiny particles suspended in the air that may present a significant health hazard for employees exposed to it. If your employer should reasonably anticipate that its employees may be exposed to wildfire smoke, and the air quality index (AQI) for PM2.5 is 151 or greater, regardless of the AQI for other pollutants, your employer is required to take measures to protect its employees. These measures include determining employee exposures to harmful particles at the beginning of each shift (and periodically after that as needed); communicating with and training employees about wildfire smoke hazards in a way that is understandable to all employees and encourages employees to report worsening air quality to the employer; and reducing employees' exposure to the smoke. If exposure reduction is not possible, the employer must, at minimum, provide special "particulate respirators," such as N95 masks, that are approved by a government agency to protect against smoke hazards. Certain employers are exempt from the above listed requirements. For additional details see <https://www.dir.ca.gov/dosh/doshreg/Protection-from-Wildfire-Smoke/Wildfire-smoke-emergency-standard.html>.

Your employer is required to inform you in writing at the time of hiring if there is a federal or state emergency or disaster declaration applicable to the county or counties where you are to be employed, so long as the declaration was issued within 30 days before your first day of employment and your health and safety during your employment may be affected.

LOSING YOUR JOB

I lost my job due to a disaster. Is unemployment insurance or disaster insurance available?

If you become unemployed due to a disaster or emergency, you may be eligible for unemployment insurance (UI) benefits, which are administered by California's EDD. For more information about filing a claim, see http://www.edd.ca.gov/unemployment/Filing_a_Claim.htm. Also, for counties that have been federally declared disaster areas, you may be eligible to receive Disaster Unemployment Assistance (DUA) benefits if you become unemployed due to the disaster and do not qualify for regular UI benefits (for example, because you are self-employed or you are an agricultural worker who does not meet the UI earnings requirement). Applicants for DUA must be federally authorized to work. To determine whether the federal government has authorized DUA benefits, check the EDD's website: https://edd.ca.gov/about_edd/disaster_related_services.htm.

Does my employer have to provide severance pay if I am laid off?

No law requires severance pay, but if your employer has an established severance pay practice or plan, you may be eligible for severance pay. California law also requires employers to pay employees all wages due at the time of termination, including earned but unused vacation pay.

Can I be reimbursed by my employer for the destruction or loss of any of my personal items, such as personal computers or cars that I may have used for business purposes?

Generally, your employer is not responsible for your loss of personal property, though employees of the state of California may be paid for the repair or replacement of damaged personal property used in the course of employment. You should consult your employer and your own insurance company to determine whether your loss is covered by any applicable insurance policy.

Relatedly, you may be entitled to reimbursement for expenses that you have incurred in performing your duties. Examples of reimbursable expenses include mileage (if you use your personal vehicle for business use) and internet or phone bills (if you work from home or use your personal cellphone for your job).

Because my employer's offices were destroyed, I will be working from home. Is there any information I should know?

You should assume the same laws, requirements, and rights apply at your temporary work location as apply at your usual work location. If you are paid by the hour, you should keep track of the hours you work. You should also keep track of any business expenses you incur in the event you are eligible for reimbursement from your employer. Your employer may also be responsible for any costs you incur that are reasonably necessary to allow you to work from home, including the purchase of equipment needed for working remotely, the cost of internet access, and phone bills. Before incurring expenses, consult with your employer and consult your employer's expense reimbursement policy.

UNEMPLOYMENT BENEFITS

I lost my job or cannot work because of a disaster. Am I eligible for unemployment benefits?

You may be eligible for either:

- Unemployment Insurance (UI) benefits; or
- Disaster Unemployment Assistance (DUA), which can include UI, Disability Insurance (DI), or Paid Family Leave (PFL) benefits.

What are Unemployment Insurance benefits and am I eligible?

Unemployment insurance provides temporary income for employees who receive a W-2 (but not workers who are self-employed, independent contractors, or consultants) who are unable to work through no fault of their own and who meet certain eligibility requirements.

When applying for unemployment benefits, you must:

- Have earned enough wages during the base period;
- Be totally or partially unemployed;
- Be unemployed through no fault of your own;
- Be physically able to work;

- Be available for work; and
- Be ready and willing to accept work immediately.

A base period is a specific 12-month term the EDD uses to see if you earned enough wages to establish a claim.

How much will I get in Unemployment Insurance benefits?

The unemployment benefit calculator, found online at the EDD website (<https://edd.ca.gov/en/unemployment/UI-Calculator/>), will provide you with an estimate of your weekly benefit amount, which can range from \$40 to \$450 per week. Once you submit your application, EDD will verify your eligibility and wage information to determine your weekly benefit amount. For more information, refer to How Unemployment Insurance Benefits Are Computed (https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de8714ab.pdf) or the Unemployment Insurance Benefit Table (https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de1101bt5.pdf).

If you did not work at any time in the last 18 months and did not earn any wages, your estimated weekly benefit amount will be \$0 because you did not earn enough wages during your base period to qualify for unemployment benefits. You do not need to apply.

How do I file a claim for Unemployment Insurance?

Unemployment insurance claims are filed with the California EDD. Instructions for filing a claim can be found online at: https://edd.ca.gov/en/unemployment/Filing_a_Claim/.

Claims can be submitted three different ways:

- **Online:** Claims can be submitted online after registering and creating an account on the EDD website (<https://myedd.edd.ca.gov/s/login>). To file a claim online, you must be at least 18 years old. If you are underage, you can file your claim by phone, fax, or mail. If you filed online, please review the current schedule for when the UI Online system is available on the EDD website (https://edd.ca.gov/en/unemployment/Filing_a_Claim/).
- **By Phone:** Claims can be made by calling the following toll-free numbers, Monday through Friday from 8 a.m. to 5 p.m. (Pacific time), except on state holidays.

English and Spanish 1-800-300-5616

Armenian 1-855-528-1518

Cantonese 1-800-547-3506

Korean 1-844-660-0877

Mandarin 1-866-303-0706

Tagalog 1-866-395-1513

Vietnamese 1-800-547-2058

TTY 1-800-815-9387

- **By Fax or Mail:** Claims can be made by fax or mail. You can submit a paper Unemployment Insurance Application, which can be found online on the EDD website

(https://edd.ca.gov/en/unemployment/Filing_a_Claim/). The form will contain the fax and address you can mail the Application.

You will need the following information to file a claim:

- Last Employer
 - Last employer information including company name, supervisor's name, address (mailing and physical location) and phone number.
 - Last date worked and the reason you are no longer working.
 - Total gross earnings in the last week you worked, beginning with Sunday and ending with your last day of work.
- Employment History
 - Information on all employers you worked for during the past 18 months, including name, address (mailing and physical location), the dates of employment, gross wages earned, hours worked per week, hourly rate of pay, and the reason you are no longer working.
 - If you are a federal employee or ex-military, there may be additional forms you need to fill out. Check the California EDD website for more info, https://edd.ca.gov/en/unemployment/Filing_a_Claim/.
- Identity Documents
 - personal photo (selfie) and photo of your ID to verify your identity via ID.me, https://edd.ca.gov/en/unemployment/ui_online/.
 - If the California EDD needs additional information to verify your identity, you will need to join a video call with ID.me and provide either two primary documents or one primary and two secondary documents. You can find a list of those documents on the California EDD website, https://edd.ca.gov/en/unemployment/Filing_a_Claim/.

What is Disaster Unemployment Assistance?

Disaster Unemployment Assistance (DUA) is a federal program that provides financial assistance to jobless workers and the self-employed when they are unemployed as a direct result of a major natural disaster. A major disaster means any hurricane, tornado, storm, flood, high water, wind-driven water or tidal wave, earthquake, drought, fire or other catastrophe declared by the President to warrant government assistance to communities and individuals.

The DUA program is administered by the U.S. Department of Labor and State Employment Security Agencies under the Disaster Relief and Emergency Assistance Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988.

Am I eligible to receive Disaster Unemployment Assistance?

When a major disaster has been declared by the President, DUA is generally available to any unemployed worker or self-employed individual who lived, worked, or was scheduled to work in the disaster area at the time of the disaster and due to the disaster:

- no longer has a job or a place to work; or
- cannot reach the place of work; or
- cannot work due to damage to the place of work; or
- cannot work because of an injury caused by the disaster.

An individual who becomes the head of household and is seeking work because the former head of household died as a result of the disaster may also qualify for DUA benefits.

What are the benefits?

DUA consists of weekly payments that are computed in the same way as regular unemployment insurance (UI) payments, that is, based on a base period of earnings as prescribed by state UI law. The base period for all DUA claimants is the most recently completed tax year prior to the last date worked. For most claimants, this is the prior calendar year.

The exception to this is that unemployed self-employed individuals may base a claim on net self-employment earnings. They may use an alternate tax year, but it must still be their most recently completed tax year.

The minimum weekly amount will be 50 percent of the average unemployment compensation amount in California during the quarter immediately preceding the date of the disaster.

Under federal regulations, weekly DUA payments are reduced by:

- partial earnings;
- any insurance for wage loss due to illness or disability;
- supplemental UI benefits resulting from union agreements; or
- private income protection insurance.

DUA benefits are payable only for weeks that fall within the Disaster Assistance Period, which begins with the first Sunday following the date of the disaster and ends on a Saturday 26 weeks after the disaster is declared.

DUA benefits are not payable to individuals who are entitled to regular unemployment compensation or waiting period credit; or who would be entitled to unemployment compensation benefits or waiting period credit if not for excessive earnings or for being fully employed.

Any eligible individual whose entitlement to unemployment compensation exhausts before the end of the Disaster Assistance Period is entitled to DUA benefits for the remaining weeks of unemployment in the Disaster Assistance Period, or until a new valid benefit year becomes available, whichever is earlier.

For additional information on DUA, call:

- English 1-800-300-5616
- Spanish 1-800-326-8937
- Cantonese1-800-547-3506
- Mandarin 1-866-303-0706
- Vietnamese1-800-547-2058
- TTY1-800-815-9387

Disability Insurance and Paid Family Leave and Eligibility

If you're not eligible for unemployment, you may be eligible for Disability Insurance (DI) or Paid Family Leave (PFL).

Disability Insurance

You may be eligible for Disability Insurance (DI) benefits if:

- You are unable to work due to a non-work-related illness, injury, or pregnancy.
- You paid into the State Disability Insurance program (noted as "CASDI" on paystubs), via taxes.

More information can be found on the California EDD website:

https://edd.ca.gov/EPIserver/CMS/Content/en/disability/disability_insurance.,4236/?epieditmode=False.

Paid Family Leave

You may be eligible for Paid Family Leave benefits if:

- You need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.
- You're a parent who needs time to bond with your new child by birth, adoption, or foster care placement.

More information can be found on the California EDD website at: <https://edd.ca.gov/en/disability/paid-family-leave/>.

Disability Insurance and Paid Family Leave claims can both be submitted online. Instructions can be found on the EDD website at:

https://edd.ca.gov/EPIserver/CMS/Content/en/disability/SDI_Online.,8944/?epieditmode=False.

FINDING WORK

I lost my job because of a disaster and need help finding a job. Who should I contact?

For information on job search assistance, online job listings, workshops, and other employment and training services, take a look at the job resources available on the EDD website:

<https://edd.ca.gov/en/jobs/>.

You can also contact your local EDD America's Job Center of California (AJCC):

<https://www.careeronestop.org/LocalHelp/AmericanJobCenters/find-american-job-centers.aspx>.