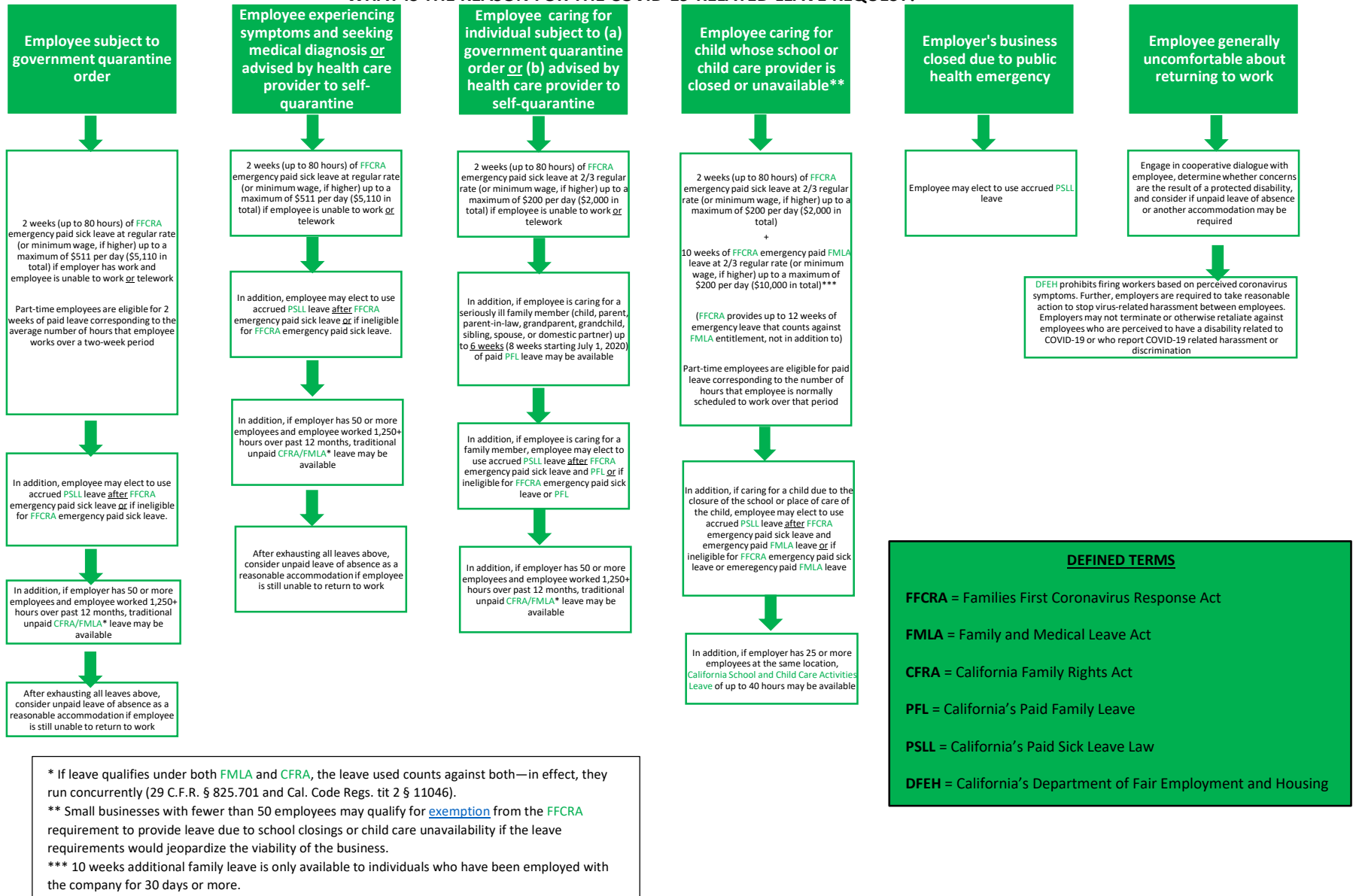


# DETERMINING COVID-19 LEAVES OF ABSENCE THROUGH DECEMBER 31, 2020

## FOR CALIFORNIA EMPLOYERS WITH FEWER THAN 500 EMPLOYEES

### WHAT IS THE REASON FOR THE COVID-19-RELATED LEAVE REQUEST?



This document is intended for general information purposes only and does not address all contingencies, including employer policies that may provide for more generous benefits. It does not constitute legal advice or create an attorney-client relationship. Employers should consult with counsel when considering any COVID-19 related leave request. This document is based on information at the time it was prepared and is subject to change without notice. Laws and/or other circumstances may have changed since the publication.

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### COVERED EMPLOYERS:

- The [FFCRA](#) covers private sector employers with fewer than 500 employees as well as certain public sector employers.
- The [FMLA](#) covers private sector employers with 50 or more employees who have been on payroll for 20 or more calendar workweeks (29 U.S.C. § 2611(4)(A)(i) and 29 C.F.R. § 825.104).
- The [CFRA](#) covers California private sector employers that directly employ 50 or more employees, regardless of in which state or U.S. territory (Cal. Gov't Code § 12945.2(a) to (c)(2) and Cal. Code Regs. tit. 2, § 11087(d)). Joint employers are also required to comply (Cal. Code Regs. tit. 2, § 11087(d)(3)).
- The [PFL](#) covers all California employers.

### ELIGIBLE EMPLOYEES

- All employees are eligible under the [FFCRA](#).
- To be eligible under the [FMLA](#) an employee must (1) have worked for a covered employer (see above) for at least 12 months, which need not be consecutive, (2) have worked at least 1,250 hours during the 12 months immediately before the start date of the FMLA requested leave, and (3) work at a facility with more than 50 employees working within 75 road miles of that worksite (29 U.S.C. § 2611(2) and 29 C.F.R. § 825.110). There are special eligibility rules for airline flight crew employees.
- Almost identical to the FMLA, under the [CFRA](#) an employee must (1) have worked for a covered employer (see above) for at least 12 months at any time before starting CFRA leave, (2) have worked at least 1,250 hours in the 12-month period immediately before the start date of the CFRA leave, and (3) work or be assigned to a worksite where the employer has 50 or more employees working within a 75-mile radius of that worksite, measured in surface miles (Cal. Gov't Code § 12945.2 and Cal. Code Regs. tit 2, § 11087(e)).
- Under the [PFL](#), part and full-time workers are eligible if they contribute to State Disability Insurance (SDI) through state-mandated payroll deductions or are self-employed and have contributed to the Disability Insurance Elective Coverage program.

### Notes:

- The [City of Long Beach](#), the [City of Los Angeles](#), the [City of San Jose](#), and [San Francisco](#) have all passed supplemental ordinances which require employers with 500 or more employees to provide up to 80 hours of paid sick leave to workers who require time off related to COVID-19. Food sector workers are not covered under the City of Los Angeles ordinance since they are eligible for paid sick leave under [Executive Order N-51-20](#).
- In addition to the leave entitlements mentioned in the chart above, there may also be compensation entitlements available under California's New Parent Leave Act (NPLA), California's Pregnancy Disability Leave Law (PDLL), California's Disability Insurance (DI), workers' compensation, and/or unemployment benefits.
- More information on the availability of benefits can be found [here](#) and [here](#).

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