



# Department of Industrial Relations

## Side by Side Comparison of COVID-19 Paid Leave

This chart provides a snapshot of paid leave laws that may cover California workers affected by COVID-19. This chart provides a comparison of California laws on paid family leave, paid sick leave, and COVID-19 Supplemental Paid Sick Leave for food sector workers and non-food sector workers, as well as the federal Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave and Emergency Paid Family & Medical Leave.

### Side by Side Comparison of CA Paid Family Leave, CA Paid Sick Leave and Federal Families First Coronavirus Response Act (FFCRA) Paid Leave Rights<sup>1</sup>, Updated September 2020

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency Paid Sick Leave	CA COVID-19 Supplemental Paid Sick Leave	FFCRA Emergency Paid Family & Medical Leave
<b>Qualifying reasons for leave</b>	To care for a seriously ill family member or to bond with a new child entering the family through birth, adoption, or foster care placement (eff. Jan. 1, 2021, this will also include a “qualifying exigency” related to the military duty of the employee’s family member).	(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s	If the employee is unable to work (or telework) due to a need for leave because:  (1) The employee is subject to a Federal, State, or local quarantine or isolation order	If the food sector worker or non-food sector employee is unable to work for the following reasons:  (1) They are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;	The employee is unable to work (or telework) due to a need to care for a son or daughter whose school or place of care has been closed, or whose child care provider is unavailable, for

<p>family member.</p> <p>(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Labor Code Section 230 and subdivision (a) of Section 230.1.</p>	<p>related to COVID-19.</p> <p>(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</p> <p>(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.</p> <p>(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).</p> <p>(5) The employee is caring for a son or daughter whose school or place of care has</p>	<p>(2) They are advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or</p> <p>(3) They are prohibited from working by the hiring entity due to health concerns related to the potential transmission of COVID-19.</p>	<p>reasons related to COVID-19.</p>
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			<p>been closed, or whose child care provider is unavailable, for reasons related to COVID-19.</p> <p>(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.</p>		
	<b>CA Paid Family Leave</b>	<b>CA Paid Sick Leave</b>	<b>FFCRA Emergency Paid Sick Leave</b>	<b>CA COVID-19 Supplemental Paid Sick Leave</b>	<b>FFCRA Emergency Paid Family &amp; Medical Leave</b>
<b>Employers/Hiring Entities covered</b>	<p>State Paid Family Leave is funded solely through <b>employee</b> contributions. Employees who contribute to the program (generally through paycheck deductions) are eligible if they earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during the applicable base period.</p>	<p>All employers who have employees in California except for certain employers of employees covered by a valid collective bargaining</p>	<p>Private employers with fewer than 500 employees and public employers.</p> <p>Private employers with less than 50 employees may claim an exemption from providing paid leave to an</p>	<p>Hiring entities with 500 or more employees in the United States OR hiring entities that employ health care providers and emergency responders who excluded those employees from paid sick leave under the FFCRA</p>	<p>Private employers with fewer than 500 employees and public employers (except certain federal agencies).</p> <p>Private employers with less than 50 employees may claim an exemption from providing paid leave to an employee to care</p>

agreement, certain employers subject to Railway Labor Act, and retired annuitants of public employers

employee to care for a child whose school or place of care is closed or whose child care provider is unavailable if they determine that providing such leave would jeopardize business viability. USDOL has issued a temporary rule that specifies the criteria for such denial, which the business must document and retain for its own files.

Employers of health care providers or emergency responders may exclude their employees from these sick leave protections.

Exception: Hiring entities that already provide supplemental paid benefits for the same purposes listed in the statutes that compensate workers at a level equal to or greater than what the statutes provide.

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<b>Workers Covered</b>	Employees	Employees	Employees	<p><b>Food sector workers, including independent contractors, from April 16, 2020. These workers:</b></p> <ul style="list-style-type: none"> <li>• Perform work in the food sector in agriculture, or anywhere else in the retail food supply chain, including pick-up, delivery, supply, packaging, retail, or preparation; and</li> <li>• Leave home to perform work.</li> </ul> <p>These food sector workers include: farmworkers, grocery workers, workers at retailers that sell food, restaurant or fast food workers, warehouse workers, and workers who pick-up or deliver any food items as well as janitors or security</p>	Employees

				guards who work at these locations.  <b>All non-food sector employees from September 19, 2020</b> who leave home to perform work.	
	<b>CA Paid Family Leave</b>	<b>CA Paid Sick Leave</b>	<b>FFCRA Emergency Paid Sick Leave</b>	<b>CA COVID-19 Supplemental Paid Sick Leave</b>	<b>FFCRA Emergency Paid Family &amp; Medical Leave</b>
<b>Amount of paid leave</b>	8 weeks starting July 1, 2020	1 hour for every 30 hours worked or another approved method; employer may cap accrual at 48 hours and cap use at 3 days or 24 hours, whichever is greater, within a 12 month period	80 hours for full-time employees; for part-time employees, the number of hours the employee is normally scheduled to work over two workweeks (those with variable schedules entitled to 14 times the average number of hours they worked per day over the past 6 months)	80 hours for full-time workers in the food sector and non-food sector, and those workers who were scheduled to work for the hiring entity an average of 40 or more hours per week in the two weeks before leave was taken; for part-time workers with a normal weekly schedule, the number of hours the worker is normally scheduled to work; for part-time workers with variable schedules, 14 times the average	12-week period (but unpaid during first 2 weeks, which could be covered by other paid leave)  If an employee has already taken FMLA leave in the past 12 months, the FFCRA does not provide additional leave. An employee is entitled to a maximum of 12 weeks of protected leave per 12-months period, with 10 of the weeks paid under FFCRA if the leave is

Note: CA paid sick leave is separate from, and in addition to, paid sick leave under the FFCRA. However, employees may use their CA paid sick leave to supplement the amount they receive in FFCRA paid sick leave, up to the amount the employee would have normally earned during the period of sick leave.

number of hours they worked each day over a six-month period (or for those workers who have worked fewer than six months, over the entire period of their employment).

Firefighters may be entitled to more hours, but pay is capped, as described below.

taken for FFCRA-qualifying purposes.

An employee may choose, or an employer may require that an employee use this additional leave concurrently with any leave offered under the employer's policies that would be available for the employee to take care of their child, such as vacation, personal leave, or paid time off.

**CA Paid Family Leave**

**CA Paid Sick Leave**

**FFCRA  
Emergency Paid  
Sick Leave**

**CA COVID-19  
Supplemental Paid Sick  
Leave**

**FFCRA Emergency  
Paid Family & Medical  
Leave**

<p><b>Wage payment amount</b></p>	<p>60-70% of wages (depending on income), ranges from \$50-\$1,300 per week</p>	<p>Regular rate or average rate for preceding 90 days</p>	<p><b>For employee:</b> Higher of regular rate or minimum wage rate, not to exceed \$511 per day and \$5,110 in total</p> <p><b>For family care:</b> 2/3 of regular rate, not to exceed \$200 per day and \$2,000 in total</p>	<p>Highest of regular rate of pay for last pay period, State minimum wage, or local minimum wage, not to exceed \$511 per day and \$5,110 in total. Firefighters may be entitled to more hours but pay is capped at these limits.</p>	<p>2/3 of regular rate, not to exceed \$200 per day and \$10,000 total</p> <p>Amount of pay based on the number of hours the employee is normally scheduled to work. For employees with variable schedules, employer can use the average number of hours the employee was scheduled per day for prior six months. For employees who have been employed for fewer than six months, pay can be based on the average agreed-upon number of hours per workday, or the average hours per workday over the period of employment. Alternatively leave can be paid at 2/3 of the employee's regular rate in hourly increments.</p>
	<p>CA Paid Family Leave</p>	<p>CA Paid Sick Leave</p>	<p>FFCRA Emergency Paid</p>	<p>CA COVID-19 Supplemental Paid Sick</p>	<p>FFCRA Emergency Paid Family &amp; Medical</p>



		<b>Sick Leave</b>	<b>Leave</b>	<b>Leave</b>	
<b>When leave becomes available</b>	When employee loses wages due to inability to work because of need for family care/bonding; employee must have earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during base period	Begins to accrue upon hire & may be used after 90 days	April 1, 2020 through December 31, 2020: Employees can take leave immediately, regardless of how long they have worked for the employer.	For food sector workers: April 16, 2020 to December 31, 2020 or until expiration of any federal extension of the FFCRA, whichever is later.  For all non-food sector employees: September 19, 2020 to December 31, 2020 or expiration of any federal extension of the FFCRA, whichever is later.	April 1, 2020 through December 31, 2020: Employees may take leave if they were on the employer's payroll for 30 calendar days immediately prior to the day that leave would begin.  This includes employees who were laid off or otherwise terminated on or after March 1, 2020, had worked for the employer for at least 30 of the prior 60 days, and were subsequently rehired/reemployed by the same employer on or before December 31, 2020.
	<b>CA Paid Family Leave</b>	<b>CA Paid Sick Leave</b>	<b>FFCRA Emergency Paid Sick Leave</b>	<b>CA COVID-19 Supplemental Paid Sick Leave</b>	<b>FFCRA Emergency Paid Family &amp; Medical Leave</b>
<b>Family members for whom care may be provided</b>	• Child, including a biological, foster, or adopted child, a stepchild, a child of a domestic	• Child, including a biological,	• "Individual" who employee is caring for who is	Any person whose symptoms, exposure, or diagnosis makes a food	• Child under 18 who is a biological, adopted, or foster child, a

partner, a legal ward, or a child of a person standing in loco parentis.

- Biological, foster, or adoptive parent, parent-in-law, stepparent, legal guardian, or other person who stood in loco parentis when the employee was a child.
- Spouse
- Registered domestic partner
- Grandparent
- Grandchild
- Sibling

adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.

- Biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- Spouse
- Registered

subject to a quarantine order or self-quarantine advised by a health care provider means an immediate family member, person who regularly resides in employee's home, or similar person with whom employee has a relationship that creates an expectation of care.

- For purposes of caring for a child whose school is closed or whose child care provider is unavailable: A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is- (A) under 18 years

sector worker or non-food sector employee: (1) subject to a Federal, State, or local quarantine order related to COVID-19; OR (2) advised by a health care provider to self-quarantine or self-isolate due to COVID-19 related concerns; OR (3) prohibited from working by the worker's hiring entity.

stepchild, legal ward, or child of a person standing in loco parentis, or who is 18 or older and incapable of self-care because of mental or physical disability.

		domestic partner <ul style="list-style-type: none"> <li>• Grandparent</li> <li>• Grandchild</li> <li>• Sibling</li> </ul>	of age; or (B) 18 years or older and incapable of self-care because of a mental or physical disability		
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For more information on CA paid family leave and paid sick Leave and COVID-19, please visit: <https://www.labor.ca.gov/coronavirus2019/>

For more information on paid leave under the Families First Coronavirus Protection Act, please visit: <https://www.dol.gov/agencies/whd/pandemic>

1. The California Family Rights Act is not included because it does not provide *paid leave*. The federal Family and Medical Leave Act only provides *paid leave* for the purposes set forth in the FFCRA.