

Novel Coronavirus Disease (COVID-19)

Recent Updates:

11/6/20: Link added for instructions for those with symptoms. Resources for agricultural workers added.

The Department of Public Health (Public Health) is working to ensure that workers, employers and families remain healthy during this COVID-19 pandemic. As workers return to work it is important to note that the workplace itself must change in an effort to protect employee and customer health.

COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. Asymptomatic individuals can also transmit infection. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths).

This document highlights some of the protections that employers are required to put in place to keep you healthy. In the event that you become ill or need to leave your job for other COVID-19 related issues this document also provides important information regarding employee benefits and resources that are in place to protect you.

WHAT TO EXPECT WHEN RETURNING TO WORK

Employers have been instructed to follow specific County Public Health protocols, which include the following in order to protect employee health:

- Allow those who can carry their work out from home to do so, especially for vulnerable staff such as those above age 65, those who are pregnant, and those with chronic health conditions. Employers have been asked to reconfigure work processes to increase opportunities for employees to work from home and to shift job duties wherever possible to allow vulnerable individuals to work from home.
 - If you have concerns about your health, consult with your provider to determine whether returning to a work environment outside of your home is safe for you. If it is not safe then speak with your employer to see if you can be reassigned to work duties that allow you to work from home.
- Alternate or stagger shift schedules for employees to maximize physical distancing in the workplace and stagger breaks during shifts to ensure physical distancing in break areas.
- Instruct employees not to come to work if they are sick, or if they are exposed to a person who has COVID-19.
- Conduct symptom checks before employees enter the workplace.
 - These checks will ask about symptoms that you might be experiencing and may or may not include temperature checks at the worksite.
 - If you do develop symptoms then you will be asked to go home. See instructions for people with symptoms at ph.lacounty.gov/covidcare.
 - If you are diagnosed with COVID-19 you will be asked to isolate at home. See isolation instructions for more information online at ph.lacounty.gov/covidisolation.
 - Those who have been in close contact with an infected person will need to be quarantined. See instructions for quarantine for additional information on who is considered a close contact and what they must do online at ph.lacounty.gov/covidquarantine.

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- Provide a cloth face covering at no cost for those employees who have contact with the public or other employees during their shift. Depending on the type of job being done, some employees will also have to wear other protective gear such as gloves or face shields.
 - You do not have to wear the face covering if you are alone in a private office or in other areas of the workspace where others are not present.
 - Be sure to wash your face covering after every use.
- Space out desks, workstations or production line work by at least 6 feet and if necessary incorporate other sorts of barriers such as plexiglass dividers to ensure physical distancing.
 - It is important to maintain six feet of distance, as much as possible, between both co-workers and customers or members of the public that you must interact with and to be sure to use your cloth face covering.
- Ensure that hand sanitizer and/or soap and water are available for use by employees, and that employees are given adequate time to ensure frequent hand cleaning.
- As much as feasible, provide workers with their own tools, equipment and workspace. If items must be shared they are disinfected between shifts or use.
- Institute measures that minimize direct contact with members of the public such as contactless payment systems and institute frequent cleaning of commonly touched surfaces or areas.
- Provide a copy of all relevant re-opening protocols to all employees.

All of the specific County Public Health protocols for restaurants, retail establishments, manufacturing, hotels, and other employers are available online at <http://publichealth.lacounty.gov/media/Coronavirus>.

If you feel that your employer is not complying with public health protocols and would like to report a violation. You can contact the Customer Call Center at (888) 700-9995 (M-F 8:00 a.m.-5:00 p.m.) or Email: Ehmail@ph.lacounty.gov.

SUMMARY OF BENEFITS AVAILABLE TO WORKERS IMPACTED BY COVID-19

Disability Benefits

Disability Insurance (https://www.edd.ca.gov/disability/am_i_eligible_for_di_benefits.htm)

- If you're unable to work due to quarantine or illness related to COVID-19 (certified by a medical professional)
- Short-term benefit payments to eligible workers who have a full or partial loss of wages due to a non-work-related illness, injury, or pregnancy.

Paid Leave Benefits

Paid Family Leave (https://www.edd.ca.gov/disability/Am_I_Eligible_for_PFL_Benefits.htm)

- If you're unable to work because you are caring for an ill or quarantined family member with COVID-19 (certified by a medical professional)
- Up to six weeks of benefit payments to eligible workers who have a full or partial loss of wages because they need time off work to care for a seriously ill family member.

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Unemployment Insurance (and any extended UI benefits programs)

(<https://unemployment.edd.ca.gov/>)

- If you have lost your job or have had your hours reduced for reasons related to COVID-19.
- Partial wage replacement benefit payments to workers who lose their job or have their hours reduced, through no fault of their own.

Pandemic Unemployment Assistance (https://www.edd.ca.gov/about_edd/coronavirus-2019/pandemic-unemployment-assistance.htm)

- If you have lost your job or business or have had your hours or services reduced for reasons related to COVID-19.
- Partial wage replacement benefit payments for business owners, self-employed, independent contractors, those who have limited work history, those who have collected all UI benefits for which they are eligible, and others not eligible for regular UI benefits who are unemployed, partially unemployed, unable to work or unavailable to work as a direct result of COVID-19.

California Paid Sick Leave (https://www.dir.ca.gov/dlse/paid_sick_leave.htm)

- If you or a family member are sick or for preventive care, including when civil authorities recommend quarantine, or isolation.
- The leave you have accumulated, or your employer has provided to you under the Paid Sick Leave law. This may be 1 hour accrued for every 30 hours worked or 3 days/24 hours provided per year; employer may cap accrual at 48 hours and use at 3 days or 24 hours, whichever is greater, within a 12-month period.
- Paid to you at your regular rate of pay or an average based on the past 90 days.

California COVID-19 Supplemental Paid Sick Leave for Food Sector Workers (Executive Order N-51-20) (<https://www.dir.ca.gov/dlse/FAQ-for-PSL.html>)

- If you are a “Food Sector Worker” and are (1) subject to a governmental quarantine or isolation order related to COVID-19, (2) advised by a health care provider to self-quarantine or self-isolate due to COVID-19 concerns, or (3) are prohibited from working by the worker’s hiring entity due to COVID-19-related health concerns.
- Paid to you at your regular rate of pay, the state minimum wage, or the local minimum wage, whichever is higher.

Federal Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave (<https://www.dol.gov/agencies/whd/pandemic>)

- If you are unable to work (or telework) because:
 - (1) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - (2) You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (3) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - (4) You are caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
 - (5) You are caring for a child whose school or place of care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19.

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(6) You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

- Up to 80 hours of paid sick leave for employees who work for public employers or private employers with fewer than 500 employees. (Some exceptions may apply, including small business exemption from providing paid leave for child care.)

FFCRA Emergency Paid Family & Medical Leave (<https://www.dol.gov/agencies/whd/pandemic>)

- If you are unable to work (or telework) because you need leave to care for a child whose school or place of care has been closed, or whose childcare provider is unavailable, for reasons related to COVID-19.
- Up to an additional 10 weeks of paid leave for employees who work for public employers or private employers with fewer than 500 employees. (Some exceptions may apply, including small business exemption.)

Local Government Supplemental Paid Sick Leave for COVID-19

(<http://file.lacounty.gov/SDSInter/bos/supdocs/145514.pdf>)

- If you live in the city of Los Angeles or unincorporated areas of Los Angeles County, you may be eligible for supplemental paid sick leave for COVID-19-related reasons if you are not covered by the FFCRA.
- Up to 80 hours of supplemental paid sick leave for covered employees.
- Varies by locality: [LA City, Unincorporated LA County](#)

Workers' Compensation Benefits

Workers' Compensation

(<https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.html>)

- If you reported to your employer's worksite between March 19 and July 5, 2020 and tested positive or were diagnosed with a COVID-19-related illness, you may be eligible for workers' compensation benefits under the Executive Order issued by Governor Newsom on May 6.
- Under [Executive Order N-62-20](#), you may receive temporary disability (TD) payments after exhausting specific federal or state COVID-19 paid sick leave benefits. You may be entitled to TD payments for up to 104 weeks. TD payments stop when either you return to work, your doctor releases you for work, or your doctor says your illness has improved as much as it's going to.
- TD generally pays two-thirds of the gross wages you lose while you are recovering from a work-related illness or injury, up to a maximum weekly amount set by law. In addition, eligible employees are entitled to medical treatment and additional payments if a doctor determines you suffered a permanent disability because of the illness.

FREQUENTLY ASKED QUESTIONS

1. Am I allowed to work during the COVID-19 pandemic?

It depends on what your job is. Workers in sectors that are allowed to be open, as per the Los Angeles County [Health Officer Order](#), are allowed to work. Anyone is allowed to work from their home that has arranged to do so with their employer.

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2. What can I do if my hours are reduced due to COVID-19?

You can file for [Unemployment Insurance \(UI\)](#). If you lost your job or had your hours reduced, and meet eligibility requirements, you may be able to receive Unemployment Insurance (UI) benefits from California's Employment Development Department (EDD).

You may be eligible for UI if you have income reported on a W2 and you meet any of these:

- You are fully or partially unemployed. This includes layoffs, furloughs, reduced wages, or reduced hours. You can still receive unemployment benefits while working, depending on your pay.
- Your child's school is closed, and you need to miss work to care for them.
- Your previous UI claim has expired.

See the [Guide to applying for unemployment benefits](#) to learn more. It is important to note that the state has removed the one week [waiting period](#) for unemployment and disability insurance for Californians who lose work as a result of the COVID-19 outbreak. This means you can collect benefits for the first week that you were out of work or had reduced hours and you are not required to look for work each week to be eligible for benefits.

Be sure to check to check the EDD's [webpage](#) for the latest news.

3. I can't work because I'm taking care of a loved one who is sick. Is there any leave that I am eligible for?

You may be able to use paid sick leave. Paid sick leave can be used for absences due to illness, the diagnosis, care or treatment of an existing health condition or preventative care for the employee or the employee's family member.

Preventative care may include self-quarantine as a result of potential exposure to COVID-19 if quarantine is recommended by civil authorities. In addition, there may be other situations where an employee may exercise their right to take paid sick leave, or an employer may allow paid sick leave for preventive care. For example, where there has been exposure to COVID-19 or where the worker has traveled to a high-risk area.

You can also [file a Paid Family Leave \(PFL\) claim](#).

Unpaid leave may also be available to you through the California Family Rights Act (CFRA). Employees may be entitled to up to 12 weeks of job protected leave under CFRA to care for a, parent, spouse or a dependent child with a serious medical condition. COVID-19 will qualify as a serious health condition if it results in inpatient care or continuing treatment or supervision by a health care provider. It may also qualify as a serious health condition if it leads to conditions such as pneumonia. Employees are eligible for this form of job-protected leave (CFRA) if they work for an employer with at least 50 employees within 75 miles of their worksite; have worked there for at least a year; and have worked at least 1250 hours in the year before they need time off.

4. What can I apply for if I cannot work because I'm sick or quarantined due to COVID-19?

You may be able to use [paid sick leave](#) or file [a Disability Insurance \(DI\) claim](#).

You may also file a [Workers' Compensation Claim](#) if you suffered a COVID-19 illness that arose from an exposure during the course of your work. Check the California Department of Industrial Relations' [COVID-19 Resources and Workers' Compensation](#) for more information.

Unpaid leave may be available to you through the California Family Rights Act. Check the California Department of Fair Employment and Housing's [COVID-19 website](#) for their employment frequently asked questions.

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5. What options do I have if my child's school or day care closes for reasons related to COVID-19?

If you must quit your job or severely reduce your hours you can file for [Unemployment Insurance \(UI\)](#).

You may also qualify for the [FFCRA Emergency Paid Sick Leave](#) which allows for up to 80 hours of paid sick leave for employees who work for public employers, or for private employers with fewer than 500 employees. (Some exceptions may apply, including small business exemption from providing paid leave for childcare.)

There may be paid sick leave or [other paid leave](#) that is available to employees. Employees at worksites with 25 or more employees may also be provided up to 40 hours of leave per year for specific school-related emergencies, such as the closure of a child's school or day care by civil authorities (see [Labor Code section 230.8](#)). Whether that leave is paid or unpaid depends on the employer's paid leave, vacation or other paid time off policies. Employers may require employees use their vacation or paid time off benefits before they are allowed to take unpaid leave but cannot mandate that employees use paid sick leave. However, a parent may choose to use any available paid sick leave to be with their child as preventative care.

6. Can an employer require a worker to provide information about recent travel to countries considered to be high-risk for exposure to the coronavirus?

Yes. Employers can request that employees inform them if they are planning to travel, or have traveled, to [countries considered by the Centers for Disease Control and Prevention to be high-risk areas for exposure to the coronavirus](#), (which currently is any international travel).

7. May an employer send employees home if they display COVID-19 symptoms?

Yes. The CDC states that employees who become ill with symptoms of the COVID-19 illness at work should leave the workplace. Employers may ask employees who exhibit COVID-19 symptoms to go home. Employers must provide any paid sick leave that is required under applicable paid sick leave laws. If sick leave is exhausted, employees may be entitled to other paid leave (including vacation or paid time off), or job-protected unpaid leave.

8. Is an employee entitled to compensation for reporting to work and being sent home?

Generally, if an employee reports for their regularly scheduled shift but is furnished with less than half of his or her usual or scheduled day's work, the employee must be compensated for at least two hours, or no more than four hours, of reporting time pay.

For example, a worker who reports to work for an eight-hour shift and only works for one hour must receive four hours of pay, one for the hour worked and three as reporting time pay so that the worker receives pay for at least half of the expected eight-hour shift.

[Additional information on reporting time pay](#) is posted online.

9. During a pandemic, how much information may an employer request from employees who report feeling ill at work?

Employers may ask employees if they are experiencing COVID-19 symptoms, such as fever or chills and a cough. Employers must maintain all information about employee illness as a confidential medical record.

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10. During a pandemic, may an employer take employees' temperatures to determine whether they have a fever?

Generally, measuring an employee's body temperature is a medical examination that may only be performed under limited circumstances. However, based on current CDC and local public health information and guidance, employers may measure employees' body temperature for the limited purpose of evaluating the risk that employee's presence poses to others in the workplace as a result of the COVID-19 pandemic.

11. During a pandemic, may an employer ask employees why they have been absent from work if the employer suspects it is for a medical reason?

Yes. Asking why an individual did not report to work is not a disability-related inquiry. An employer is entitled to ask why an employee has not reported for work. If an employee discloses an illness or medically related reason for absence, employers must maintain that information as a confidential medical record.

12. What information may an employer reveal if an employee is quarantined, tests positive for COVID-19, or has come in contact with someone who has the virus?

Employers should not identify any such employees by name in the workplace to ensure compliance with privacy laws. If an employee tests positive for or is suspected to have COVID-19, the employer will need to follow the most current local, state, or federal public health recommendations. Employers should take further steps at the direction of the local public health department that may include closing the worksite, deep cleaning, and permitting or requiring telework.

Employers may notify affected employees in a way that does not reveal the personal health-related information of an employee. For example, the employer could speak with employees or send an email or other written communication stating: "[Employer] has learned that an employee at [office location] tested positive for the COVID-19 virus. The employee received positive results of this test on [date]. This email is to notify you that you have potentially been exposed to COVID-19 and you should contact your local public health department for guidance and any possible actions to take based on individual circumstances."

13. During a pandemic, may an employer require its employees to wear personal protective equipment (e.g., face masks, gloves, or gowns) designed to reduce the transmission of pandemic infection?

Yes. An employer may require employees to wear personal protective equipment during a pandemic. However, where an employee with a disability needs a related reasonable accommodation (e.g., non-latex gloves, or gowns designed for individuals who use wheelchairs), the employer should provide these, absent undue hardship.

14. If an employee is exempt under the Fair Labor Standards Act, are they entitled to a full week's salary for work interruptions due to a shutdown of operations?

The Fair Labor Standards Act imposes limitations on employers' ability to deduct pay from the salaries of exempt employees due to work interruptions.

15. What protections does an employee have if they suffer retaliation for using their paid sick leave?

The Labor Commissioner's Office [enforces several laws](#) that protect workers from retaliation if they suffer adverse action for exercising their labor rights, such as using paid sick leave or time off related a specified school activity

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as outlined in question 4. Additional information on [how to file a retaliation or discrimination complaint](#) is posted online.

Making immigration-related threats against employees who exercise their rights under these laws is unlawful retaliation.

RESOURCES

- **Los Angeles County Health Officer Order:**
http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/2020_10_23_HOO_Safer_at_Home.pdf
- **California Paid Sick Leave Laws FAQ:** https://www.dir.ca.gov/dlse/paid_sick_leave.htm
- **FAQs on Laws Enforced by the California Labor Commissioner's Office**
<https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm>
- **Guide to applying for unemployment benefits:** <https://unemployment.edd.ca.gov/guide>
- **Employment Development Department Latest News:**
https://www.edd.ca.gov/about_edd/coronavirus-2019.htm
- **How to File a Paid Family Leave claim:**
https://www.edd.ca.gov/Disability/How_to_File_a_PFL_Claim_in_SDI_Online.htm
- **California Department of Fair Employment and Housing:** <https://www.dfeh.ca.gov/covid-19-resources-and-guidance/>
- **COVID-19 Resources and Worker's Compensation:** <https://www.dir.ca.gov/dwc/Covid-19/Index.html>
- **Benefits for Workers Impacted by COVID-19:** <https://www.labor.ca.gov/coronavirus2019/#chart>
- **COVID-19 and the American Workplace (resources):**
<https://www.dol.gov/agencies/whd/pandemic>
- **Agricultural Labor Relations Board:** 1 (800) 449-3699 <https://www.labor.ca.gov/wp-content/uploads/2020/09/ENG-Agricultural-Workers-Know-Your-Rights-Guide-Covid-8.18.20-pm-FINAL.pdf>