

Assembly Bill 3216

Job Protections for Working Families Impacted by COVID-19

SUMMARY

AB 3216 would provide an array of job protections for employees across the state impacted by COVID-19.

Specifically, AB 3216 will assist workers through this public health crisis by:

- Allowing workers to use leave through the California Family Rights Act (CFRA) to care for themselves or a family member affected by COVID-19, including a family member whose school or care facility is closed due to COVID-19.
- Providing a right of recall and retention rights for employees who work for an employer that operates a hotel, event center, airport hospitality operation, janitorial service, building maintenance service, or security service.
- Providing an additional 7 days of paid sick leave to employees during a public health emergency.
- Expanding the uses of existing paid sick leave (3 days annually) to:
 - Being subject to or caring for a family member subject to a public health order
 - Circumstances where an employee's place of employment is closed due to a state of emergency
 - Circumstances where an employee is subject to an evacuation order due to a state of emergency

BACKGROUND

While the family of coronaviruses has been around for some time, Coronavirus Disease 2019, or COVID-19, is a new kind of coronavirus. Its recent outbreak has now spread globally and the most common symptoms include fever cough and respiratory symptoms.

Given California's connectedness to the rest of the world and its sheer size, public health and emergency responders have had a plan for a flu-like pandemic and are taking the appropriate precautions to address any threat level. On March 4, 2020, Governor Newsom declared a state of emergency to help the state prepare for the spread of COVID-19. As of June 4, 2020, there are 119,807 confirmed cases and there have been 4,422 deaths in California. The number of cases in California is now on pace to double every 26.8 days, a reflection of how quickly the virus is spreading.¹

To limit the spread of COVID-19, the California Department of Public Health recommends that individuals who experience respiratory symptoms such as a fever and cough stay away from work, school or other people. The severity of the disease varies as well as the time necessary to recover.

CFRA and federal Family and Medical Leave Act provide 12 weeks of unpaid leave in a 12-month period for an employee to care for their own serious health condition or a family member's serious health condition. To qualify for this leave, the employee must have worked for the employer for at least 12 months and provided 1,250 hours of service to the employer within the last 12 months. Employees who use this unpaid leave are protected from, among other things, discipline, retaliation, and termination.

What this pandemic has demonstrated is that California's job protections are vastly inadequate to address these unprecedented times. The federal Families First Coronavirus Response Act provides paid sick leave to some workers but leaves out nearly 12 million others. Yet, in California, workers are only guaranteed three days of paid sick leave under specified conditions while the

¹ Los Angeles Times - Tracking coronavirus in California <https://www.latimes.com/projects/california-coronavirus-cases-tracking-outbreak/>

recommended length of quarantine for individuals exhibiting symptoms of COVID-19 is 14 days. Employees who are diagnosed with or quarantined because of COVID-19 and who do not have the requisite amount of time or hours worked lack these important job protections.

Further, industries such as hotels, airport hospitality, event centers and building services have laid off one-third or more of their employees in the past two months. Workers in these industries, overwhelmingly people of color, have no right to be reconsidered or return to their previous employment and, even after their previous employer's business re-opens, could be passed over for younger workers willing to accept lower wages. These economic conditions add to physical toll this global pandemic has had on people of color, immigrant workers, and low wage workers.

Now that California is in its third month of complying with the Stay-At-Home orders, data demonstrates that low-income earners and Latino and African-American communities are disproportionately impacted by COVID-19. For example, in Santa Clara County, the four poorest zip codes in the county also have the greatest number of infected individuals and deaths from the disease. This is a reflection of the life and death decisions of those who do not have the means to stay at home face; work to provide for themselves and their families or stay home and risk dropping further into poverty.

SOLUTION

We are facing unprecedented times and unique challenges. As the state continues the careful process of re-opening its economy, it should do so with necessary job protections in place. California's economy cannot recover without its workers. Without these important protections in place, California further risks the slowing of its economic recovery and increases the public health threat of COVID-19. This important measure will help prevent the spread of COVID-19 by allowing workers impacted by the virus to remain away from

work while they are being treated or caring for their families.

CO-SPONSORS

- California Labor Federation
- American Civil Liberties Union of California
- California Employment Lawyers Association
- California Work and Family Coalition
- Equal Rights Advocates
- Legal Aid at Work

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