

**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>  
April 2020**

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency 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 family member.  (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.	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 related to COVID-19.  (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.  (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.  (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).  (5) The employee is caring for a son or daughter whose school or place of care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19.  (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.	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 reasons related to COVID-19.

<sup>1</sup> 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.

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency Paid Sick Leave	FFCRA Emergency Paid Family & Medical Leave
<b>Amount of paid leave</b>	6 weeks maximum (will increase to 8 weeks July 1, 2020)	1 hour for every 30 hours worked or another approved method; employer may cap accrual at 48 and use at 3 days or 24 hours, whichever is greater, within a 12 month period  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 employee's normal earnings.	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 a variation of 14 times the average number of hours they would work per day)	12-week period (but unpaid during first 2 weeks, which could be covered by other paid leave)  If regular FMLA leave has already been taken this would not provide additional leave. The maximum is 12 weeks of protected leave, with 10 of the weeks paid under FFCRA.  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.
<b>Wage payment amount</b>	60-70% of wages (depending on income), ranges from \$50-\$1,300 per week	Regular rate or average rate for preceding 90 days	<u>For employee:</u> Higher of regular rate or minimum wage rate, not to exceed \$511 per day and \$5,110 in total  <u>For family care:</u> 2/3 of regular rate, not to exceed \$200 per day and \$2,000 in total	2/3 of regular rate, not to exceed \$200 per day and \$10,000 total  Amount of pay based on the number of hours the employee would otherwise be normally scheduled to work. For employees with variable schedules, employer can use a number equal to the average hours the employee was scheduled per day for prior six months, the average agreed-upon number of hours per workday, or the average hours per workday over period of employment. Alternatively leave can be paid at 2/3 regular rate in hourly increments.

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency Paid Sick Leave	FFCRA Emergency Paid Family & Medical Leave
<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	Accrues 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've worked for the employer.	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.
<b>Employers covered</b>	State Paid Family Leave is funded solely through <u>employee</u> contributions	All employers who have employees in California except for certain CBA opt-outs, employers subject to Railway Labor Act, and retired annuitants of public employers	Private employers with fewer than 500 employees and public employers.  Private employers with less than 50 employees may claim an exemption from providing paid leave to an 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.	Private employers with fewer than 500 employees and public employers (except certain federal agencies).  Private employers with less than 50 employees may claim an exemption from providing paid leave to an 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 family leave protections.

	CA Paid Family Leave	CA Paid Sick Leave	FFCRA Emergency Paid Sick Leave	FFCRA Emergency Paid Family & Medical Leave
<b>Family members for whom care may be provided</b>	<ul style="list-style-type: none"> <li>• Child, including a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis.</li> <li>• 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.</li> <li>• Spouse</li> <li>• Registered domestic partner</li> <li>• Grandparent</li> <li>• Grandchild</li> <li>• Sibling</li> </ul>	<ul style="list-style-type: none"> <li>• Child, including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.</li> <li>• 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.</li> <li>• Spouse</li> <li>• Registered domestic partner</li> <li>• Grandparent</li> <li>• Grandchild</li> <li>• Sibling</li> </ul>	<ul style="list-style-type: none"> <li>• "Individual" who employee is caring for who is 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.</li> <li>• 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- <ul style="list-style-type: none"> <li>(A) under 18 years of age; or</li> <li>(B) 18 years or older and incapable of self-care because of a mental or physical disability</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Child under 18 who is a biological, adopted, or foster child, a 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.</li> </ul>

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>