

## ENGLISH VERSION BELOW

120个组织给加州州长的呼吁

谨代表以下所列的超过120个组织，撰文诚挚地要求采取紧急行动，以保护本州工人的健康、安全 and 经济福祉。我们的组织，广泛地代表了数百万的工人，他们正在深受COVID-19爆发的影响，他们正迫切需要经济纾困和扩大的法律保护措施。

我们肯定政府和立法部门应对这次疫情大流行所采取的行动，但还必须做的更多，以确保加州劳动者获得安全和经济的保障。2020年3月18日，当川普总统签署《联邦家庭新冠病毒应对法案》延长有薪病假和有薪关校假之时，数以百万计的工人却被排除在外。加州应该填补这个缺口，以确保所有工人在这次前所未有的大危机中可获得假期并且保留工作和得到工资替代福利。

因此我们呼吁，州长和州立法会采取合适且迅速的行动，修改以下的加州法律：

- 在这次公共卫生紧急状态（以下简称“公卫事件”）期间，取消或放松加州有薪家庭假、病假及其他社会保障计划中规定的医疗证明要求。
- 提供充足的紧急资金，以确保州残障保险基金和失业保险基金的偿付能力，加强州工资替代福利计划的执行力。
- 扩大加州假期法的保障范围，覆盖未被新联邦病假法案所受益的加州工人；并且，
- 延长并提高工资替代福利、失业保险、残障保险以及有薪家庭假。

### A. 延长工作保留假期，以确保所有工人通过假期来保障他们和家人的健康：

- 在公卫事件期间，取消或放松医疗证明的要求。根据加州家庭权益法，工人如果要求病假或照顾家庭假，须提供医生证明文件；然而为了减轻卫生系统或医疗设施的负担同时又能执行公共卫生指引，在如新冠病毒这样的公共卫生紧急状态下，应允许工人提供自证。特别是，对于60岁且属某类高危人群的认定，自证岁数便可视同证据充足。
- 确保加州家庭权益法案的工作保留假期覆盖所有工人，无论雇主的规模、工作时数以及任期长短。将严重健康条件的定义扩大至包括因公共卫生紧急状态被要求进行自我隔离的个人。扩大覆盖范围至那些需要照顾因学校、日托或其他看护机构关闭而需要留在家里的家庭成员的父母。向那些因为公卫事件需要假期的雇员，提供延长过12周的假期作为合理的工作安排。
- 扩大家庭学校合作法。目前，有资格享受每年40个小时处理因孩子的学校或日托出现紧急关闭的工假，资格的认定是基于其服务机构的规模具有25名或以上雇员的规定；这一资格认定规定应扩大至所有雇员，因公卫事件或自然灾害关闭的学校、日托、老年看护或其他照顾机构，法律必须为雇员提供在此关闭期间的工作保留假。
- 扩大家庭的定义以涵盖所有家庭成员。通过提供一个更具包容性的家庭定义，以使得工人可以照顾患严重疾病的祖父母、孙子女、成年的孩子、岳父母、兄弟姐妹，以及任何其他有血缘关系的个人，或那些与雇员的关系如同家庭关系一样紧密的人。

### B 增加有薪病假的天数。

- 增加有薪病假的天数。在正常情况下，增加有薪病假至至少7天。在公卫事件或自然灾害期间，将有薪病假天数增加至至少两周（或，兼职工人相当2周的假期），且立即可以使用。有薪病假必须可以用来处理因公共卫生紧急状态或自然灾害所产生的所有情形，包括：自我隔离、照顾被隔离的家庭成员，照顾因学校、托儿所、长者护理或其他护理机构关闭，还包括因雇主或公共卫生官员因公卫事件关闭工作场所。在公卫事件下免除医生证明。

### C 扩大进入加州社会保险工资替代计划

- 确保州残障基金在面对大量的需求时具有充分的偿付能力，但避免向员工征税。当前，覆盖州残障保险和有薪家庭假的州残障保险基金，其资金来源完全来自雇员供款。由于COVID-19导致计划用款人数的扩大和金额的增加，加州必须启动公共的、储备的、或其

他应急的资金渠道，以确保整个危机过程的资金的充足。此外，加州应该要求高收入者将与低收入者相同的比率供款。

- **大幅增加就业发展部的人员配备和功能**，以确保工人能获得他们应享有的权益，同时提供充足的多语种客户服务。尽快提供残障保险、有薪家庭假、和失业保险网上申请的多语种服务。
- **扩大有薪家庭假和州残障保险对公共卫生紧急状态相关需要的覆盖**。确保在公卫事件期间，因照顾被隔离的家庭成员、或家庭成员属于高危人群，或家庭成员因学校、托儿所、长者护理机构等关闭，雇员可以获得有薪家庭假。确保州残障保险适用于那些由于家庭成员属于高危人群而不能工作的工人。
- **扩大失业保险（UI）赔付**。
  - 现状是，失业工人仅能获得最长为26周、每周\$40至\$450的失业救济。加州必须延长失业金赔付的时间长度和赔付率，以确保失业和在业的工人有充足的薪金替代福利，去维持他们和家庭在疫病危机期间的需要。
  - 明确，在公卫事件或自然灾害情况下，如因学校、护理中心关闭而需照顾孩子或无自立能力人士，申请者不需寻找工作或证明可以工作。
  - 申领UI的回溯日期，自工作的最后一天算起。
  - 无需出具其他薪金或市、县提供的福利补助证明。
  - 扩大加州工作分享计划。
  - 允许用任何语言失业金申请表。
- **提高有薪家庭假和残障保险的薪金替代率，尤其对低收入工人**。当下，因为自身残障或照顾至亲而不能工作的工人，仅能获得他们正常周薪60%或70%的收入。对于许多工人而言，尤其那些低收入工人，这个比率的收入，远不足以维持他们以及他们的家庭所需，必须增加。此外，在加州预算允许的情况下（包括寻找非工人的基金供款来源），有薪家庭假福利应该延长过8周。
- **在公卫事件期间，取消或放松对州残障保险和有薪家庭假申请者的医生证明规定**。如上所述，在如冠状病毒所引发的公卫事件下，如果他们需要病假或照顾他人的假期，工人应该可以通过自证解决，这样既可以缓解医疗系统的负担，又可以减少医疗设施的压力。
- **为违法归类为独立承包商的工人申领有薪家庭假、残障保险和失业金简化流程**。现在，被为违法归类为独立承包商的工人要首先被当局拒绝申请，然后通过上诉过程才能拿到福利。这个复杂的程序为州法律增加成本。当局应该主动将该工人归类为雇员并主动要求申请者自我提供过去收入。
- **拓展紧急资金融资渠道，以帮助那些未合格申领有薪家庭假、残障保险和失业金的工人**。

**在公卫事件期间，允许灵活的工作安排，严禁歧视和报复行为。**

- **要求雇主向雇员提供合理的工作安排**，以便他们在公卫事件期间照顾自己或家人。确认，合资格雇员应获得合理的工作安排，以执行恰当庇护和社交距离的公共卫生指引，包括在公卫事件期间，允许工人远程作业、灵活的工作安排或取得延长假期以便照顾自己和家人。
- **保护工人免遭歧视、骚扰和报复**，以执行公共卫生指引和其他政府规定（如在自然灾害来临时的疏散令）。修订加州劳工法，为遭受这些行为的工人提供保护和适当的补偿。

由于情势的迅速变化，全面扩大保护工人和他们家庭的必要的紧急措施尚未出台，在这种情况下，上述政策的调整对于保证加州经济的稳定犹显重要。我们感谢你在是次危机中的持续领导力，也期待和你一道将上述建议变为现实。

LEGAL  
AID AT  
WORK



CALIFORNIA  
Work & Family  
COALITION



UNITE LA  
Education Innovation Through Collaboration

March 26, 2020

Honorable Gavin Newsom  
Governor, State of California

Honorable Toni Atkins  
President pro Tempore  
California State Senate

Honorable Anthony Rendon  
Speaker, California State Assembly

Honorable Holly J. Mitchell  
Chair, Senate Budget and Fiscal  
Review Committee

Honorable Phil Ting  
Chair, Assembly Committee on  
Budget

Dear Governor Newsom, Legislative and Budget Committee Leaders, and Legislators:

On behalf of the **over 135 organizations** listed below, we write to respectfully request urgent action to protect the health, safety, and economic well-being of workers in this state. Collectively our organizations represent millions of workers who have been impacted by the COVID-19 outbreak, who are in desperate need of expanded legal protections and economic relief.

We applaud the actions taken thus far by the Governor and the state legislature to address many of the challenges presented by this pandemic, but more must be done to help ensure the safety and economic security of working

Californians. While the federal Families First Coronavirus Response Act, signed by President Trump on March 18, 2020, extends the right to paid sick days and paid school closure leave to some employees, millions of workers are left out. California should fill the gaps and ensure that all workers are entitled to job-protected leave and wage replacement benefits to weather the storm of this unprecedented crisis.

Therefore, we ask the Governor and state legislature to take appropriate immediate action to implement the following changes to state law.

As laid out further below, it is imperative to immediately:

- *Waive or ease medical certification requirements under California's paid family and medical leave laws and social insurance programs during this public health emergency;*
- *Provide adequate emergency funding to ensure the solvency of the State Disability Insurance and Unemployment Insurance Funds and adequate administration of California's wage replacement programs;*
- *Expand California leave laws to ensure coverage for all workers not covered by the federal Families First Coronavirus Response Act; and*
- *Along with providing adequate funding, increase duration and wage replacement rates for Unemployment Insurance, Disability Insurance and Paid Family Leave.*

**A. Expand Job-Protected Leave to Ensure all Workers Can Access the Leave They Need to Keep Themselves and Their Families Healthy:**

- **Waive or ease medical certification requirements during a public health emergency.** Permit workers to self-certify if they need medical or caregiving leave under the California Family Rights Act due to a public health emergency like coronavirus, so as to ease the burden on the health system and adhere to public health guidance to avoid medical settings. Specifically, recognize 60+ as a particular vulnerable group and allow proof of age as sufficient certification.
- **Guarantee job-protected leave to cover all workers under the California Family Rights Act (CFRA), regardless of employer size, hours worked, or tenure.** Expand definition of serious health condition to include an individual who is directed to self-isolate or quarantine due to a public health emergency. Expand coverage to parents who need to take time off to care for a family member whose school, childcare, elder care, or other care has been closed or is otherwise unavailable due to a public health emergency. Provide extended leave beyond 12 weeks as a

reasonable accommodation for employees who need more leave due to a public health emergency.

- **Expand the Family School Partnership Act (FSPA).** Right now only employees who work for employers with 25 or more employees are entitled to up to 40 hours per year to deal with an emergency closure of a child's school or childcare. This must be extended to cover all employees and to provide job-protected leave for the duration of school, childcare, elder care or other care closures due to public health emergencies or natural disasters.
- **Expand the definition of family to cover all family members.** Provide an inclusive definition of family, so that workers can care for seriously ill grandparents, grandchildren, adult children, parents-in-law, siblings, and any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.

## **B. Expand Paid Sick Days.**

- **Expand Paid Sick Days.** Increase the number of paid sick days to at least two weeks during a public health emergency or natural disaster (or the equivalent of 2 weeks of leave for part-time workers), that can be used immediately. Increase the number of permanent paid sick leave to at least 7 days. Clarify that paid sick days may be used to address all scenarios that may arise in public health emergencies or natural disasters, including quarantine or self-isolation, to care for a family member that has been quarantined or in isolation, to care for a family member whose school, childcare, elder care or other care is closed or otherwise unavailable, and when an employee's place of employment is closed by the employer or a public health official due to a public health emergency. Waive medical certification requirements in a public health emergency.

## **C. Expand Access to California's Social Insurance Wage Replacement Programs.**

- **Ensure the State Disability Insurance Fund remains solvent to cover expansion and increased uptake in claims without further taxing employees.** Currently, the State Disability Insurance fund that covers both State Disability Insurance (SDI) and Paid Family Leave (PFL) is entirely employee funded. With the necessary expansion and increase in uptake in these programs due to COVID-19, California must allocate general, reserve, or other emergency funding streams to ensure the adequacy of the fund through this crisis. Additionally, California should eliminate the

regressive cap on taxable wages so that high earners contribute the same percentage to the fund as lower earners.

- **Significantly increase staffing and capacity of the Employment Development Department (EDD)** to ensure workers can access the benefits to which they are entitled and to provide adequate customer support in multiple languages. Immediately ensure that SDI, PFL and Unemployment Insurance (UI) applications are made available online in multiple languages.
- **Expand Paid Family Leave (PFL) and State Disability Insurance (SDI) to cover public health emergency related needs.** Clarify that employees can receive PFL to care for a family member who is quarantined, who is in a high-risk population, or whose school, child care, elder care, or other care is closed or otherwise unavailable during a public health emergency. Clarify that SDI is available to individuals who are unable to work due to membership in a high-risk population.
- **Expand Unemployment Insurance (UI).**
  - o Currently, unemployed workers only receive between \$40 and \$450 per week, for up to 26 weeks. California must expand the duration and pay rate for UI to ensure that unemployed and underemployed workers have sufficient wage replacement benefits to support themselves and their families during the coronavirus crisis.
  - o Clarify that a worker is not required to look for work, or be able or available for work, if caring for children or dependents during school/care center closure due to a public health emergency or natural disaster.
  - o Backdate UI claims to the last day worked.
  - o Do not require reporting of partial wages or any city or county provided supplemental benefits.
  - o Expand California's Work Sharing Program.
  - o Accept applications in any language in which they are completed.
- **Increase Wage Replacement Rates for PFL and SDI, especially for low-wage workers.** Right now, workers who cannot work due to their own disability or because they are caring for a loved one receive only 60 or 70% of their normal weekly wages. These rates are insufficient for far too many workers, particularly low-wage workers, and must be increased to enable California workers to support themselves and their families. Additionally, the length of PFL benefits should be extended beyond 8

weeks, provided there is sufficient general fund or other non-worker revenue contributed to the Fund.

- **Waive or ease medical certification requirements for SDI and PFL during a public health emergency.** As noted above, workers should be able to self-certify if they need medical or caregiving leave due to a public health emergency like coronavirus, so as to ease the burden on the health system and adhere to public health guidance to avoid medical settings.
- **Streamline the process for misclassified workers to access PFL, SDI, and UI.** Deem misclassified workers as employees and affirmatively ask claimants to self-report past earnings in their base period, rather than denying benefits and requiring such workers to appeal the denial in order to receive benefits. Improve the process for the state to recover costs from the employer.
- **Designate emergency funding to provide support to workers, including undocumented workers, who are ineligible for other benefits.**

#### **D. Allow Flexible Work Arrangements and Prohibit Discrimination and Retaliation During Public Health Emergencies.**

- **Require employers to provide reasonable accommodations to allow employees to care for themselves or their families during public health emergencies.** Clarify that an employee is entitled to reasonable accommodations to comply with public health directives to shelter in place or socially distance, including allowing workers to telework, work a modified or flexible schedule, or take an extended leave to care for themselves or family members during a public health crisis.
- **Protect workers from discrimination, harassment and retaliation for complying with public health directives or other government directives such as evacuation orders during natural disasters.** Amend the California Labor Code to provide protection to workers from such conduct and provide a proper remedy.

While conditions are changing rapidly and the full extent of emergency measures necessary to protect California workers and their families is not yet known, the above policy changes are essential to preserve the economic stability of Californians at this time. We thank you for your continued leadership during this crisis and look forward to partnering with you to make these recommendations a reality.

Sincerely,

**The over 135 organizations listed below:**

605 Citizenship Project  
ACCESS Women's Health Justice  
ACLU of California  
ACT for Women and Girls  
Advancing Justice - Asian Law Caucus  
Alzheimer's Association  
American Association of University Women—California  
Anti-Eviction Mapping Project  
API Forward Movement (APIFM)  
APLA Health  
Association of California Caregiver Resource Centers  
Baby Cafe Bakersfield  
Bet Tzedek Legal Services  
BFUU Social Justice Committee  
BreastfeedLA  
Bryan Schwartz Law  
Business & Professional Women of Nevada County  
California Advanced Lactation Institute  
California Advocates for Nursing Home Reform  
California Association of Food Banks  
California Breastfeeding Coalition  
California Child Care Resource & Referral Network  
California Employment Lawyers Association  
California Latinas for Reproductive Justice  
California National Organization for Women  
California Nurse-Midwives Association  
California Pan-Ethnic Health Network  
California Partnership  
California Partnership to End Domestic Violence  
California WIC Association  
California Women's Law Center  
California Work & Family Coalition  
Center for Popular Democracy  
Center for Workers' Rights  
Centro Binacional para el Desarrollo Indígena Oaxaqueño  
Centro Legal de la Raza  
Children's Defense Fund-California  
Chinese Progressive Association  
Citizens For Choice  
Clergy and Laity United for Economic Justice



Coalition of California Welfare Rights Organizations

Community Legal Services in East Palo Alto

Consumer Attorneys of California

CradleSong Birthing

CRLA Foundation

Disability Rights California

Disability Rights Education & Defense Fund

Education and Leadership Foundation

Ella Baker Center for Human Rights

Equal Rights Advocates

Evolve California

Family Violence Appellate Project

First 5 Association of CA

First 5 California

FreeFrom

Friends Committee on Legislation of California

Grace Institute/End Child Poverty in CA

Grass Roots Neighbors

Hand in Hand: The Domestic Employers Network

Healthy Kids Happy Faces

Hero Birth Services

Hollywood NOW

Housing Equality & Advocacy Resource Team (HEART)

Human Impact Partners

If/When/How: Lawyering for Reproductive Justice

Inglewood First United Methodist Church

Inner City Law Center

InnerCity Struggle

Instituto Laboral de la Raza

Jewish Center for Justice

Justice in Aging

Kidango

Korean Community Center of the East Bay

LA Forward

La Raza Centro Legal

LA Voice

Labor Occupational Health Program

Legal Aid at Work

Legal Aid Society of San Mateo County

Legal Services for Prisoners with Children

Los Angeles Black Worker Center

Los Angeles Worker Center Network

Materna Lactation Services

Maternal and Child Health Access

Mi Familia Vota

NARAL Pro-Choice California

National Association of Social Workers (NASW) California Chapter

National Council of Jewish Women Los Angeles

National Employment Law Project

National Health Law Program

National Immigration Law Center

National Lawyers Guild of Los Angeles

National Lawyers Guild—SF Bay Area Legislative Reform Committee

National Women's Political Caucus of California

One Redwood City

Orange County Equality Coalition

Our Family Coalition

Pacifica Progressive Alliance, Pacifica Peace People, Pacifica Social Justice

Parent Voices

Parent Voices CA

PICO California

Pilipino Workers Center of Southern California

PL+US: Paid Leave for the United States

Progressive Asian Network for Action (PANA)

Public Counsel

Public Law Center

Religious Coalition for Reproductive Choice of California

Restaurant Opportunities Center of The Bay

Rhythm and Truth

Rubicon Programs

Runyon Saltzman, Inc.

San Francisco Senior & Disability Action

SEIU California

SIREN (Services, Immigrant Rights and Education Network)

South Bay Baby Care Nursing Services Inc.

Street Level Health Project

TechEquity Collaborative

Thai Community Development Center

The Children's Partnership

The Sidewalk Project

TODEC Legal Center

Tradeswomen Inc.

UC Student Workers' Union--UAW 2865

UNITE-LA

URGE: Unite for Reproductive & Gender Equity

VietRISE

Village Connect

Voices for Progress  
Warehouse Worker Resource Center  
Watsonville Law Center  
Western Center on Law and Poverty  
Women For: Orange County  
Women Organizing Resources,  
Knowledge and Services (WORKS)  
Women's Foundation of California  
Women's Employment Rights Clinic –  
Golden Gate University  
Work Equity  
Worksafe  
YWCA San Francisco & Marin  
YWCA Silicon Valley