

Benefits under the Pandemic Unemployment Assistance Program Available to Employees Who Have Symptoms or are Ill with the Coronavirus

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As a part of his roadmap to reopening the economy, California Governor Newsom recently raised the issue of a wage replacement mandate on businesses for employees who are sick with Covid-19 symptoms, to encourage them not to come to work. As we have previously stated, the private sector cannot be the safety net for this crisis, that is the role of government. Employers in California are also victims of the pandemic. Shifting the financial burden of this virus onto the private sector will exacerbate the harm suffered by businesses and could prevent them from reopening and rehiring their workers.

What's more, in this case, the federal government is already paying to compensate workers who have gotten ill from Covid-19.

As a part of the federal Coronavirus Relief Act (CARES Act) passed on March 27, 2020, the federal government approved a fund called Pandemic Unemployment Assistance (PUA). The purpose of this fund was to provide equivalent benefits to individuals not entitled to unemployment insurance, like independent contractors or business owners who have suffered a pandemic-related loss of revenue. But what has not been widely known or reported is that the PUA also provides benefits for **employees** who still have a job yet have been affected by Covid-19.

Specifically, Section 2102 of the CARES Act provides wage replacement benefits to five categories of employees: (1) employees who are diagnosed with Covid-19; (2) employees who are experiencing symptoms of Covid-19; (3) an employee who has a family member who has been diagnosed with Covid-19 and is the caregiver; (4) an employee who is the primary caregiver for a child who cannot attend school or a child care provider because of Covid-19; or (5) an employee who cannot get to the physical location of work because of a quarantine imposed due to Covid-19.

If an employee satisfies any of these criteria, the PUA provides 39 weeks of benefits, equivalent to what an employee would receive if she or he did not have a job and was receiving unemployment insurance benefits. In California, the weekly maximum benefit for unemployment insurance is \$450, which the federal government has enhanced with a weekly benefit of \$600. Therefore, in California, an individual may receive a max of \$1,050 per week. (The additional weekly \$600 will expire on July 25, 2020 unless the federal government extends this funding.)

The California Employment Development Department (EDD), which is the agency that administers both unemployment insurance benefits as well as benefits under the PUA, has not yet publicized this opportunity for employees to receive these benefits offered and funded by the federal government. As the Governor seeks to reopen the California economy in the coming weeks, it is important to ensure both employers and employees are aware of these benefits funded and provided by the federal government so that employees who are sick or need to provide care to family members do not come to work and can access wage replacement benefits.

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