



LUTHERAN OFFICE of PUBLIC POLICY - CALIFORNIA

May 13, 2020

The Honorable Ash Kalra
California State Assembly
State Capitol, Room 2196
Sacramento, CA 94249-0027

RE: AB 3216, [Employee leave: authorization] - SUPPORT

Dear Assemblymember Kalra,

The Lutheran Office of Public Policy - California writes in strong support of Assembly Bill 3216, which is essential to protect the health, safety, and economic well-being of California's working families during this public health crisis and beyond.

Our office represents four hundred congregations throughout the state, from Yreka to Chula Vista. In our guiding social statement on Economic Life, the Evangelical Lutheran Church of America affirms our moral imperative to seek **sufficient, sustainable livelihood for all**. We believe that all workers should have "adequate pension and health benefits, safe and healthy work conditions, sufficient periods of rest, vacation, and sabbatical, and family-friendly work schedules."¹ When infrastructures for sustainable and dignified livelihood are absent, weak, or threatened, people are more likely to be impoverished materially, emotionally, or spiritually.

AB 3216 provides emergency paid sick leave to all California workers, expands family and pregnancy leave to all employees, makes leave easier to access during an emergency, provides a right of recall for workers who have been laid off in the heavily COVID-impacted industries of hotels, airport hospitality, event centers and building services, and ensures worker retention for workers in those industries whose employers' ownership structure may change during the crisis.

Emergency Paid Sick Leave

Public health experts' guidance on how to slow the spread of the novel coronavirus has been clear: if you are sick, stay home and do not go to work. Yet current California law only guarantees up to 3 paid sick days per year, and over 12 million California workers are left out of the emergency paid sick day provisions in the Federal Families First Coronavirus Response Act. As a result, far too many Californians - disproportionately people of color, immigrants, and women - providing critical services during this time are facing the impossible choice between working while sick or losing the income they rely on to feed themselves and their families and keep a roof over their head.

¹ "A Social Statement on: Sufficient, Sustainable Livelihood for All," adopted by a more than two-thirds majority vote by the sixth Churchwide Assembly of the Evangelical Lutheran Church in America, meeting in Denver, Colorado, August 16-22, 1999.



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Workers who begin to feel symptoms must have the ability to stay home and self-quarantine with sufficient sick time remaining in case their condition worsens, requiring treatment and/or quarantine. Workers also must be able to take paid sick leave to care for an ill family member or for a child whose school or place of care has been closed. If workers cannot take leave to care for sick family, they risk bringing their family member's illness to work. During a public health emergency, it is critical that all workers have access to a full two weeks of paid sick leave, regardless of accrual, in order to protect our communities.

Jurisdictions including the City of L.A, the County of L.A, Oakland, San Francisco, and San Jose have paved the way by adopting local emergency paid sick leave laws that closely mirror the provisions in AB 3216. But this virus does not stop at city boundaries. Our response must be collective and statewide.

This crisis also highlights the permanent need for paid sick days. While focusing on urgent measures is understandable at this moment, as we move forward we further call on California to expand the number of paid sick days available to workers on a permanent basis to 10 paid days (two workweeks) per year.

Family and Pregnancy Leave

The COVID-19 pandemic has highlighted the need to expand our state leave laws in order to protect the health, safety, and economic well-being of all workers in this state. Because of the strict eligibility requirements and limited definition of family, too many Californians have been unable to access paid leave during this public health emergency.

The California Family Rights Act (CFRA) allows employees to take leave to care for themselves or their family members - if the employer has 50 or more employees. Because of the employer size restriction, 40% of workers are currently excluded from taking job-protected leave to care for their own or a family member's serious health condition. Many workers also are excluded simply because their family does not match the definition written into the Family and Medical Leave Act (FMLA) almost 30 years ago. This means that many employees who need to take leave to care for their own or a family member's health can be fired for taking this time, even if they've paid state taxes contributing to the State Disability Insurance (SDI) fund and are eligible to receive Paid Family Leave benefits.

Amending the California Family Rights Act (CFRA) to include all workers, regardless of employer size, would ensure that all workers can take the time off they need to care for themselves or their loved ones without fear of losing their jobs. Expanding the definition of family member would ensure that our laws reflect California's diverse families who need to care for each other during this pandemic and after. Additionally, amending the Pregnancy Disability Leave Law would expand job-protected leave for pregnant workers.



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Returning to Work: Right of Recall and Worker Retention

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 are overwhelmingly people of color and immigrants, who are already economically and physically hit hardest by COVID-19. They need a guarantee that their jobs will still be there when businesses re-open – and that COVID-19-related layoffs will not be used as an excuse to engage in discrimination or retaliation.

In these industries, Right of Recall and Worker Retention policies will guarantee laid-off workers that once their employer begins re-hiring after the crisis, the laid-off workers will be recalled to their jobs as those jobs become available, and be retained even if their place of employment changes ownership.

By adopting Right of Recall and Worker Retention policies with no sunset clause, California can ensure people have jobs to come back to once their workplaces re-open, laying a vital foundation for collective economic recovery.

AB 3216's emergency paid sick days, family and pregnancy leave, right of recall, and worker retention provisions are essential to protect our communities, workers, and families during the current outbreak and for the years to come. The Lutheran Office of Public Policy – California strongly supports AB 3216 and urges its swift passage.

Sincerely,

Regina Q. Banks
Director, Lutheran Office of Public Policy – California