

UPDATE

Employee Rights Reneged

COVID-19: Paid sick leave and expanded family medical leave

State moves to exempt Psych Techs, other 'critical workers,' from FFCRA

CAPT regrettably reports that the State of California has reneged on its word that Psychiatric Technicians would be eligible for the expanded employee leave benefits created by the recently enacted **Families First Coronavirus Response Act (FFCRA)**, which, effective April 1, 2020, enacted both the **Emergency Paid Sick Leave Act (EPSLA)** and the **Emergency Family and Medical Leave Expansion Act (E-FMLA)**. These laws gave expanded FMLA and extended sick leave benefits to employees for specified COVID-19 related illnesses and childcare needs.

“Initially, CalHR notified all labor unions last week that the law was in effect without exclusions,” said State President Eric Soto. “CAPT then noticed B.U. 18 members of their eligibility. The state subsequently received further guidance from the Federal government that gave health care employers the right to exempt ‘emergency responders’ and ‘health care providers.’ ”

The state exempted from the FFCRA certain classifications deemed critical to state department operations. The U.S. Department of Labor then issued clarification defining “health care providers” to include an extremely wide range of workers. This broad definition then enabled the state to exempt several health care worker classifications, including ALL Psychiatric Technician classifications working throughout CDCR, DSH, and DDS.

CAPT is outraged at the state’s sudden shift in policy and will demand that benefits for any B.U. 18 employee who applied for E-FLMA or EPSLA between April 1 and April 10, 2020, be honored. Please contact your local chapter for assistance or questions.

