**EXECUTIVE ORDER N-50-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** California's businesses and workforce, including members of the workforce who are self-employed, have suffered unprecedented financial impacts due to COVID-19 and the necessary physical distancing measures implemented as a result; and

**WHEREAS** California is committed to ensuring that all California residents timely receive the benefits and support to which they are entitled, including through California's unemployment insurance program, which has been working at full capacity to deliver critical income support to workers who are fully and partially unemployed as a result of the COVID-19 crisis; and

**WHEREAS** Congress has made emergency unemployment benefit programs available through the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act), including the new Pandemic Unemployment Assistance (PUA) program; and

**WHEREAS** the PUA program provides federally funded benefits distinct from the unemployment insurance program for certain individuals who are out of work or partially unemployed due to the COVID-19 crisis, including the self-employed, individuals who lack sufficient work history, independent contractors, and individuals who have exhausted their unemployment benefits; and

**WHEREAS** many of the individuals eligible for PUA program benefits are in urgent need of financial assistance, and are relying upon the State of California to provide them assistance without delay; and

**WHEREAS** implementation of the PUA program in a manner that will efficiently and effectively provide emergency benefits to all who are eligible, without undue barriers or delays, is critical to maintain public health and safety during this COVID-19 pandemic; and

**WHEREAS** employer misclassification of workers as independent contractors has been a problem in our state for many years, depriving workers of lawful benefits under our unemployment insurance, wage and hour, paid sick leave, workers' compensation, and worker safety and health laws, and creating unfair competition for law-abiding businesses; and

**WHEREAS** California has been a national leader in the fight against widespread and systematic employer misclassification, with the California Supreme Court unanimously adopting the ABC test in the landmark decision *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903, and then by enacting Assembly Bill 5 in 2019 to codify and expand the application of the ABC test; and

**WHEREAS** nothing that California does for purposes of accelerating the delivery of emergency benefits to those in need modifies or in any way diminishes employee protections enacted into law, or has any effect on the determination under the laws of this state of whether an individual should be considered an employee, including any determination of an individual's status under Labor Code section 2750.3; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM,** Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. The Secretary of the Labor and Workforce Development Agency shall take necessary actions to ensure staffing sufficient to process unemployment insurance benefits on a timely basis to ensure eligible individuals receive payments efficiently, including through staffing call centers at least during the hours of 8:00 am through 8:00 pm.

2. The Employment Development Department shall take necessary actions to streamline the application for PUA to ensure that eligible individuals timely receive the assistance made available to them under the federal CARES Act. Nothing in this paragraph is intended to alter any right or status any individual would otherwise enjoy as a matter of state law, except that individuals who receive PUA benefits shall be subject to the limitation on regular unemployment insurance set forth in Paragraph 4.

3. The Employment Development Department shall establish an efficient electronic means of expediting access to the Work Share program for lay-off aversion. For this purpose only, EDD may waive strict compliance with California Code of Regulations, title 22, sections 1279.5-2(a)(16)-(17), 1279.5-3(a), 1279.5-5 and 1279.5-6, and Unemployment Insurance Code section 1279.5(p).

4. The Employment Development Department shall not permit an individual to establish a claim for regular unemployment insurance benefits using the same base period income that was used to qualify for PUA benefits.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of April 2020.

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GAVIN NEWSOM
Governor of California

**ATTEST:**

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ALEX PADILLA
Secretary of State