The following is a summary of the CA paid sick leave bill (SB 95) that the governor signed with our members. The bill will go into effect on March 29. Cal/OSHA has prepared an FAQ page on various aspects of the bill. Also see the Cal/OSHA site to get the details of paid sick leave options available in California and information on reporting employer violations.

1. Provides up to 80 hours of COVID-19 supplemental paid sick leave.
   - Extends protections through September 30, 2021
   - Is retro-active to sick leave taken beginning January 1, 2021
   - Eligible employers are the ones with more than 25 employees

2. A covered employee is entitled to COVID-19 supplemental paid sick leave if the employee is unable to work or tele-work because the employee is:
   a) Subject to quarantine or isolation related to COVID-19 as defined by the State Department of Public Health, Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace;
   b) Advised by a health care provider to self-quarantine due to concerns related to COVID-19;
   c) Attending an appointment to receive a COVID-19 vaccine;
   d) Experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work;
   e) Experiencing COVID-19 symptoms, and is seeking a medical diagnosis;
   f) Caring for a family member who is subject to quarantine or isolation;
   g) Caring for a child whose school or place of care is closed due to COVID-19

3. Employees shall be compensated during the leave based on the highest pay rate equal to the following:
   a) Calculated in the same manner as the regular rate of pay for the workweek in which the employee uses COVID-19 supplemental paid sick leave;
   b) Calculated by dividing the total wages, not including overtime premium pay, by the total hours worked, in the full pay period of the prior 90 days worked;
   c) State minimum wage;
   d) The compensation shall not exceed $511 per day or $5,110 in total unless federal legislation is enacted to increase these amounts

5. An employer shall not require a covered employee to use other paid leave or unpaid leave before the employee uses COVID-19 supplemental paid sick leave.

6. Requires the employer to provide retro-active payment to an employee that took unpaid leave dating back to January 1, 2021 for COVID-19-related reasons upon request of the employee.
FREQUENTLY ASKED QUESTIONS

• When does an employer have to make the 2021 COVID-19 Supplemental Paid Sick Leave available to a covered employee? (Question # 9)

• How does a covered employee request “retroactive” 2021 COVID-19 Supplemental Paid Sick Leave for leave taken between January 1, 2021 and March 28, 2021? (Question # 10)

• In the absence of any information that a covered employee is not requesting 2021 COVID-19 Supplemental Paid Sick Leave for a valid purpose, can an employer require certification from a health care provider before allowing a covered employee to take the leave? (Question #11)

• How do you calculate the leave entitlement for a part-time covered employee who does not have a set schedule? (Question # 14)

• How much must a covered employee be paid for 2021 COVID-19 Supplemental Paid Sick Leave that the employee is entitled to receive? (Question # 15)

• Can an employer count the COVID-19-related supplemental paid sick leave provided pursuant to a local paid sick leave ordinance toward 2021 COVID-19 Supplemental Paid Sick Leave under California law? (Questions #18)

• Should 2021 COVID-19 Supplemental Paid Sick Leave be listed separately from regular Paid Sick Leave on the itemized pay-stub or separate writing at the time wages are paid? (Question # 20)

• What notice must employers provide to covered employees about 2021 COVID-19 Supplemental Paid Sick Leave under California law? (Question # 22)

• Where can a covered employee file a claim if the covered employee was not allowed to use or was not paid for 2021 COVID-19 Supplemental Paid Sick Leave? (Question #23)

• What rights does a covered employee have if the covered employee suffers retaliation, like getting fired, for using paid sick leave under local, state or federal law? (Question # 24)

• Can an employer count the COVID-19-related supplemental paid sick leave provided pursuant to a local paid sick leave ordinance toward 2021 COVID-19 Supplemental Paid Sick Leave under California law?

CLICK HERE TO VIEW THE COMPLETE FAQ RESPONSES