

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.

### THE LAW

**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.**

**The below links redirect to the CA Paid Sick Leave Eligibility Navigator site (will be updated soon to reflect the additional sick leave provided by the new bill)**

[>English](#)  
[>Spanish](#)

## **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](#)**