

Governor Extends COVID-19 Supplemental Paid Sick Leave

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ATTORNEYS

Rebecca Green

Governor Newsom has signed **AB 152**, extending the requirement for all California employers with more than 25 employees to provide COVID-19 Supplemental Paid Sick Leave through December 31, 2022.

The total amount of COVID-19 Supplemental Paid Sick Leave available to an employee between January 1 and December 31, 2022 remains the same, as set forth below. Employees who used any amount of their COVID-19 Supplemental Paid Sick Leave allotment prior to September 30, 2022 are not entitled to have their leave bank replenished. AB 152 is an extension of time, not an additional benefit.

AB 152 applies to employees who are unable to work or telework due to any of the following reasons:

- ▶ The employee is subject to a quarantine or isolation period related to COVID-19.
- ▶ The employee has been advised by a health care provider to quarantine or isolate due to COVID-19.
- ▶ The employee is attending an appointment for themselves or a family member to receive a vaccine or booster for protection against COVID-19.
- ▶ The employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or booster.
- ▶ The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- ▶ The employee is caring for a family member who is subject to a quarantine or isolation period or has been advised by a health care provider to quarantine or isolate due to COVID-19.
- ▶ The employee is caring for a child whose school or place of care is closed or unavailable for reasons related to COVID-19 on the premises.

Employees who are considered full-time or who have worked or been scheduled to work, on average, 40 hours per week in the preceding two weeks are entitled to 40 hours of COVID-19 Supplemental Paid Sick Leave. Firefighters who were scheduled to work more than 40 hours in the preceding workweek are entitled

to the amount of COVID-19 Supplemental Paid Sick Leave equal to the total numbers of hours the firefighter was scheduled to work.

All other employees are entitled to the number of hours the employee would normally be scheduled to work over a one-week period. If the employee works variable hours, the employee is entitled to the average number of hours worked per day, times seven, in the preceding six months.

Covered employees are entitled to up to 40 additional hours of COVID-19 Supplemental Sick Leave if the employee or a family member to whom the employee is providing care tests positive for COVID-19. Employers may require proof of the positive test result, and may require a second diagnostic test as a condition for providing COVID-19 Supplemental Paid Sick Leave.

If you have any questions or would like further information, please contact **Rebecca Green, Cassandra Lo**, or any member of our Labor and Employment Department.