

Governor Approves 2022 COVID-19 Supplemental Paid Sick Leave

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ATTORNEYS

Rebecca Green

Today Governor Newsom signed SB 114, requiring all California employers with more than 25 employees to provide up to 40 hours of COVID-19 Supplemental Paid Sick Leave 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.

Employers' obligation to provide COVID-19 Supplemental Paid Sick Leave is retroactive to January 1, 2022, and remains in effect through September 30, 2022. For any qualifying leave taken between January 1, 2022 and the enactment of SB 114, employees may request a retroactive payment or credit, and the number of hours of leave corresponding to that payment or credit will count towards the total number of COVID-19 Supplemental Paid Sick Leave hours available to the employee.

The full text of SB 114 can be found at [this link](#).

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