

Governor Signs Law Providing COVID-19 Paid Sick Leave to Emergency Responders and Health Care Providers

09.14.2020

Governor Newsom has signed **AB 1867**, providing COVID-19 paid sick leave to emergency responders and health care providers exempted from benefits under the Families First Coronavirus Response Act (FFCRA). The FFCRA, enacted by Congress in March, provides up to two weeks of paid leave to employees for reasons related to COVID-19. Under the FFCRA, employers are not required to provide such leave to employees who qualify as emergency responders (including police and fire department employees) and health care providers (including public health personnel). California now mandates that employers provide COVID-19 paid sick leave to those employees exempted under federal law.

Under AB 1867, emergency responders and health care providers who are unable to work are entitled to COVID-19 paid sick leave if they are:

- ▶ Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- ▶ Advised by a health care provider to quarantine or self-isolate due to concerns related to COVID-19; or
- ▶ Prohibited by their employer from working due to health concerns related to the transmission of COVID-19.

Employers must provide 80 hours of COVID-19 sick leave, paid at the employee's regular rate, to emergency responders and health care providers who are considered full time or were scheduled to work at least 40 hours per week for the two weeks preceding the date of leave. Part-time workers are entitled to reduced leave based on the number of hours they are normally scheduled to work over a two-week period.

Active firefighters who were scheduled to work more than 80 hours during the two-week period preceding the leave are entitled to COVID-19 paid sick leave equal to the number of hours they were scheduled to work.

Employers may not require employees to use any other kind of paid or unpaid time off before or in lieu of using COVID-19 paid sick leave.

If you have any questions about AB 1867 or any other workplace issues, please contact **Rebecca Green** or any member of our **Labor & Employment Department**.