

Governor Approves COVID-19 Supplemental Paid Sick Leave

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ATTORNEYS

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On March 19, Governor Newsom signed SB 95, requiring all California employers of 25 employees or more to provide 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, as defined by the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace.
- ▶ The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- ▶ The employee is attending an appointment to receive a vaccine against COVID-19.
- ▶ The employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.
- ▶ 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 to self-quarantine by a health care provider due to concerns related 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 80 hours of COVID-19 Supplemental Paid Sick Leave. Firefighters who were scheduled to work more than 80 hours in the preceding two weeks 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 two week period. If the employee works variable hours, the employee is entitled to the average number of hours worked per day, times 14, in the preceding six months.

The total number of hours of COVID-19 Supplemental Paid Sick Leave to which an employee is entitled shall be in addition to any paid sick leave already available to the employee, and employees may not be required to use other accrued leave before using COVID-19 Supplemental Paid Sick Leave.

Employers' obligation to provide COVID-19 Supplemental Paid Sick Leave is retroactive to January 1, 2021, and remains in effect through September 30, 2021. For any qualifying leave taken between January 1, 2021 and the enactment of SB 95, employers must provide a retroactive payment to the employee, and the number of hours of leave corresponding to that payment will count towards the total number of COVID-19 Supplemental Paid Sick Leave hours available to the employee.

The full text of SB 95 can be found **here**.

If you have any questions or would like further information, please contact **Rebecca Green**.