



NEW COVID-19 PAID SICK LEAVE STARTING MARCH 29, 2021

Publications

29, March 2021

The State of California just enacted legislation that will go into effect on March 29, 2021 requiring all businesses with **more than 25 employees** to provide a new bank of up to 10 days (80 hours) of supplemental paid sick leave for any employee who is unable to work **or telework** for any of the following reasons (*some of which were not in prior supplemental paid sick leave laws*):

1. The employee is subject to a quarantine or isolation pursuant to an order from the state, CDC, or local health officer;
2. The employee has been advised by their physician to self-quarantine due to Covid-19 concerns;
3. The employee is attending an appointment to receive a Covid-19 vaccine;
4. The employee is experiencing symptoms related to a Covid-19 vaccine;
5. The employee is experiencing symptoms of Covid-19 and is seeking a medical diagnosis;
6. The employee is caring for a family member who is subject to a government ordered quarantine; and
7. The employee is caring for a child whose school or daycare is closed due to Covid-19.

Non-exempt (hourly) employees are entitled to receive the greater of the following, up to a maximum of \$511 per day (\$5,110 total):

- The regular rate of pay for the pay period in which the leave is taken;
- The employee's hourly rate calculated by dividing the total non-overtime wages by the total hours worked during full pay periods for the prior 90 days;
- The state minimum wage; or

- The local minimum wage.

Exempt employees receive supplemental paid sick leave the same as they would for any other type of paid sick leave. This new law will remain in effect through September 30, 2021. **These new rules are retroactive to January 1, 2021**, and any employee who has taken leave for any of the qualifying reasons since January 1, 2021 can seek retroactive paid sick leave compensation. Employers must make this supplemental paid sick leave available to an employee **immediately upon written or oral request**.

Employers are prohibited from first requiring an employee to use PTO or vacation pay, but an employee is permitted to use other paid leave at the same time as this supplemental paid sick leave so they can earn their normal rate of pay. The supplemental paid sick leave needs to be documented as separate from normal paid sick leave on wage statements or separate written notices. Employers who require employees to stay home based on Cal-OSHA's Emergency Temporary Standards can use the supplemental paid sick leave to satisfy the required payments under the Temporary Standards. Part-time employees can receive supplemental paid sick leave up to the total number of hours they worked during the prior 14 days, depending on their individual circumstances.

Employers will need to look at each employee's individual circumstance to determine how much supplemental paid sick leave the employee is entitled to receive and the amount of compensation to provide. The California Labor Commissioner has provided a model notice to post in the workplace and to email to remote employees. [View the pdf notice](#). If you have any questions about this new supplemental paid sick leave, please refer to the [Labor Commissioner's website](#) or contact [An Nguyen Ruda](#).

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AN NGUYEN RUDA
Co-Managing Partner

📞 415.956.1900