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H.R. Alert

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California Passes New Supplemental COVID-19 Paid Sick Leave

Our state senate recently passed S.B. 95 to address COVID-19's impact upon the California employee. This bill provides supplemental paid sick leave to compensate for the expiration of prior coverage that ended on December 31, 2020. This new leave of absence takes effect immediately. It is retroactive to January 1, 2021 and ends on September 30, 2021.

SB 95 covers both private and public employers who employ 25 or more employees. It mandates that employers provide up to 80 hours of supplemental paid sick leave to eligible employees who are unable to work or telework because of specific reasons related to COVID-19. Requests for this supplemental paid sick leave may be made either in writing or verbally. SB 95 does not require employees use other paid or unpaid leave before utilizing this leave.

Under what circumstances would an employee consider this leave?

This supplemental paid sick leave is to accommodate employees who are unable to work or telework. After studying this new law, I have learned there are seven reasons why employees may choose to use this leave:

1. The employee is subject to a quarantine or isolation period related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine because concerns about COVID-19.
3. The employee is experiencing COVID-19 symptoms and wants to confirm the diagnosis.
4. The employee is making an appointment to receive the appropriate vaccine.
5. The employee is experiencing a reaction or symptoms of the vaccine that prevent him/her from working or telework.
6. The employee is caring for a family member who is subject to a quarantine or has been advised to self-quarantine.
7. The employee is caring for a child whose school or child-care facility is closed due to COVID-19 on the premises.

Determining the Amount due to the Employee.

- Eligible employees are to be paid for each hour of this supplemental paid sick leave at their regular rate of pay with a cap of \$511.00 per day.
- The 80-hour supplemental paid sick leave is for regular full-time employees who work a minimum of forty hours each week. The benefit for part-time employees is prorated.
- This leave is retroactive to January 1, 2021. If the employer provided leave that is less than required by SB 95, the employer must make-up the difference.

Administrative Requirements for the California Employer

- Employers must provide written notice of the amount of this supplemental paid sick leave available to employees by preparing itemized wage statements or in a separate written time record. The notice must state how many supplemental paid sick leave hours remain available to the employee which must be documented as a separate line item in the employee's wage statement. There must be a distinction between the employee's regular paid sick leave and this (SB 95) supplemental paid sick leave.
- SB 95 notices must be displayed in a conspicuous location. For a copy of this required posting you may see the Labor Commissioner's model notice at their website: <https://www.dir.ca.gov./dlse/2021-COVID-19-Supplemental-Paid-Sick-Leave.pdf>.

Summary

This impact of COVID-19 over the past fifteen months has been catastrophic. In my experience this country has never been subjected to a medical crisis worse than COVID-19. It has touched every one of us. As a result, the obligations and requirements imposed upon employers has been continuous and often confusing. The focus of these required procedures to assist directly those who have been directly affected by the virus in the work environment. Yes, we need to update your employee handbook and safety plan to accommodate these changes. When in doubt, please call me at either (415) 761-8615 or (628) 236-7616. You may also contact me at Larrylevy@earthlink.net. We will get through this.

Please be well and stay healthy,

Larry Levy
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