

# Healthy Workplaces, Healthy Families Act of 2014

## Overview of California's Paid Sick Leave Law

Beginning **July 1, 2015**, every full and part-time employee who is employed in California for more than 30 days is entitled to accrue paid sick leave. All employers must provide a minimum of 24 hours of paid sick time to current and new employees annually.

### Sick Time Accrual

Paid sick leave is to be accrued at the employee's regular rate of pay of not less than one hour per every 30 hours worked, including overtime hours.

If the employee receives a varying pay rate, due to commissions or different hourly pay, the sick leave pay rate must be determined by dividing the employee's total wages (including overtime) by the employee's total hours worked in the pay periods for the prior 90 days of employment.

If the employee is exempt or salaried, that employee is considered to be working 40 hours per week, unless their normal work hours are fewer, in which case the accrual is based on hours worked during that normal workweek.

Accrual begins on the first day of employment or the effective date of the new law, July 1, 2015, whichever is later.

Employees are entitled to use accrued paid sick days beginning on the 90th day of employment.

An employer may limit the use of accrued paid sick days to three days, or 24 hours, per year.

Employers must permit the carryover of unused sick leave to the following year, however, that carryover can be capped at a maximum sick leave bank of 48 hours or six days.

An employer is not required to pay accrued and unused sick leave at the time of employee termination.

Employers must keep records documenting all employees' hours worked and paid sick days accrued and used for three years.

### Use of Sick Time

An employee is authorized to use paid sick time for medical and preventative care for the employee or a family member, which is defined as a child, spouse, registered domestic partner, parent, grandparent, grandchild or sibling.

An employee is authorized to use paid sick time if they are attempting to obtain relief if they are a victim of domestic violence, sexual assault or stalking.

An employer is required to provide paid sick days upon the oral or written request of the employee. If the employee has a foreseeable sick time need, he or she should provide reasonable advance notice to the employer. If the need is unforeseeable, the employee shall request the use of sick time as soon as practicable.

An employer may restrict the use of sick time to a reasonable minimum increment, not to exceed two hours.

An employer may not require an employee to find a replacement to cover the time while he or she is out on paid sick time.

# Exceptions

An employer is not required to provide additional paid sick leave under this law if the employer:

1. Has a paid time off policy at a minimum of 24 hours or three days, for employee use in a calendar year or 12 month basis.
2. Provides for at least the same accrual and carryover requirements. (Carryover can be avoided by providing the full 24 hours or three days of sick leave at the beginning of each year.)

The law does not preempt local regulations that provide for greater accrual or use of sick leave by employees. This means employers in San Francisco and San Diego will be required to provide sick leave that complies with both state and local laws. Employers in other cities should review local ordinances for any sick leave requirements.

# Notification Requirements

Section 2810.5 of the Labor Code is amended to add a provision about paid sick leave. Notice of this portion of the Labor Code must be provided by employers to employees at the time of hiring and given to existing employees no later than July 8, 2015.

An employer must display a poster in a conspicuous location regarding paid sick time.

COA makes available the new sick leave poster plus the 16 other federal- and state-required workplace posters at a members-only substantial discount. As a bonus, a one-year subscription service is included with a poster purchase that provides updated posters and other notification requirements as they occur – required employment law notices can change any time in a calendar year.

To order the required posters, visit this site:

<http://www.coavision.org/files/Employment%20poster%20order%20form%283%29.pdf>

# Further Information

Full statute language:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1522&search\\_keywords=](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1522&search_keywords=)

Detailed analysis:

<http://www.littler.com/publication-press/publication/epidemic-continues-california-enacts-statewide-paid-sick-leave-law>

Note: The above information is provided for informational purposes only. It is not intended to replace the professional advice of legal counsel.

