



## **California New Mandatory Paid Sick Leave Law - Effective: July 1, 2015**

Effective July 1, 2015, under the Healthy Workplaces, Healthy Families Act of 2014, and all California employers must provide their California employees with at least 3 days (24 hours) of paid sick leave per year.

Unlike several other California leave laws, there is no exemption for small employers. The new law applies to employees (exempt and non-exempt) who work in California 30 days or more in a year. This includes temporary, part time, and seasonal employees, and out-of-state employees who work in California 30 or more days in a calendar year.

The only employees not included are:

- (1) union-represented employees covered by a valid collective bargaining agreement if the agreement expressly provides for paid sick leave, provides for final and binding arbitration of disputes concerning the application of paid sick day provisions, and meets other requirements;
- (2) Employees in the construction industry covered by a valid collective bargaining agreement that meets certain requirements;
- (3) Providers of in-home supportive services under California law; and
- (4) Employees of an air carrier flight deck or cabin crew members who receive compensated time off equal to the amounts in the new statute.

The specific requirements of the new law are as follows:

**Accrual requirements:** Sick days must be accrued at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or July 1, 2015, whichever is later. This equates to approximately 1.3 hours per week, or 5.3 hours per month, for employees who work 40 hours a week (subject to a permissible accrual cap discussed below).

Exempt employees are deemed to work 40 hours per workweek, unless the employee's normal workweek is less than 40 hours.

**Use of sick leave:** Employees are entitled to use accrued paid sick days beginning on the 90th day of employment. However, at its discretion, an employer may lend paid sick days to an employee in advance of accrual. Employers may limit the amount of sick leave used to 24 hours or 3 days per year. (The law permits employees to accrue more time than they could use in a year so that if the employee gets sick at the beginning of the year, the employee has some time available in his or her sick leave bank.) Employers may also set a minimum increment not to exceed two hours for use of paid sick leave. The employee must provide reasonable advance notification, orally or in writing, of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the employee must provide notice as soon as practicable. The employer cannot condition the use of sick leave on the employee finding someone to cover his/her work.