

Electronic Alert

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California Retroactively Renews COVID-19 Paid Sick Leave

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Starting next Monday, California employees of many Oregon businesses will become eligible for additional state-mandated COVID-19 sick leave. Specifically, California Senate Bill 95 takes effect on March 29, 2021, expanding California COVID-19 Supplemental Paid Sick Leave (SPSL).

California's COVID-19 leave is modeled after the federal Emergency Paid Sick Leave created by the Families First Coronavirus Response Act (FFCRA). Eligible employees are entitled to up to 80 hours of additional paid sick leave for COVID-19-related qualifying reasons, not to exceed \$511 per day or \$5,110 total. However, unlike federal FFCRA leave, which is now voluntary, SPSL is mandatory for eligible employees. Only California employees are eligible for SPSL, but employers are subject to the law if they have 26 or more employees *anywhere in the country* and at least one of them is a California employee.

To comply by the deadline of Monday, March 29, 2021, employers must give notice to their California employees by posting or providing them with this required poster from the California Department of Industrial Relations. Eligible employees have until September 30, 2021, to use their leave. Employees may request compensation for COVID-19-related leave already taken between January 1 and March 29, 2021, if that leave was unpaid or paid at a lower rate than required for SPSL, which would reduce the remaining allotment of SPSL leave available to them.

What Employers (of California Employee(s)) Need to Do:

- Post the required poster in a conspicuous place where employees will see it or otherwise ensure the poster reaches California employees (e.g., by email for teleworking employees).
- Recognize an oral or written request for leave for one of the qualifying reasons as a SPSL leave request.
- Be prepared for retroactive employee wage requests from unpaid sick leave taken earlier in 2021.
- Know how to calculate the rate of pay and hours of eligibility for your California employees.
- Determine whether voluntarily provided FFCRA leave or locally-mandated COVID leave counts against the SPSL requirements.

For questions about the retroactive COVID-19 Supplemental Paid Sick Leave or for assistance with other issues related to your California employees, contact Charlotte Hodde or Julie Preciado at 503-228-0500, or at chodde@barran.com or jpreciado@barran.com.