

California Paid Sick Leave Law (AB 1522)

WHAT IS IT?

California's new Paid Sick Leave law requires that all eligible employees are able to accrue paid sick time to use for preventative care or to care for an existing health condition for themselves or family members.

HOW IS IT ACCRUED?

The new law goes into effect on July 1, 2015. All current employees will accrue 1 hour of paid sick time per 30 hours worked, beginning on that date. Employees hired after July 1, 2015, will begin accruing paid sick leave on their first day of employment.

While employees will accrue 1 hour of sick time per 30 hours worked, they may only take a total of 24 hours per calendar year. Any unused time can "rollover" into the next calendar year. The maximum amount of sick time an employee can have in their "sick bank" is capped at 48 hours.

WHAT IS REQUIRED OF EMPLOYERS?

Provided an employee meets all eligibility requirements, an employer must allow the employee to take sick time upon request. Employers may not deny requests for paid sick time, as long as the employee has adequate sick time accrued in their "sick bank." That means that employers also cannot require an employee to find coverage prior to taking the sick leave.

Employers may not retaliate against an employee for taking or requesting paid sick leave. Employees who feel they have been retaliated against for using paid sick time will be eligible to file a retaliation claim with the Labor Commissioner.

HOW IS IT TRACKED?

Employees will be updated on how much sick time they have accrued through their paystubs. Accrued paid sick leave will be reported on every paycheck stub. Employees may also contact Human Resources regarding their sick time accrual amount.

WHO IS ELIGIBLE?

All employees who work in the state of California for more than 30 days within a calendar year will begin accruing paid sick leave time on July 1, 2015 or their first day of employment, if hired after July 1, 2015.

HOW DOES AN EMPLOYEE USE THE TIME?

While employees begin accruing paid sick time on their first day of employment (or July 1, 2015), employees are only able to take paid sick leave after the end of the probationary period of 90 days.

In order to take paid sick leave, employees must have enough time accrued in their "sick bank."

For example, an employee can take one full day of sick leave after they have accrued 8 hours. Because employees accrue at the rate of 1 hour of sick leave per 30 hours worked, an employee would need to work 240 hours before they are eligible to take 8 hours of sick leave. For a typical full-time employee (40 hours per week) that would mean they are eligible to take 8 hours of sick leave after 6 weeks of employment.

Employees may also use their accrued sick time in smaller portions. For example, an employee may use 2 hours of sick leave in order to go to a doctor's appointment, then return to work for the remaining 6 hours. The minimum amount of sick leave an employee can take is 2 hours.

Employees should provide as much notice as practicable to their employers when intending to use paid sick time.

WHAT HAPPENS WHEN AN EMPLOYEE LEAVES?

When an employee is terminated or quits, they are not able to "cash out" unused sick time. However, if an employee is rehired within a 12 month period, all unused sick time they previously accrued will be reinstated upon their rehire.

Employees who are already covered by a more generous sick time plan or who live in cities with more generous sick time ordinances, are not restricted by this new law in any way