

2021 COVID-19 SUPPLEMENTAL PAID SICK LEAVE (SB 95)

FREQUENTLY ASKED QUESTIONS

When does 2021 COVID-19 Supplemental Paid Sick Leave become effective?

The bill becomes effective on March 29, 2021 but is retroactive until January 1, 2021. This means that covered employees who took qualifying leave between January 1, 2021 and March 28, 2021 can request payment for that leave if it was not paid by the employer in the amount that is required under this law.

When does 2021 COVID-19 Supplemental Paid Sick Leave expire?

September 30, 2021.

When does your employer have to allow you access to 2021 COVID-19 Supplemental Paid Sick Leave?

Immediately upon the oral or written request of the covered employee to the employer.

Do I need to show a doctor's note?

No. An employer may not deny a worker 2021 COVID-19 Supplemental Paid Sick Leave based solely on a lack of certification from a health care provider, such as doctor's note. A covered employee is entitled to take 2021 COVID-19 Supplemental Paid Sick Leave immediately upon the covered employee's oral or written request. The leave is not conditioned on medical certification.

How do I request a retroactive payment if I needed to access 2021 COVID-19 Supplemental Paid Sick Leave before March 28, 2021?

If the covered employee took leave between January 1, 2021 and March 28, 2021, for one of the qualifying reasons under this new law, but was not paid for this leave in the amount required under this law, then the covered employee has the right to ask the employer for a "retroactive" payment equal to the amount required.

The requirement to provide "retroactive" 2021 COVID-19 Supplemental Paid Sick Leave does not start until March 28, 2021. This "retroactive" payment is only required if the covered employee makes an oral or written request to be paid for leave that qualifies.

After the employee makes the request, the employer will have until the payday for the next full pay period to pay the "retroactive" 2021 COVID-19 Supplemental Paid Sick Leave. On that payday, the employer must also provide accurate notice on the itemized wage statement of how many 2021 COVID-19 Supplemental Paid Sick leave hours remain available to the covered employee.

How much am I paid when I use 2021 COVID-19 Supplemental Paid Sick Leave?

For each hour of 2021 COVID-19 Supplemental Paid Sick Leave that a non-exempt covered employee is entitled to receive, the employee must be paid the highest of the following:

- The employee's regular rate of pay for the workweek in which the leave is taken
- A rate calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment
- The state minimum wage
- The local minimum wage

Who do I contact to help me access 2021 COVID-19 Supplemental Paid Sick Leave?

Please contact your union and/or union representative for additional information on how to access this emergency paid sick leave benefit.

Where can I find additional information on 2021 COVID-19 Supplemental Paid Sick Leave?

To find additional information on emergency paid sick leave please go to the California Department of Industrial Relations (DIR) websites link here: <https://www.dir.ca.gov/DLSE/COVID19Resources/FAQ-for-SPSL-2021.html>