



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

Your union UFCW fought hard and won COVID-19 Supplemental Paid Sick Leave for California's workers. For the past year, we know our members have ensured Californians were fed and healthy throughout the pandemic by staying on the job, but were continuously subject to COVID-19 infection, using up what little paid sick leave they had. With SB 95, California's workers are now entitled to COVID-19 Supplemental Paid Sick Leave so you, and your family, can stay safe and healthy.



- Workers are now entitled to **two weeks of COVID-19 Supplemental Paid Sick Leave until September 30, 2021.**
- Even if you have used other forms of leave this year, **you may be eligible for retroactive payments.**
- You can use this leave to:
  - **Care for yourself**
  - **Care for a family member, or**
  - **Vaccine-related needs**

## FREQUENTLY ASKED QUESTIONS

Every employment situation is different, please contact your local union representative if you are interested in accessing these benefits.

### How much 2021 COVID-19 Supplemental Paid Sick Leave am I eligible for?

Full time employees are eligible for 80-hours of 2021 COVID-19 Supplemental Paid Sick Leave.

Part-time employees that have worked in the past 14 days may take fourteen times the average number of hours the covered employee worked each day for the employer in the six months preceding the date the covered employee took/will take 2021 COVID-19 Supplemental Paid Sick Leave.

### Who is eligible for 2021 COVID-19 Supplemental Paid Sick Leave?

All public or private employers with more than 25 employees are covered, including those with collective bargaining agreements. This law does not cover independent contractors.

### What reasons can I take 2021 COVID-19 Supplemental Paid Sick Leave?

The covered employee must be unable to work or telework due to any one of the following reasons:

- **Caring for Yourself:** The covered employee is subject to a quarantine or isolation period related to COVID-19 (see note below), or has been advised by a healthcare provider to quarantine due to COVID-19, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- **Caring for a Family Member:** The covered employee is caring for a family member who is either subject to a quarantine or isolation period related to COVID-19 (see note below) or has been advised by a healthcare provider to quarantine due to COVID-19, or the employee is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.
- **Vaccine-Related:** The covered employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

### How do I ask my employer for my PTO back if I had to use it for COVID-19 related reasons?

If you had to use PTO for one of the reasons listed above, ask your employer verbally or by written request (written request is recommended) for retroactive 2021 COVID-19 Supplemental Paid Sick Leave and for your PTO to be restored on your next pay period.

# **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>