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California Enacts New COVID-19 Paid Sick Leave Law

February 14, 2022 | [Employee Leave, Labor And Employment](#)



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California Governor Gavin Newsom signed into law the 2022 COVID-19 Supplemental Paid Sick Leave Law, which will take effect Feb. 19, 2022. This new section of the Labor Code, section 248.6, retroactively applies from Jan. 1, 2022, and extends until Sept. 30, 2022.

Under the new law, employees are eligible for up to 80 hours of COVID-19 related paid leave. Governor Newsom stated that, “by extending sick leave to front-line workers with COVID and providing support for California businesses, we can help protect the health of our workforce, while also ensuring that businesses and our economy are able to thrive.”

The statute applies to employers with 26 or more employees and provides an extensive list of qualifying circumstances for leave, payment calculation requirements, procedures to be eligible for additional leave, telework requirements, and a variety of other provisions.

A notable difference from previous federal and state COVID-19 related paid leave laws is that employers will be responsible for the costs of the additional time off. Although Governor Newsom has commented that he is willing to reevaluate the situation and provide later assistance to businesses, employers should assume that they will be fully responsible for the cost of the required COVID-19 related paid leave.

Given the imminent effective date of this new law and its application to most employees, California employers are encouraged to update their COVID-19

leave policies and discuss with employment counsel the procedures and implementation of the 2022 COVID-19 Supplemental Paid Sick Leave Law.