

## ALERTS

### California Mandates Sick Leave For Employees

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On September 10, 2014, Governor Jerry Brown signed into law AB 1522, which will require nearly all California employers to provide employees with at least three paid sick days a year. California is the second state to enact such a law, after Connecticut.

Known as the “Healthy Families, Healthy Workplaces Act of 2014,” AB 1522 requires employers to provide paid sick days for an employee who works for thirty (30) or more days in a calendar year. Sick days must be accrued at a rate of at least one hour for every thirty (30) hours worked. Under the bill, employees may use these paid sick days for personal illness/preventive care, to care for a sick family member, or to recover from domestic violence or assault. The legislation will take effect on July 1, 2015.

Under the bill, the term “employer” is broadly defined to include the State and its political subdivisions, including municipalities. The bill’s definition of “employee,” however, exempts all employees covered by collective bargaining agreements which provide paid sick leave policies (and wages of at least 130 percent of the California minimum wage), or construction industry employees covered by collective bargaining agreements that either waive the requirements of AB 1522 or are entered into before January 1, 2015. The new law also exempts home health care workers.

Employees are entitled to use accrued paid sick days beginning on the ninetieth (90th) calendar day of employment, after which point the employee may use his or her paid sick days as they are accrued. While an employee’s accrued paid sick days must be carried over to the following calendar year, employers may limit the employees’ use of paid sick days to 24 hours or three (3) days in each calendar year. In addition, employers are not required to provide accrued, unpaid sick leave compensation to an employee upon separation from employment. However, if the employee should be rehired by the employer within one (1) year, any previously accrued and unused paid sick leave is required to be reinstated by the employer. The law also provides that it establishes only minimum standards and does not limit employers from offering equivalent or more generous paid sick leave policies.

In addition, the law creates a rebuttable presumption of retaliation if an employer denies workers from using sick days or takes other adverse action within 30 days of employees’ exercising their rights that may be pursued by the labor commissioner or attorney general. The statute also imposes additional recordkeeping requirements that obligate employers to retain records for five (5) years documenting an employee’s hours worked and accrual and use of paid sick leave days.

## RELATED PRACTICE AREAS

Labor and Employment

Compliance with the new law will likely require employers doing business in California to revise their existing policies to conform to the statutory requirements.

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