

## CALIFORNIA COVID-19 SUPPLEMENTAL PAID SICK LEAVE (CPSL)

September 19, 2020 to December 31, 2020  
(or any extension of the FFCRA, whichever is later)

### Covered Employers and Employees

- Private “hiring entities” with 500 or more employees in the United States, the District of Columbia, or any U.S. territory, and to individuals who leave their home or place of residence to perform work for a hiring entity that employs them (California Labor Code section 248.1).
- To health care employees and emergency responders who were not extended paid sick leave by their employers under the federal Families First Coronavirus Response Act (FFCRA), without regard to the size of their employer.

**Exception:** Hiring entities that already provide supplemental paid benefits for the same purposes listed in the statutes that compensate workers at a level equal to or greater than what the statutes provide.

### Amount of Leave

#### Wage Payment Amount

Highest of regular rate of pay for last pay period, State minimum wage, or local minimum wage, whichever rate is higher, **not to exceed \$511 per day and \$5,110 in total**. Payment for leave taken must be made no later than the payday for the next regular payroll period after leave was taken.

Schedule	Defined	Hours Entitled		
<b>Full-Time</b>	Worker worked or was scheduled to work, on average, at least 40 hours per week in the two weeks preceding the date the work took leave	80 hours		
<b>Part-time with a Normal Work Schedule</b>	Workers who are not “full” time who have a normal work schedule.	Equal to the total number of hours they are normally scheduled to work over two weeks		
<b>Part-time with a Variable Work Schedule</b>	Workers who are not “full” time who work a variable work schedule.  Note: If the variable schedule calculation results in an average work	<b>Tenure with Employer</b>		<b>Calculation Example</b>
		6 months or more	Receive 14 times the average number of hours they worked each day in the six months preceding the	<p><b>Example:</b> Using a 6-month period that contains a total of 182 days (26 weeks):</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Total Number of hours Worked during the 6--Month Period</td> <td style="text-align: center;">520 hours</td> </tr> </table>
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<p>schedule of at least 40 hours per week, the variable-scheduled work would be considered full time and entitled to 80 hours (does not require payment for more than 80 hours).</p>		date they took leave.	<table border="1"> <tr> <td>Total Number of Days in a 6-Month Period</td> <td>182 days</td> </tr> <tr> <td>Average Number of Hours Worked Each Day in the 6-Month Period</td> <td>520 hours ÷ 182 days = 2.857 hours</td> </tr> <tr> <td>COVID-19 Supplemental Paid Sick Leave Entitlement</td> <td>2.857 hours * 14 = 40 hours</td> </tr> </table>	Total Number of Days in a 6-Month Period	182 days	Average Number of Hours Worked Each Day in the 6-Month Period	520 hours ÷ 182 days = 2.857 hours	COVID-19 Supplemental Paid Sick Leave Entitlement	2.857 hours * 14 = 40 hours	
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More than 14 days but <6 months	The total length of employment is to be used.									
14 days or fewer	The total number of hours worked in the preceding two weeks they took leave.	<p><b>Example:</b> A new worker has worked for a total of 2 days: 1 day for 1 hour and a second day for 6 hours over the past two weeks:</p> <table border="1"> <tr> <td>Total Number of hours Worked during the Two-Week Period</td> <td>7 hours</td> </tr> <tr> <td>Total Number of Days in a Two-Week Period</td> <td>14 days</td> </tr> <tr> <td>Average Number of Hours Worked Each Day in the Two-Week Period</td> <td>7 hours ÷ 14 days = .5 hours</td> </tr> <tr> <td>COVID-19 Supplemental Paid Sick Leave Entitlement</td> <td>.5 hours * 14 = 7 hours</td> </tr> </table>	Total Number of hours Worked during the Two-Week Period	7 hours	Total Number of Days in a Two-Week Period	14 days	Average Number of Hours Worked Each Day in the Two-Week Period	7 hours ÷ 14 days = .5 hours	COVID-19 Supplemental Paid Sick Leave Entitlement	.5 hours * 14 = 7 hours
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**Qualifying Reasons for Leave** (Employees determine how many hours of leave they need to use—up to the limits)

**An employee who is unable to work** for the following reasons:

1. Subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
3. Prohibited from working by the hiring entity due to health concerns related to the potential transmission of COVID-19.

**Note:** Unlike the federal FFCRA and numerous mini-FFCRA ordinances throughout California, employees cannot use CPSL to care for or assist another individual, e.g., they cannot use CPSL if their child’s school closes, or childcare provider is unavailable, due to COVID-19.

<b>Employer Offset</b>	
Paid leave already provided pursuant to EO N-51-20 or supplemental paid leave provided under federal or local law for the same reasons will satisfy LC 248's requirement to provide CPSL.	
If the business already provided supplemental paid leave <b>between March 4, 2020 and the law's effective date (September 19, 2020) for the law's covered reasons</b> , but did not compensate the work in an amount equal to or greater than the amount of compensation LC 248.1 requires:	The business may retroactively provide supplemental pay to the work to satisfy the law's pay requirements and apply those hours toward the total number of hours of CPSL the work is entitled to receive.
If a hiring entity provides full-time worker 40 hours of COVID-19-related supplemental paid sick leave pursuant to a local ordinance:	Those hours would count toward the hiring entity's obligations under California law (i.e., CPSL) so long as the leave provided is for a reason listed under California law and is at least at the same rate of pay as California law requires.
<b>Requesting Leave</b>	
A hiring entity must make CPSL available for immediate use upon the worker's oral or written request.	
A hiring entity may <i>not</i> deny a worker COVID-19 Supplemental Paid Sick Leave based solely on a lack of certification from a healthcare provider.	
It may be reasonable in certain circumstances to ask for documentation before paying the sick leave when the hiring entity has other information indicating that the worker is not requesting COVID-19 Supplemental Paid Sick leave for a valid purpose.	
<b>CPSL is in Addition to Other Paid Sick Leave, Paid Time Off, or Vacation Time an Employer Provides by Statute</b>	
CPSL is to be provided in addition to any paid sick leave available to a worker under California's pre-COVID-19 Healthy Workplaces, Healthy Families Act of 2014 (i.e., California paid sick leave).	
Also includes the prohibition against requiring workers to use other paid or unpaid leave, time off, or vacation the hiring entity provides before, or in lieu of, using CPSL.	
<b>Retaliatory Action Prohibited</b>	
No employer shall discharge, discipline, discriminate against, retaliate against, or reduce the compensation of any employee for seeking to exercise the employee's rights under this Section by any lawful means.	
<b>Unused CPSL</b>	
An employee is not entitled, under any circumstances, to be paid for unused CPSL. Unused CPSL expires when this chapter sunsets.	

# CA COVID-19 Supplemental Paid Sick Leave for Non-Food Sector Employees

Hiring entities with 500 or more employees nationwide, and a public or private entity that employs health care providers or emergency responders who excluded such employees from emergency paid sick leave under the federal Families First Coronavirus Response Act are required to provide supplemental paid sick leave to employees for specified reasons related to COVID-19 by September 19, 2020. (See Labor Code section 248.1)

## Qualifying Reasons for Taking COVID-19 Supplemental Paid Sick Leave

*An employee may take leave if the employee is unable to work for any of the following reasons:*

The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

The employee is advised by a healthcare provider to self-quarantine or self-isolate due to COVID-19 related concerns.

The employee is prohibited from working by the employer due to health concerns related to the potential transmission of COVID-19.

## Employees Are Covered if They Meet the Following Criteria:

- They work for the following type of employer:
  - An employer with 500 or more employees nationwide OR
  - An entity that employs health care providers or emergency responders and has elected to exclude such employees from emergency paid sick leave under the federal Families First Coronavirus Response Act; AND
- They leave home to perform work.

## Paid Leave Entitlement for Employees

- Amount of Hours of COVID-19 Supplemental Paid Sick Leave:
  - 80 hours for those considered full-time employees, in addition to any other accrued paid sick leave. Full-time firefighters may be entitled to more than 80 hours, but the amount of pay is still capped.
  - For part-time employees with a normal weekly schedule, the number of hours the employee is normally scheduled to work over two weeks.
  - For part-time employees with variable schedules, 14 times the average number of hours worked per day over the past 6 months.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave:
  - Highest of (1) regular rate of pay for last pay period, (2) State minimum wage, or (3) local minimum wage,
  - **Not to exceed \$511 per day and \$5,110 in total**

## Enforcement:

- Any employee denied COVID-19 supplemental paid sick leave can file a claim with the Labor Commissioner's Office or a Report of Labor Law Violations. Forms can be found at the Labor Commissioner's Office website, [www.dir.ca.gov/dlse/](http://www.dir.ca.gov/dlse/). COVID-19 supplemental paid sick leave for employees must be made available for use immediately upon oral or written requests of the employee.
- **Retaliation or discrimination against an employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** An employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office.

**This poster must be displayed where employee can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.**

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling (760) 353-0607.

**AFFIRMATION FOR CALIFORNIA COVID-19 SUPPLEMENTAL PAID SICK LEAVE (CPSL)**

<b>Name:</b>	<b>Employee ID:</b>
<b>Position Title:</b>	
<b>Start Date:</b>	<b>End Date:</b>

I certify that I am **unable to work** for one of the following reasons:

Please select the reason for your request for emergency paid sick leave.

**Section 1. Reason for Emergency Paid Sick Leave:**

<input type="checkbox"/>	1. <i>Employee</i> is subject to Federal, State, or local quarantine or isolation order due to COVID-19;
<input type="checkbox"/>	2. <i>Employee</i> is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
<input type="checkbox"/>	3. <i>Employee</i> is prohibited from working by the worker's hiring entity due to health concerns related to the potential transmission of COVID-19

**Section 2. Acknowledgement and Signature**

I affirm that the above statements are true and accurate to the best of my knowledge.

<b>Signature:</b>	<b>Date:</b>
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