

California Supplemental Paid Sick Leave in 2021 (SB 95)



California workers impacted by COVID-19 have new rights to paid sick leave.

SB 95, effective 3/29/21, creates a new right to up to 80 hours of supplemental paid sick leave for many workers with COVID-19 related absences in 2021, filling the gap that was left by the expiration of the Families First Coronavirus Response Act and California's 2020 Supplemental Paid Sick Leave Laws.

ELIGIBILITY

The 2021 Supplemental Paid Sick Leave (SPSL) laws only apply to workers at businesses with *more than 25 employees* (LC 248.2), and in-home supportive services providers (LC 248.3).

AMOUNT OF LEAVE RESTARTING THE CLOCK

SB 95 creates a new right to 80 hours of COVID-related Supplemental Paid Sick Leave (SPSL) in 2021 – in other words, if a full-time worker received 80 hours of COVID SPSL in 2020, they could be eligible for another 80 hours in 2021 if they miss work due to a qualifying reason. However, employers can count COVID-specific paid leave benefits paid voluntarily in 2021 against their obligation to pay 2021 Supplemental Paid Sick Leave.

QUALIFYING REASONS

Eligible workers qualify for 2021 SPSL if they are:

- Subject to a COVID-19 quarantine or isolation order.
- Advised by a health care provider to self-quarantine due to COVID-19;
- Experiencing COVID-19 symptoms and seeking a diagnosis.
- Caring for a family member who is under quarantine due to COVID.
- Caring for a child at home whose school or childcare is unavailable due to COVID on the premises.
- Attending an appointment to receive a COVID-19 vaccine; or
- Unable to work due to symptoms associated with the COVID-19 vaccine.

RETROACTIVE TO JANUARY 1, 2021

The 2021 SPSL laws apply to any absence due to a qualifying reason on or after January 1, 2021. This means that workers who took unpaid leave during quarantine periods that occurred in January, February, or March 2021 have the right to be compensated retroactively for up to 80 hours of work missed during those quarantine periods. This retroactive payment shall be paid on or before the payday for the next full pay period after the oral or written request of the covered employee.