

The graphic features a blue circular background on the left containing a blurred image of a truck on a road. To the right of this circle, the words "Transportation" and "Law Alert" are written in a large, blue, serif font, stacked vertically.

Transportation Law Alert

SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY

New California Legislation - Paid Sick Leave Now Mandatory

Earlier this month, California enacted the “Healthy Workplaces, Healthy Families Act of 2014” (the “Act”), which mandates paid sick leave to California workers starting on **July 1, 2015**.

Under the Act, full and part-time employees “*who work[] in California for 30 or more days within a year from the commencement of employment*” will accrue 1 hour of paid sick leave for every 30 hours worked. An employer may, however, cap the accrual of sick leave at 6 work days or 48 total hours regardless of the number of hours worked. While accrued paid sick days shall carry over to the following year of employment, the carry-over rule does not alter the employer’s right to limit the use of paid sick time to 3 work days or 24 total hours per year.

The Act provides a limited exception for employers with existing paid leave policies. Specifically, an employer need not provide *additional paid sick days* if the policy (1) allows leave for the same reasons as those allowed under the Act, (2) satisfies the accrual, carry over, and use obligations the Act imposes, and (3) provides at least 24 total hours or three work days of paid sick leave for employee use for each year of employment. Employers with existing paid leave policies must nevertheless comply with the notice, posting, reporting, and recordkeeping requirements the Act imposes. Act does not obligate employers to provide compensation to an employee for accrued, unused paid sick days upon termination or other separation from employment.

Employers must allow employees to use paid sick leave upon oral or written request due to a health condition of the employee or the employee’s family member or when the employee is a victim of domestic violence, sexual assault, or stalking. An employer cannot require an employee to find a replacement worker to cover the days an employee elects to use paid sick leave. The Act imposes a rebuttable presumption of unlawful retaliation if an employer denies an employee’s right to use accrued sick leave.

The notice, posting, and administrative recordkeeping requirements the Act imposes are substantial. For example,

1. Employers must provide written notice, either on an itemized wage statement or in a separate writing provided on designated pay days, of the amount of paid sick leave available to each employee.
2. Employers must provide written notice of paid sick leave rights at the time of hiring.
3. Employers must have a poster in each workplace notifying employees of their rights under the Act, including the Act's anti-retaliation provision.
4. Employers must keep records of the hours worked and paid sick days accrued and used by each employee for at least three years.

The Act imposes various monetary and non-monetary civil and administrative penalties for violations. For example, the applicable administrative penalty includes the amount of paid sick days withheld multiplied by three, or \$250, whichever amount is greater, but not to exceed an aggregate penalty of \$4,000, plus costs and attorney fees.

Finally, the Act does not appear to allow an allegedly aggrieved employee to bring a private civil suit to enforce its provisions. We will continue to monitor for further legislation in this regard, including any relevant amendments to the California Private Attorney General Act.

If you have any questions or need additional information, please contact Jim Hanson (jhanson@scopelitis.com) or David Robinson ([drobinson@scopelitis.com](mailto:drobison@scopelitis.com)) at (317) 637-1777, or Chris McNatt (cmcnatt@scopelitis.com) at (626) 795-4700.