

KNOW YOUR RIGHTS: California Paid Sick Time

This fact sheet covers California's statewide paid sick time law. Some California cities have their own sick time laws, which may provide additional rights. For more information, click [here](#) and [here](#).

1) What does the California Paid Sick Time law do?

California's permanent paid sick time law gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; or to address needs that may arise if the worker is a victim of domestic violence, a sexual offense, or stalking. Additionally, the California Department of Industrial Relations released [administrative guidance](#) clarifying that sick time under California's sick time law can also be used for certain COVID-19 related reasons, including if the worker:

- Is self-quarantining as a result of potential exposure to COVID-19 if quarantine is recommended by civil authorities;
- Has been exposed to COVID-19; or
- Has traveled to a high-risk area.

On April 16, 2020, Governor Newsom signed [Executive Order N-51-20](#), which gives certain food sector workers supplemental paid sick time if the worker is unable to work for certain reasons related to COVID-19. The executive order went into effect immediately and is now codified under state law, as explained below.

On September 9, 2020, Governor Newsom signed A.B. 1867, which gives supplemental paid sick time to certain workers in relation to COVID-19. Additionally, the law codifies Executive Order N-51-20, requiring supplemental paid sick time for food sector workers in relation to COVID-19.

Supplemental paid sick time is available to covered workers when they are unable to work because they are:

- Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- Advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
- Prohibited from working by their employer or hiring entity (as defined in the law) due to health concerns related to the potential transmission of COVID-19.

The law became effective on September 19, 2020 and remains in effect until December 31, 2020 (or upon any later extension of the federal Families First Coronavirus Response Act).

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2) Am I covered?

Under California’s permanent paid sick time law: if you work as an employee in California for at least **30 days** in a year, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees, certain state and municipal employees, and certain flight deck or cabin crew employees.

Under A.B. 1867: if you are employed by a hiring entity with **500 or more employees** nationwide or you are a healthcare provider or emergency responder whose hiring entity (regardless of size) has elected to exclude you from emergency paid sick time under the federal Families First Coronavirus Response Act, you are probably covered whether you are a **full-time, part-time, or temporary** worker. Additionally, if you are a food sector worker (including, but not limited to, an agricultural, grocery store, or fast food worker, a worker at a warehouse where food is stored, or a worker who picks up or delivers any food items) and you perform work for or through a business or entity with **500 or more employees** nationwide and you are taking leave for one of the COVID-19-related purposes explained above (under Question #1), you are probably covered whether you are a **full-time, part-time, or temporary** worker (and regardless of whether you are deemed an employee of the entity). **However**, the law only covers workers who leave their homes or places of residence to perform work for or through the hiring entity.

3) How much paid sick time can I earn under California’s permanent paid sick time law and receive under A.B. 1867?

Under California’s permanent paid sick time law: you earn **1 hour** of sick time for **every 30 hours worked**, up to a maximum of **48 hours or 6 days** per year. However, your employer may limit your use of paid sick time at **24 hours or 3 days** in a year.

Under A.B. 1867: full-time workers and workers that worked (or were scheduled to work) on average at least 40 hours per week in the 2 weeks before taking supplemental paid sick time can take supplemental paid sick time for **up to 80 hours**. Other workers can take supplemental paid sick time for the total number of hours they’re usually scheduled to work over a 2-week period; if the worker has a variable number of hours, they can take supplemental paid sick time according to calculations described by the State of California [here](#) (see question 16). However, **active firefighters** who were scheduled to work more than 80 hours in the 2 weeks before taking supplemental paid sick time can take supplemental paid sick time equal to the total number of hours the firefighter was scheduled to work in those 2 weeks. Unlike paid sick time under California’s permanent paid sick time law, workers do not have to earn—based on hours worked—this supplemental paid sick time for COVID-19.

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Under both the permanent paid sick time law and A.B. 1867, all covered workers are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

4) What if my work or my child’s school or daycare is closed for a health emergency?

You cannot use your sick time under California’s permanent statewide paid sick time law because your work or your child’s school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

You also cannot use your supplemental paid sick time under A.B. 1867 because your work or your child’s school or day care is closed unless you would otherwise be able to use your supplemental paid sick time (for example, if your doctor advises you to stay home because of COVID-19 concerns).

5) Which of my family members are covered by the law?

Under California’s permanent paid sick time law, you can take sick time to care for yourself or a child, spouse, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandchild, grandparent, or sibling.

Under A.B. 1867, however, you are only eligible for supplemental paid sick time when you specifically have been ordered or advised to isolate or quarantine for reasons related to COVID-19 or are prohibited from working by your hiring entity due to health concerns related to potential COVID-19 transmission.

6) What if I already have paid leave or paid time off?

Under California’s permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time **and** it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under A.B. 1867: supplemental paid sick time under the law is in addition to paid sick time under California’s paid sick time law, and you cannot be required to use any paid or unpaid leave, paid time off or vacation time before or instead of using supplemental paid sick time under the executive order. However, if you already get paid leave from your employer or hiring entity—including through a local or federal law—that you can use for the COVID-19-related purposes explained above (under Question #1) **and** that would compensate you in an amount **equal to or greater than** the same amount you would receive under A.B. 1867, then A.B. 1867 does **not** give you any additional paid time off. Additionally, supplemental paid sick time under the law is not in addition to the supplemental paid sick time available to food sector workers under Executive Order N-51-20 as mentioned in Question #1 above.

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7) When can I begin using my sick time?

Under California’s permanent paid sick time law, you start earning sick time immediately but cannot use it until 90 days after the start of your employment.

Under A.B. 1867, you can take supplemental paid sick time immediately, beginning September 19, 2020. However, supplemental paid sick time became available to food sector workers beginning April 16, 2020.

The California Labor Commissioner’s Office is in charge of enforcing these laws.

All covered workers are protected against being fired or punished for using or requesting sick or safe time or supplemental paid sick time. If you have a problem—or want more information—call A Better Balance’s **free** legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.