

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 March 19, 2021, Governor Newsom signed S.B. 95, which gives supplemental paid sick time to certain 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 quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace;
- Caring for a family member who is subject to an order or guidelines described above;
- Advised by a health care provider to self-quarantine due to concerns related to COVID-19 or caring for a family member who has been so advised;
- Attending an appointment to receive a COVID-19 vaccine;
- Experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework;
- Experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- Caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

The law becomes effective on March 29, 2021 but applies retroactively to January 1, 2021 and remains in effect until September 30, 2021. S.B. 95 extends and expands A.B. 1867, which may have provided certain workers with additional sick time rights in relation to COVID-19 between September 19, 2020 and December 31, 2020. For more information, see the expired law [here](#).

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

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 S.B. 95: if you work as an employee for an employer with **more than 25 employees**, you are probably covered whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees.

3) How much paid sick time can I earn under California's permanent paid sick time law and receive under S.B. 95?

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 S.B. 95: 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 **up to 80 hours** of supplemental paid sick time. 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 14). 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.

Under both the permanent paid sick time law and S.B. 95, 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 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).

However, you can use supplemental paid sick time under S.B. 95 to care for a child whose school or place of care has been closed or is otherwise unavailable for reasons related to COVID-19 on the premises.

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

Under both California’s permanent paid sick time law and S.B. 95: 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.

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 S.B. 95: supplemental paid sick time under the law is in addition to paid sick time under California’s permanent 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 S.B. 95. However, if as of January 1, 2021,* you already get paid leave from your employer 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 S.B. 95, then S.B. 95 does **not** give you any additional paid time off.

** For certain in-home supportive service providers, if as of April 1, 2021, you already get paid leave 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 S.B. 95, then S.B. 95 does **not** give you any additional paid time off.*

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 S.B. 95: you can take supplemental paid sick time immediately, beginning March 29, 2021; as noted earlier, the requirement to provide COVID-19 supplemental paid sick leave will also apply—and entitle covered individuals to payment for COVID-19 sick leave—retroactively to January 1, 2021.

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.