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New Law Requires Employers to Provide Paid Sick Leave for California Employees

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Action Sports employers need to be aware of the Healthy Workplaces, Healthy Families Act of 2014 (the “Act”), signed into law by Governor Jerry Brown on September 10, 2014, which entitles employees working in California to a minimum of 3 paid sick days per year. Current state law does not require paid sick leave for employees, although many employers have traditionally provided this benefit to full-time employees.

California joins Connecticut, the only other state with mandatory paid sick leave, however, San Francisco has had a paid sick leave ordinance in effect since 2007 with San Diego enacting a similar ordinance as recently as May of this year.

The Act applies to full-time, part-time, and temporary employees who work in California for 30 or more days within a year. Paid sick leave is earned at a rate of 1 hour for every 30 hours worked and is compensated at the employee’s regular wage rate. An employee may use their accrued paid sick leave beginning 90 days after employment. An employee’s paid sick leave may be used for the employee’s own health condition, preventative care, or that of a family member which includes a child, spouse, parent, registered domestic partner, grandparent, grandchild, and sibling. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice to their employer.

Employers can place reasonable limits on the use of paid sick leave. For example, an employer can limit an employee’s use of paid sick leave to 24 hours or 3 days each year, the total accrued paid sick leave can be capped at 48 hours or 6 days, and an employer may set a reasonable minimum increment that paid sick leave must be taken, not to exceed 2 hours. For those employers who already provide a paid sick leave policy, additional sick leave need not be provided as long as the employer’s current policy allows for equivalent paid sick leave as under the Act.

As of July 1, 2015, when the Act goes into effect, Action Sports employers must comply with new notice, posting, and recordkeeping requirements. For instance, employers must provide employees with written notice that sets forth the amount of paid sick leave available, a poster which incorporates specific provisions under the Act must be displayed in the workplace, and employers must maintain records of accrued and used paid sick leave for each employee for at least 3 years.

Employers who withhold paid sick leave or violate the Act’s requirements may be subject to administrative fines and/or civil penalties. Further, Action Sports employers must be cognizant of the possibility of wrongful termination claims based on unlawful retaliation for denial of an employee’s right to take paid sick leave or for discrimination against an employee who asserts his or her rights under the Act.

If you have any questions regarding how California’s new paid sick leave law may affect your company, you should contact competent employment counsel.

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