



GBS COVID-19 Update

California Law Fills Gaps in FFCRA - Provides Supplemental Paid COVID-19 Sick Leave

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The evolution of the COVID-19 epidemic is constantly evolving. The information in this document is based on what known at this time. As things change, we will continue to update you as it affects employee benefits compliance rules.

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California [Assembly Bill 1867](#) now fills the gaps left by the Families First Coronavirus Response Act (FFCRA) by providing supplemental paid COVID-19 sick leave for eligible workers of employers with more than 500 employees nationwide. Effective September 19, 2020, AB 1867 is a five-part law that also includes provisions for mediation, extending leave to food sector workers and extending paid leave to healthcare and emergency responders who were not provided leave under FFCRA. This article will focus only on the supplemental leave provisions applicable to the majority of employers.

Highlights

- Private employers with 500 or more employees in the United States
- Non food-sector employees and emergency responders and other healthcare employees who were excluded from the FFCRA
- Up to 80 hours of supplemental paid COVID-19 sick leave
- Eligible employees include those who work less than full-time with those amounts based on one of three calculations
- Runs concurrently with similar leave provided under local COVID-19 leave ordinances or similar leaves
- Does not run concurrently with non-COVID-19 leaves
- Capped at \$511 per day and/or \$5,110 in aggregate per employee
- Employer must post a [notice poster](#) in workplaces or electronically if not in a physical location
- Supplemental leave balances must be reported on paycheck in same manner as for non-COVID-19 paid sick leave (see [Labor Code 246\(j\)](#)) beginning first full pay period after September 9, 2020

Conclusion

California employers should ensure relevant employees are provided supplemental leave when employees are subject to quarantine or isolation orders, are advised by a healthcare provider, or prohibited from working by the employer due to COVID-19.

- Employers already providing all employees COVID-19 related leave voluntarily need not take any other action.
- This leave expires December 31, 2020, or at the end of the national emergency, whichever is later.
- *Employers are encouraged to work with an employment law specialist to better understand compliance with this law, as well as their interplay with other state employment laws.*

For additional helpful details, see:

- [FAQs](#)
- Labor Code Modifying Executive Order -N-51-20 - [Labor Code 248](#)
- Leave for Food Sector Workers - [Executive Order N-51-20](#)

This information is provided as educational material only and is not intended as legal, financial or tax advice. Consult your legal counsel for complete details on your compliance requirements for your plan(s).

