

# DÉJÀ VU: CALIFORNIA REQUIRES COVID-19 SUPPLEMENTAL PAID SICK LEAVE...AGAIN

LEGAL ALERT

## Déjà Vu: California Requires COVID-19 Supplemental Paid Sick Leave...Again

BY SARJU NARAN | MARCH 24, 2021

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The only constant is change! California employers who received our recent **article** regarding paid sick leave under the Families First Coronavirus Response Act (FFCRA) being *optional*...hold that thought. Effective March 29, 2021, employers with more than 25 employees will be *required* to offer up to 80 hours of paid sick leave to California employees who are unable to work or telework due to certain reasons related to COVID-19. Importantly, this requirement will be retroactive to January 1, 2021, which means employees who have already taken time off in 2021 for a qualifying reason will be entitled to be paid for the time off by the next full pay period after they notify their employer of their request.

Employers are required to post a notice of this new benefit (emailing the notice to employees will also work). The California Labor Commissioner has published a model notice for this purpose, and it nicely sets forth the details and requirements of California's new COVID-19 supplemental paid sick leave (CPSL). Click **here** for a copy of the model notice.

**Tip:** Our recent **article** on the revamp of the FFCRA discussed that employers who provide paid sick leave can be reimbursed through federal tax credits. Since California is not reimbursing employers for providing supplemental paid sick leave, employers should claim reimbursement through tax credits under the FFCRA when employees take time off that qualifies for paid sick leave under both the FFCRA and California's CSPSL.

**Other Overlapping Laws:** Employers with employees in San Jose should be mindful of the need to consider and coordinate sick leave requests under San Jose's emergency paid sick leave ordinance as well as the FFCRA and California CSPSL. Click **here** for our January 8, 2021 article regarding San Jose's ordinance. Several other cities and counties have similar local ordinances, so employers should be aware of where their employees perform their work and whether those locations have sick leave ordinances that also need to be considered and coordinated with the FFCRA and California CSPSL.

For more information or resources regarding COVID-19 Supplemental Paid Sick Leave or other COVID-related laws applicable to employers and/or employees, please refer to Hoge Fenton's Employment Law Group's resource page **here**, or feel free to **email** a member of the Employment Law Group.

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### Meet Our Employment Law Group



**Sarju Naran** is a zealous advocate for his clients and approaches litigation with creativity and strategy. Chair of Hoge Fenton's Employment Law Group, Sarju's experience spans from representing middle-market and family-owned closely held businesses to large multi-national companies. He regularly litigates and provides advice and counsel to companies on wage and hour issues, trade secret misappropriation, employee mobility, wrongful termination, performance management, and leaves of absence.



**Jenn Protas** helps employers navigate California's numerous employment laws and defends employers with an eye toward successful, yet cost-effective resolution. Jenn is a committed advocate for her clients and a tenacious litigator. She defends employers on matters related to wage and hour law, wrongful termination, harassment, discrimination, and retaliation in single-plaintiff litigation, Private Attorney General Act actions, and/or class actions. Jenn's practice also includes housing discrimination matters and business litigation.



**Maysa Saeed** is an associate attorney whose practice focuses on employment counseling and litigation and assists clients in all aspects of employment law. Prior to joining Hoge Fenton, Maysa was a litigation associate with experience litigating various commercial, employment, and real estate matters. Maysa's prior legal experience also includes defending insurance carriers in administrative trials before the Workers' Compensation Appeals Boards in San Jose and Salinas.

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