

EMPLOYMENT LAW UPDATE: CALIFORNIA'S NEW PAID SICK LEAVE LAW

One Week In, and We've Got Clarity For You!

It's no surprise: California's new sick leave law is not straightforward and has left many of us scratching our heads to figure out what it means and how to implement new policies that are compliant with the law and our existing policies. As employers are beginning to implement their new policies, an ambiguity has come to light. There is an apparent discrepancy between the **30-day waiting period for entitlement** to sick leave, the **immediate right to accrue** sick leave upon commencement of employment, and the **90-day waiting period for the right to use** accrued paid sick leave. While many have interpreted these together to mean that employees do not begin to accrue paid sick leave until after they have been employed in California for 30 days, the California Department of Industrial Relations has provided clarity that the statute actually intends for accrual to begin immediately (which begs the question: what is the significance of the 30-day waiting period?!). Until the legislature or the Courts provide further guidance on the issue, you should commence accrual upon an employee's first day of employment and disregard the so-called 30-day waiting period.

Rest assured — If your current sick leave policy provides for a 30-day waiting period, you are not out of compliance (yet!). Making the change to allow new employees hired on or after July 1, 2015 to begin accruing paid sick leave immediately will not impact your new employees because they are still not eligible to use any accrued sick leave until they have been employed for 90 days (although you can choose to reduce that waiting period to 30 days—or even no waiting period—if you prefer).

Given that California's Paid Sick Leave law only became effective on July 1st, there may continue to be changes and clarifications. We will continue to keep an eye on these and send notice(s) of further updates.

Primary Contact

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