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DairyBusiness

## Paid Sick Leave—It's the Law in California

By Carol Sycip

**It's here!** The new paid sick leave law signed by California Governor last September took effect on July 1, 2015. With a few exceptions, California employers must allow their eligible employees to

accrue at least 24 hours or three paid sick days per year paid at the employee's regular pay rate.

Below are answers to some of the more frequently asked questions about this law:

**Q. Which employees are eligible?**

**A.** Anyone who works for more than 30 days a year in California including part-time, temporary and seasonal is eligible.

**Q. When does accrual of paid sick leave begin?**

**A.** Accrual began on July 1, 2015, or first day of employment, whichever comes later. Employees can begin using accrued paid sick leave beginning on the 90th day of employment and must be allowed to use sick leave in increments of two hours or more.

**Q. How much paid sick leave can an employee accrue?**

**A.** Each employee is entitled to accrue at least 24 hours or three sick days per year. Employers have an option to give them in a lump sum or accrue them – one hour per every 30 hours worked. Employers can also cap the amount of paid sick leave employees take to three days per year.

**Q. If the employer limits the sick leave usage to three days, what happens to any excess sick leave earned?**

**A.** Employees continue to accumulate their paid sick leave; however, employers can stop accumulating when an employee has already earned 48 hours or six days of sick leave.

**Q. What happens to unused sick leave?**

**A.** Unused sick leave can be carried over from one year to another. Using sick leave from prior years goes against the current year's usage limit. Carry over rule does not apply if employers use the lump sum method.

**Q. What is the lump sum method?**

**A.** Rather than accruing one hour of paid sick leave for every 30 hours worked, employers can give all employ-



ees three days of paid sick leave at the beginning of each year. Under this method, employers do away with the administrative work of tracking accrual and carry over from one year to another.

For agricultural employees that normally work a 10-hour day, each day of paid sick leave is equivalent to 10 hours.

**Q. Can employees cash out unused sick days?**

**A.** Unlike vacation or paid time off, unused sick days cannot be cashed out when an employee leaves the job. If the employee returns to the same employer within 12 months, the employer has to restore the accrued sick leave.

**Q. For employers that already provide paid time off which can be used for vacation or sick leave, will they be required to provide additional sick leave?**

**A.** No additional sick leave is required as long as the paid time off provided is at least 24 hours or three days each year.

**Q. Are employers required to file any informational reports?**

**A.** There are no filing requirements; however, employers must include in employees' pay stub or other form of documents issued on the same day as the pay day, the number

of sick days an employee has available. Records of how many hours each employee earned and used must be kept for three years.

If you haven't done so, you need to display posters regarding the paid sick leave requirement in a conspicuous place at each workplace. As you hire new employees, provide them with a written notice of their paid sick leave rights at the time of hire.

Failure to comply with this new law can lead to costly fines and penalties not to mention lawsuits from employees. \*

**Carol Sycip** is a CPA and Agribusiness Manager with **Frazer LLC**. Contact her at 714-990-1040.