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California Supplemental Sick Leave Extended Again

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Late last week, California Governor Gavin Newsom signed Assembly Bill 152, which extends COVID-19 supplemental sick leave through December 31, 2022. The supplemental sick leave requirements—which apply to employers with 25 or more employees—were originally set to expire on September 30, 2022. The extension does not change the amount of leave available, leaving the cap at 80 hours of supplemental sick leave. Instead, the legislation simply allows employees to use the sick leave through the end of 2022.

For example, if an employee has already used all of their 80 hours of supplemental sick leave as of October 1, 2022, they are not entitled to any additional sick leave under the new legislation. However, if an employee has only used 50 hours of their supplemental sick leave as of October 1, 2022, and experience a qualifying absence between October and December 31, 2022, the extension permits them to use their 30 hours of remaining leave.

Assembly Bill 152 also changes the rules regarding documentation of COVID-19 test results. Previously, an employee was entitled to refuse an employer's request to provide documentation of their positive COVID-19 test results. Under Assembly Bill 152, however, employers can deny supplemental sick leave to an employee who refuses to submit their test results.

Employers should also remain aware of additional local supplemental paid leave ordinances—and the requirements and restrictions they pose—such as those in effect in San Francisco, the City of Los Angeles, Los Angeles County, Long Beach and Oakland.

The Vorys COVID Task Force will provide further insights regarding California's supplemental sick leave requirements as changes develop. In the meantime, contact your Vorys attorney if you have any questions regarding your obligations to provide supplemental sick leave or other COVID-related questions or concerns.