

California "cures" its new paid sick leave law



Thompson Coburn LLP | One US Bank Plaza | St. Louis, MO 63101

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As you may know, effective July 1, 2015, California's new mandatory paid sick leave law requires virtually all employers to provide workers a minimum of three days of paid sick leave each year.

In an attempt to "treat" some critical areas of concern and clarify other areas, amendments were just approved to:

- Allow employers with unlimited or undefined leave banks to indicate "unlimited" on the employee's itemized wage statement.
- Provide the employer is not obligated to inquire into or record the purposes for which the paid leave is taken.
- Allow an employer to use a different accrual method than the 1 hour per every 30 hours worked, provided that the accrual method is on a regular basis so that the employee has no less than 24 hours of accrued sick leave by the 120th day of employment of each calendar year, or in each 12 month period.

- Provide that the accrual requirements are satisfied if the employee may use 24 hours or 3 days of paid sick leave by the completion of the 120th calendar day of employment.
- Provide that the lump sum of the full amount of leave can be provided at the beginning of each employment calendar year, or 12-month period.
- For employers that had policies in place before January 1, 2015, to allow the employer to use that policy in compliance with the paid sick leave law so long as the employees have 1 day or 8 hours of accrued sick leave within 3 months of employment each calendar year, or 12-month period, and employees are eligible to earn 3 days or 24 hours within 9 months of employment.
- Provide an employer option to calculate paid sick leave using either (1) the regular rate of pay for the workweek in which sick pay is used or (2) the 90-day look back method if the employee had different hourly rates, was paid by commission or piece rate, or was a nonexempt salaried employee.

*John Viola is a Los Angeles partner with Thompson Coburn's Labor & Employment group. For more than 35 years, he has defended companies facing claims of discrimination, harassment, wrongful discharge, and retaliation in state, federal, and appellate courts across the country.*

If you have questions, contact John Viola or any of your Thompson Coburn Labor & Employment attorneys:

Charles M. Poplstein	314.552.6095	cpoplstein@thompsoncoburn.com
Clifford A. Godiner	314.552.6433	cgodiner@thompsoncoburn.com
Hope K. Abramov	314-552-6496	habromov@thompsoncoburn.com
Tabitha G. Davisson	314-552-6506	tdavisson@thompsoncoburn.com
Michael W. Duffee	312-580-2218	mduffee@thompsoncoburn.com
Laura M. Jordan	314.552.6469	ljordan@thompsoncoburn.com
Susan M. Lorenc	312.580.2324	slorenc@thompsoncoburn.com
Krissa P. Lubben	314-552-6389	klubben@thompsoncoburn.com
Timothy J. Sarsfield	314-552-6432	tsarsfield@thompsoncoburn.com
Arthur B. Sternberg	312.580.2235	asternberg@thompsoncoburn.com
John L. Viola	310.282.9407	jviola@thompsoncoburn.com

Thompson Coburn LLP

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