

Quick Facts on 2021 COVID-19 Supplemental Paid Sick Leave

This new law provides paid time off for reasons related to COVID-19.

Who qualifies for COVID-19 Supplemental Paid Sick Leave?

You must be employed by an employer with 26 or more employees and be unable to work or telework due to COVID-19. Immigration status does not affect eligibility for COVID-19 Supplemental Paid Sick Leave.

What does the law provide?

The law provides qualified full time California employees with up to 80 hours of supplemental paid sick leave when they cannot work or telework for reasons related to COVID-19 (see below). You get these up to 80 hours in addition to your California Paid Sick Leave. Part-time employees are generally entitled to the amount of hours that they work over a two week period.

What does it mean that it will be retroactive?

This means that if you took leave for one of the qualifying reasons below between January 1, 2021 and March 28, 2021, you can request payment for that leave if it was not paid by the employer in the amount that is required under this law.



For example, if you had to take two hours off for a vaccine appointment on February 15, 2021, you can make an oral or written request to your employer to be paid for that time off, since it is a qualifying reason for taking 2021 COVID-19 Supplemental Paid Sick Leave.

For what reasons can I use 2021 COVID-19 Supplemental Paid Sick Leave?

You can use this leave if you cannot work or telework due to COVID-19 for the following reasons:

YOU ARE CARING FOR YOURSELF:

- Subject to a quarantine or isolation period.
- Advised by a healthcare provider to quarantine.
- Experiencing COVID-19 related symptoms and seeking a medical diagnosis.

YOU ARE CARING FOR A FAMILY MEMBER:

- Child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
- Family member who has COVID-19, or who is subject to a quarantine or isolation period.

VACCINE RELATED – YOU ARE:

- Attending an appointment to receive a vaccine.
- Recovering from symptoms of a vaccine.



How do I ask my employer for COVID-19 Supplemental Paid Sick Leave?

You can ask for COVID-19 Supplemental Paid Sick Leave orally or in writing. Even if you ask for sick leave in person or over the phone, it can be helpful to follow up with a written note, email, or text depending on how you normally communicate with your employer. See the attached sample note you can use to request your COVID-19 Supplemental Paid Sick Leave.

Will I receive my full pay when I take 2021 COVID-19 Supplemental Paid Sick Leave?

If you are considered a full-time employee, or you worked or were scheduled to work an average of at least 40 hours per week in the two weeks before the leave is taken, you are entitled to 80 hours of COVID-19 Supplemental Paid Sick Leave at your regular rate of pay. Active firefighters who were scheduled to work more than 80 hours in the two weeks before the leave is taken, can take as many hours as they were scheduled. The maximum amount you can be paid is \$511 per day, or \$5,110 in total.

When can I take 2021 COVID-19 Supplemental Paid Sick Leave?

The law applies going back to January 1, 2021. It will expire September 30, 2021. If you are taking leave up to or on September 30, 2021, you can continue taking the same continuous leave up to the full 80 hours of paid sick leave, even if your leave continues after September 30.

What if I already took leave in 2021 but did not get paid?

If you took leave earlier in 2021 for COVID-19, you can ask your employer to pay you for the time you were out of work, up to 80 hours. Your employer should pay you on your payday for the next full pay period after your request, or 15 days after that.

What if I need more than 80 hours of paid sick leave?

California's permanent paid sick leave law requires an employer to provide one hour of sick leave for every 30 hours worked or payment up front of at least three days or 24 hours paid sick leave per year, whichever is more. If you have these hours in your paid sick leave bank you may be able to use them. They are in addition to the 2021 COVID-19 Supplemental Paid Sick Leave (up to 80 hours). Regular paid sick leave is available no matter the size of your employer and you can use it starting after your 90th day of work. Some cities and counties also require employers to provide additional paid sick leave hours.

If you need more time, you may have the right to up to 12 weeks of job-protected leave for your own or a family member's serious health condition under the California Family Rights Act. Visit the [Department of Fair Employment and Housing](https://dfeh.ca.gov) at dfeh.ca.gov to learn more. While you are out of work, you may be able to receive partial pay through Disability Insurance or Paid Family Leave. Visit the [Employment Development Department](https://edd.ca.gov/disability) at edd.ca.gov/disability to learn more and to see if you qualify.



Example: Dara is exposed to COVID-19 by a family member. She tests positive and is off work for two weeks. She then needs additional time off from work to get the 1st and 2nd dose of COVID-19 vaccinations, for a total of four additional hours. She asks to use 80 hours of COVID-19 Supplemental Paid Sick Leave and then 4 hours from her permanent paid sick leave bank.

How do I know how much Supplemental Paid Sick Leave I have available to me?

Your employer must provide you notice in writing, whether on your pay stub or other document at the time of payment of your wages, of how many 2021 Supplemental Paid Sick Leave hours you have available to you.

What if my employer does not give me 2021 Supplemental Paid Sick Leave or retaliates against me for requesting Paid Sick Leave?

It is against the law for your employer to discriminate or retaliate against you for requesting or using 2021 COVID-19 Supplemental Paid Sick Leave. If your employer treats you worse because of your request for or use of 2021 COVID-19 Supplemental Paid Sick Leave, you can file a [retaliation claim](#) with the Labor Commissioner's Office at dir.ca.gov/covid/retaliation.html.

If your employer does not provide you with pay for 2021 COVID-19 Supplemental Paid Sick Leave or California Paid Sick Leave, you can file a [wage claim](#) with the Labor Commissioner's Office at dir.ca.gov/covid/if-you-were-not-paid.html.

Can my employer get paid back for the cost of my 2021 COVID-19 Supplemental Paid Sick Leave?

Refundable tax credits may be available to your employer. More information on employer tax credits is available at [Employer Tax Credits](https://www.irs.gov/coronavirus/employer-tax-credits) [irs.gov/coronavirus/employer-tax-credits](https://www.irs.gov/coronavirus/employer-tax-credits).

This information is current as of April 2021. If you have questions about your right to COVID-19 Supplemental Paid Sick Leave, contact Legal Aid at Work's Work and Family Helpline at (800) 880-8047. Legal Aid at Work cannot ensure this information is current or be responsible for any use to which it is put. www.legalaidatwork.org

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WORK**

For more information: dir.ca.gov/covid

COVID-19 Supplemental Paid Sick Leave Request

Dear **[employer]** _____ ,

I am requesting 2021 COVID-19 Supplemental Paid Sick Leave from **[date]** _____
to **[date]** _____ .

I need paid sick leave because (circle one):

- I am subject to a quarantine or isolation period or have been exposed and am following the guidance of California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer
- I have COVID-19 symptoms and am seeking a diagnosis
- I am getting a COVID-19 vaccine
- I am recovering from a COVID-19 vaccine
- I need to care for a family member who is ill with or exposed to COVID-19
- I need to care for my child because their normal care is unavailable because of COVID-19 on site.

Please let me know if you have questions.

I can be reached at **[phone number or email]** _____ .

Thank you,

[name] _____