



**Notice of California's Amended Healthy Workplaces, Healthy Families Act of 2014
(as amended effective January 1, 2024)**

The California legislature recently amended the Healthy Workplaces, Healthy Families Act of 2014. This law imposes significant new obligations on California employers. Effective July 1, 2015, this law requires virtually all California employers to provide Paid Sick Leave ("PSL") to virtually all of their employees.

The key requirements/features of the PSL law are as follows:

1. As of July 1, 2015, California employees must accrue one hour of paid sick leave for every 30 hours worked.
2. The law covers exempt, part-time, and temporary employees.
3. Although employees begin accruing paid sick leave on July 1, 2015, Employers may require that employees satisfy a 90 day waiting period before they actually use any accrued PSL.
4. Employees may use PSL for their own health condition, a family member's health condition, and if the employee is a victim of domestic assault, sexual violence, and/or stalking.
5. Employees are covered under the statute once they have worked 30-days for their employer.
6. The legislation defines "family member" to include spouse, registered domestic partner, grandparent, grandchild, and sibling. Because grandparents, grandchildren, and siblings are not family members under the California Family Rights Act, the legislation expands the types of family members for which an employee can take protected leave.
7. Employers can limit an employee's use of paid sick days to 40 hours, or 5 days, in each year of employment.
8. Accrued paid sick leave shall carry over to the following year of employment; however, Employers can cap the amount of paid sick leave that can be accrued to 80 hours, or 10 days.
9. Employers are not required to pay out accrued unused sick leave at time of termination.
10. Employers cannot discriminate or retaliate against employees who request and/or use paid sick days. An employer that takes an adverse employment action against an employee who uses or requests leave is presumed to have retaliated against the employee.
11. The PSL imposes posting, notice, and record-keeping obligations on employers.
 - o Employers must post a PSL notice in the same place where they post other required employee notices.
 - o Employers must maintain records of accrued PSL for at least three years.
 - o Employees' accrued PSL must be reflected either on their pay stubs or on a separate document that is handed to employees at the time that they receive their paychecks.
 - o When employers provide new hires with the required Wage-Theft Prevention Act Notice, they must indicate how they will comply with the PSL law.
 - o If an employee either resigns or is terminated and is then re-hired within 12 months, his/her accrued but unused PSL (if any) must be reinstated.
12. The PSL law assigns enforcement authority to the California Division of Labor Standards Enforcement ("DLSE").
13. Employers that violate the law will face administrative fines. The bill also authorizes the DLSE or the Attorney General to recover civil penalties, attorneys' fees, costs, and interest against violating employers.

As you can see from the above, compliance with the PSL is complicated. Further, there are multiple ways to comply with the PSL law. As such, we urge you to seek the advice of competent labor and employment counsel to ensure that you are in compliance with the PSL law. **SPLI is not responsible for ensuring your compliance with this law.**

If you are in need of PSL law compliance advice, we recommend that you either contact your current labor & employment counsel or, if you do not have labor & employment counsel, Christopher C. Johnson at Ford Harrison. Mr. Johnson may be reached at 813-261-7800 or cjohnson@fordharrison.com. Please note that SPLI is not responsible for any legal fees or costs associated with your company seeking or obtaining PSL law compliance advice.