

Legislative Action

Law Revives COVID-Related Paid Leave in California

GOV. GAVIN Newsom Feb. 9 signed into law a measure that will extend paid COVID-19 leave benefits for workers in California.

AB 84 requires organizations that have 26 or more workers to provide up to 40 hours of supplemental paid sick leave for employees who are unable to work on-site or remotely for one of a number of reasons.

The legislation is retroactive to Jan. 1. Under the measure, anyone who was unable to work due to the COVID-related reasons below since Jan. 1 would qualify for paid leave.

Qualifying Events for Paid Sick

- The employee is subject to a quarantine or isolation period related to COVID-19 under health authorities' guidance.
- The employee has been advised by a health care provider to isolate or quarantine due to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- The employee or a family member has an appointment to receive a COVID-19 vaccination (limited to 24 hours per vaccination).
- The employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccination that prevents the employee from being able to work or telework (limited to 24 hours per vaccination).
- The employee is caring for a family member who's subject to a government quarantine, isolation order or guidance; or who has been advised by a health care provider to isolate or quarantine.
- The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

Up to 80 hours in some cases

Here's the catch, though: Under the proposed law, employees could actually qualify for an additional 40 hours of supplemental paid sick leave if they test positive for COVID-19 or are caring for a family member who tested positive. If that happens, then the employer could require the employee or infected family member to obtain a test on the fifth day after a positive test.

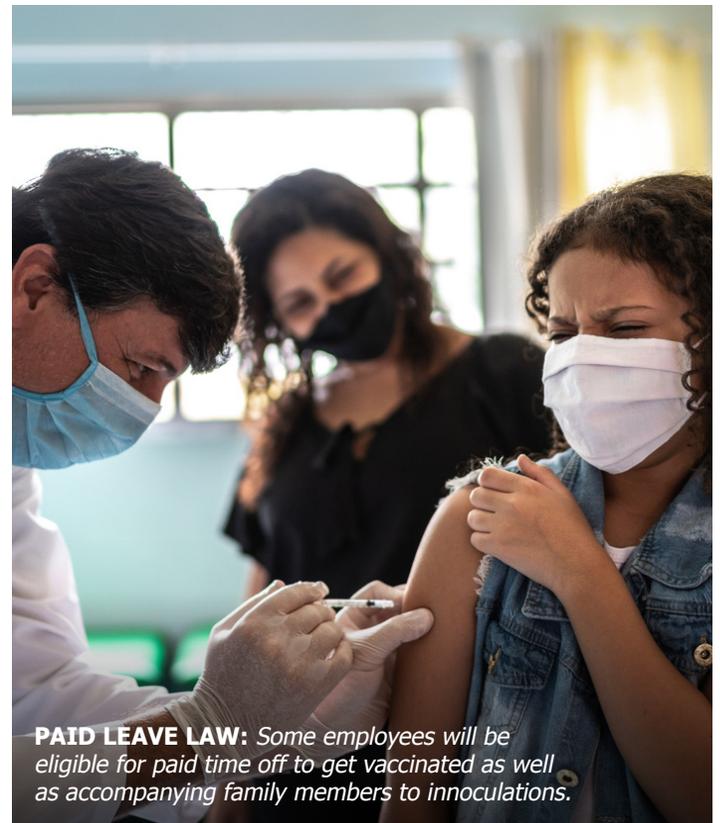
If the employee refuses to get tested or disclose test results, the employer could deny the additional paid sick leave, under the proposal.

Employers would be required to pay for the tests of their workers. The maximum amount of paid sick leave per day an employer would be obligated to pay is \$511.

The takeaway

The measure builds on a similar law that took effect last year, also requiring employers to pay sick leave to workers for COVID-19-related reasons.

AB 84 is moving swiftly through the Legislature and Newsom said he plans to sign it. ❖



PAID LEAVE LAW: Some employees will be eligible for paid time off to get vaccinated as well as accompanying family members to inoculations.

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Employment Practices Liability Insurance is Key

The takeaway

Businesses are vulnerable to employee lawsuits on any of these grounds, even when they take preventative steps. Even groundless lawsuits are expensive to defend and can result in hundreds of thousands of dollars in legal fees.

Employment practices liability insurance covers allegations of discrimination, harassment, invasion of privacy, and may cover

claims of wage and hour violations.

Employee benefits liability insurance covers claims of mismanagement of benefit plans, while employee dishonesty insurance may cover thefts committed by plan administrators.

Umbrella or excess liability insurance policies provide additional coverage for these types of lawsuits.

Call us to find out about the available options. ❖