

California Paid Sick Leave Law Compliance Checklist

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Beginning on July 1, 2015, most California employers are required to offer nearly all of their employees paid sick time under the Healthy Workplaces, Healthy Families Act (“Act”), codified at California Labor Code sections 245 to 249 and 2810.5 (see the Epstein Becker Green *Act Now* Advisory titled “[New Laws Affecting California Employers: Anti-Harassment Protections for Unpaid Interns, Anti-Bullying Training for Managers, and Mandatory Paid Sick Leave](#)” for various California employment laws enacted in September 2014). The Act, however, requires employers to do more than provide employees with the minimum amount of paid sick time.

This Advisory provides a checklist for employers to ensure compliance with the Act. In addition, this Advisory includes language for a notice that can be provided to current non-exempt employees in lieu of updating all of their Wage Theft Prevention Act (Labor Code section 2810.5) notices.

What Employers Should Do Now

Before July 1, 2015, unless one of the limited exceptions to the Act applies, employers with employees in California should make sure that they do the following:

- Post the new paid sick leave poster (available [here](#) at the Department of Labor Standards Enforcement [“DLSE”] website).

The poster should be displayed as soon as possible. The DLSE has taken the position that this posting was required as of January 1, 2015, even though the substantive requirements of the new law do not go into effect until July 1, 2015.

- Review your paid time off (“PTO”) policies to ensure compliance with the Act (see the Epstein Becker Green *Act Now* Advisory titled “[California Employers, Beware: It’s Time to Rewrite Your Sick Leave and PTO Policies](#)” for some likely areas of non-compliance) and circulate any updated policies.

- Make a plan to track the accrual and use of employees' paid sick time (or PTO that may be used for paid sick time purposes) and to store such data for three years.
- Make a plan to have employees' available paid sick time reflected on each wage statement or other writing provided at the same time.
- Obtain and begin using the new Wage Theft Prevention Act notice for non-exempt employees (available [here](#) at the DLSE website).
- Prepare and have ready for distribution by no later than July 8, 2015, either: (1) new Wage Theft Prevention Act notices for each current non-exempt employee, or (2) another notice that includes the new paid sick leave information from the Wage Theft Prevention Act form. We suggest using the following language for the notice for current non-exempt employees:
 1. California's Healthy Workplaces, Healthy Families Act (the "Act") provides that an employee:
 - a. May accrue paid sick leave and may request and use up to 3 days or 24 hours of accrued paid sick leave per year;
 - b. May not be terminated or retaliated against for using or requesting the use of accrued paid sick leave; and
 - c. Has the right to file a complaint against an employer who retaliates or discriminates against an employee for:
 1. requesting or using accrued sick days;
 2. attempting to exercise the right to use accrued paid sick days;
 3. filing a complaint or alleging a violation of Article 1.5 section 245 et seq. of the California Labor Code; or
 4. cooperating in an investigation or prosecution of an alleged violation of this Article or opposing any policy or practice or act that is prohibited by Article 1.5 section 245 et seq. of the California Labor Code.
 2. The following applies to you (*check one box*):
 - The company's current policy already provides you with the time that you may use for sick leave purposes in accordance with the Act.
 - Attached to this notice is a copy of the new company policy.
 - You have already been provided with a copy of the new company policy.
 - You will be provided with a copy of the new company policy separately.

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