



# Executive Memo

To: CWCI Members

October 7, 2020

From: Bob Young

## **AB 1867 COVID-19 Supplemental Paid Sick Leave Model Notices and FAQs**

CWCI's summary of enacted legislation (Bulletin 20-14), which was issued this week, noted that AB 1867 codifies Governor Newsom's Executive Order EO-N-51-20 (providing up to 80 hours of COVID-19 supplemental paid sick leave for food sector workers), and extends the requirement to include employers with 500 or more employees as well as public and private employers of first responders and health care workers who opted not to cover their employees under the federal Families First Coronavirus Response Act ("FFCRA").

AB 1867 also requires the Labor Commissioner to provide a model notice that employers must post in the workplace or distribute electronically to employees. The Commissioner has developed two notices, which differ based on the employer's circumstances, so employers need to select the appropriate notice:

- The first notice, **CA COVID-19 Supplemental Paid Sick Leave for Food Sector Workers** ([click here](#)) applies to hiring entities that have 500 or more employees where those employees include food sector workers. Unlike the Executive Order, the new law (LC §248) no longer requires that a food sector worker be a "critical infrastructure worker," so the food sector notice has been revised to reflect this change.
- The second notice, **CA COVID-19 Supplemental Paid Sick Leave for Non-Food Sector Employees** ([click here](#)) applies to:
  - any employer with 500 or more employees nationwide; or
  - public or private employers of health care providers and emergency responders with fewer than 500 employees nationwide if the employer excluded them from FFCRA coverage.

AB 1867 was a budget trailer bill, so it has already taken effect. The Governor signed the bill September 9, and employers of non-food sector employees were given a 10-day grace period (until September 19, 2020) to begin providing COVID-19 supplemental paid sick leave to their qualifying employees. If the notice regarding supplemental paid sick leave has not yet been posted in a conspicuous place frequented by employees, this should be done immediately. Employers may satisfy the notice requirement by distributing the notice electronically to covered workers who do not frequent a workplace.

In addition to the posting notices, the Commissioner has posted a comprehensive [Frequently Asked Questions Page](#) ("FAQ") providing more details on the supplemental leaves mandated by AB 1867.

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