

CA COVID-19 Supplemental Paid Sick Leave for Food Sector Workers

California COVID-19 Supplemental Paid Sick Leave for Food Sector Workers, Effective April 16, 2020.

Hiring entities with 500 or more employees nationwide are required to provide supplemental paid sick leave to food sector workers for specified reasons related to COVID-19. (See Labor Code section 248.)

Qualifying Reasons for Taking COVID-19 Supplemental Paid Sick Leave

A food sector worker may take leave if the worker is unable to work for any of the following reasons:

The worker is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

The worker is advised by a healthcare provider to self-quarantine or self-isolate due to COVID-19 related concerns.

The worker is prohibited from working by the worker's hiring entity due to health concerns related to the potential transmission of COVID-19.

Food Sector Workers Are Covered if They Meet the Following Criteria:

- Work for an employer with 500 or more employees nationwide, AND
- Qualify as a "food sector worker," which means that they:
 - Perform work in a certain food-related industry or in the retail food supply chain, including pick-up, delivery, warehousing, packaging, retail, or preparation; AND
 - Leave home to perform work
- Workers do not have to be classified by the hiring entity as an employee to be covered.
- Examples of covered workers: farm workers, grocery store workers, food pick-up and food delivery workers

Paid Leave Entitlement

- Amount of Hours of COVID-19 Supplemental Paid Sick Leave for Food Sector Workers:
 - 80 hours for those considered full-time workers, in addition to any other accrued paid sick leave.
 - For part-time workers with a normal weekly schedule, the number of hours the worker is normally scheduled to work over two weeks.
 - For part-time workers with variable schedules, 14 times the average number of hours worked per day over the past 6 months.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave:
 - Highest of (1) regular rate of pay for last pay period, (2) State minimum wage, or (3) local minimum wage,
 - **Not to exceed \$511 per day and \$5,110 in total**

Enforcement:

- Any food sector worker denied COVID-19 supplemental paid sick leave can file a claim with the Labor Commissioner's Office or a Report of Labor Law Violations. Forms can be found at the Labor Commissioner's Office website, www.dir.ca.gov/dlse/. COVID-19 supplemental paid sick leave for food sector workers must be made available for use immediately upon oral or written requests of the worker.
- **Retaliation or discrimination against a food sector worker requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** A worker who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office.

This poster must be displayed where food sector workers can easily read it. If workers do not frequent a physical workplace, it may be disseminated to workers electronically.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling (760) 353-0607.