

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

Executive Order N-51-20 requires hiring entities with 500 or more employees to provide supplemental paid sick leave to food sector workers for specified reasons related to COVID-19.

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:

- ① The worker is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- ② The worker is advised by a health care provider to self-quarantine or self-isolate due to COVID-19 related concerns.
- ③ The worker is prohibited from working by the worker's hiring entity due to health concerns related to the potential transmission of COVID-19.

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;
 - ✓ Perform work outside the worker's home; AND
 - ✓ Are exempt as critical infrastructure workers from any statewide stay-at-home order
- Workers do not have to be classified by the hiring entity as an employee in order 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:
 - ✓ 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 employee is normally scheduled to work over two workweeks.
 - ✓ 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. Leave 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 workers can easily read it. If workers do not frequent a physical workplace, it may be disseminated to workers electronically.