

AB616

On October 4, 2023, Governor Gavin Newsom signed Senate Bill 616, which amends the *Healthy Workplaces, Healthy Families Act* by expanding the requirements for Paid Sick Leave in California. Previously, employers were required to provide 3 days of Paid Sick Leave to CA employees. This update increases the amount of Paid Sick Leave employers must provide to CA employees to 5 days **effective January 1, 2024**.

Methods

Front Load

	2023 & Proir	2024 New Minimum Requirement
Annual FL	3 Days / 24 Hours	5 Days / 40 Hours
Balance Cap	3 Days / 24 Hours	5 Days / 40 Hours
Carryover	0	0
Eligible To Use	3 Days / 24 Hours	5 Days / 40 Hours

Employers can opt for a “front load” method by giving employees **5 days (or 40 hours) of Paid Sick Leave at the start of each year**. With this method, there is no requirement that unused hours need to roll over the following year as employees are being supplied with the full amount of Paid Sick Leave at the beginning of the year. In the case of a new hire, employers are still permitted to enforce a “waiting period” (no more than 90 days) before a new employee can use their Paid Sick Leave.

Accrual Method

	2023 & Proir	2024 New Minimum Requirement
Accrual	.033334 x HW*	.033334 x HW*
Balance Cap	48 Hours	80 Hours
Annual Usage	48 Hours	80 Hours

*1 Hour for every 30 hours worked ($1/30=.03334$). Hours worked is Regular Working Hours (Reg, OT, DT).

As an alternative to a front load method, employers can opt for an accrual based method. With an accrual method, employers are required to give employees **1 hour of Paid Sick Leave for every 30 hours worked** or have an “alternative” accrual plan that meets certain minimum standards. With an “alternative” accrual plan, employees must accrual at least 3 days (24 hours) of Paid Sick Leave or PTO by the 120th calendar day of the year AND at least 5 days (40 hours) of Paid Sick Leave or PTO by the 200th calendar day.

Previously, employers could cap an employees Paid Sick Leave at 6 days (48 hours) a year, however with this new update effective January 1, 2024, employers must now **increase the cap up to the greater of 80 hours or 10 days** a year.

Previously, employers could limit Paid Sick Leave to 3 days (24 hours) in a year. With these updates effective January 1, 2024, **employees are permitted to use at least 5 days (40 hours)** of Paid Sick Leave in a year.

Key Considerations

- If your policy is not based on a calendar year, you will need to manually grant the employee's the additional time to get them up to the 40 hours (Front Load Method)

Resources

[DIR: FAQs](#)

[Workers Just Got More Paid Sick Days | California Governor](#)

[Bill Text - SB-616 Sick days: paid sick days accrual and use. \(ca.gov\)](#)

[California Expands Paid Sick Leave Requirements Effective January 1, 2024 | Perspectives & Events | Mayer Brown](#)

[California Mandatory Paid Sick Leave Increased to 5 Days per Year in 2024 | Davis Wright Tremaine LLP - JDSupra](#)

REFERENCE MATERIAL
