# **CALIFORNIA** LABOR LAW POSTINGS (PART 2 OF 2)

## **PAID SICK LEAVE**

**Division of Labor Standards Enforcement** 

Labor Commissioner's Office

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT (Poster may be printed on 8 ½" x 11" letter size paper)

## **HEALTHY WORKPLACES/HEALTHY FAMILIES ACT: CALIFORNIA PAID SICK LEAVE**

## (as amended effective 1/1/2024)

#### Entitlement:

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later. Accrued paid sick leave shall carry over to the following year of employment and may be capped at 80 hours or 10 days
- An employer can also provide 5 days or 40 hours, whichever is greater, of paid sick ٠ leave "up-front" at the beginning of a 12-month period. No accrual or carry over is required.
- Other accrual plans that meet specified conditions, including PTO plans, may also satisfy the requirements.

## Usage:

- An employee may use paid sick days beginning on the 90<sup>th</sup> day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 40 hours or five days, whichever is greater, in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the l abor Commissioner against an employer who retaliates or discriminates against the employee.

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 <u>http://www.dir.ca.gov/dise/DistrictOffices.htm</u> using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.

#### **DLSE Paid Sick Leave Posting**

11/2023

Civil Rights

Department

YOUR **RIGHTS AND OBLIGATIONS AS A PREGNANT** EMPLOYEE

**IF YOU ARE PREGNANT, HAVE A PREGNANCY-RELATED MEDICAL** CONDITION, OR ARE RECOVERING FROM CHILDBIRTH, PLEASE READ THIS NOTICE.

### YOUR EMPLOYER\* HAS AN OBLIGATION TO

- Reasonably accommodate your medical needs related to pregnancy, childbirth, or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks):
- Transfer you to a less strenuous or hazardous position (if one is available) or duties if medically needed because of your pregnancy;
- available) or duties if medically needed because of your pregnancy; Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff; Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code; and Never discriminate, harass, or retaliate on the basis of pregnancy.

## NOTICE OBLIGATIONS AS AN EMPLOYEE

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, or as soon as practicable if the need is an emergency or unforeseeable.
- Toreseeable, or as soon as practicable in the need is an emergency or unforceseable. Provide a written medical certification from your health care provider. Except in a medical emergency where the source of the source of the source of the source to supply a written medical certification from your reasonable accommodation, transfer or PDL. If the need is an emergency or unforceseable, you must provide this certification within the time frame your employer requests, unless it is not practicable for your do so under the circumstances despite your diligent, good calendar days for you to submit the certification. See if your employer has a copy of a medical certification form to give to your health care provider to complete. Please note that if you fail to give your employer requires it, written medical certification form to give to your health contore or, if your employer reasonable advance notice or, if your employer reasonable advance may be justified in defaying your reasonable accommodation, transfer, or PDL.

## **ADDITIONAL LEAVE UNDER THE**

# THE RIGHTS OF EMPLOYEES **WHO ARE TRANSGENDER OR GENDER NONCONFORMING**

**CALIFORNIA LAW PROTECTS TRANSGENDER AND GENDER NONCONFORMING PEOPLE FROM DISCRIMINATION, HARASSMENT,** AND RETALIATION AT WORK. THESE **PROTECTIONS ARE ENFORCED BY THE CIVIL RIGHTS DEPARTMENT (CRD).** 

## THINGS YOU NEED TO KNOW

# 1. Does California law protect transgender and gender nonconforming employees from employment discrimination?

Ves. All employees, job applicants, unpaid interns, volunteers, and contractors are protected from discrimination at work when based on a protected characteristic, such as their gender identity, gender expression, sexual orientation, race, or national origin. This means that private employers with five or more employees may not, for example, refuse to hire or promote someone because they identify as – or are perceived to identify as – transgender or non-binary, or because they express their gender in non-stereotypical ways.

Employment discrimination can occur at any time during the Employment discrimination can occur at any time during the hiring or employment process. In addition to refusing to hire or promote someone, unlawful discrimination includes discharging an employee, subjecting them to worse working conditions, or unfairly modifying the terms of their employment because of their gender identity or gender expression.

## 2. Does California law protect transgender and gender nonconforming employees from harassment at work?

**nonconforming employees from harassment at work?** Yes. All employers are prohibited from harassing any employee, intern, volunteer, or contractor because of their gender identity or gender expression. For example, an employer can be liable if co-workers create a hostile work environment – whether in person or virtual – for an employee who is undergoing a gender transition. Similarly, an employer can be liable when customers or other third parties harass an employee because of their gender identity or expression, such as intentionally referring to a gender-nonconforming employee by the wrong pronouns or name.

## 3. Does California law protect employees who complain about discrimination or harassment in the workplace?

Yes. Employers are prohibited from retaliating against any employee who asserts their right under the law to be free from discrimination or harassment. For example, an employer commits unlawful retaliation when it responds to an employee making a discrimination complaint - to their supervisor, human resources staff, or CRD - by cutting their shifts.

4. If bathrooms, showers, and locker rooms are sex segregated, can employees choose the one that is most appropriate for them?

appropriate for them? Yes. All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. In addition, where possible, an employer should provide an easily accessible, gender-neutral (or "all-gender"), single user facility for use by any employee. The use of single stall restrooms

and other facilities should always be a matter of choice Employees should never be forced to use one, as a matter of policy or due to harassment.

Civil Rights Department

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# 5. Does an employee have the right to be addressed by the name and pronouns that correspond to their gender identity or gender expression, even if different from their legal name and gender?

Yes. Employees have the right to use and be addressed by the name and pronouns that correspond with their gender identity or gender expression. These are sometimes known as 'chosen' or ''preferred' names and pronouns. For example, an employee does not need to have legally changed their name or birth certificate, nor have undergone any type of gender transition (such as surgery), to use a name and/or pronouns that correspond with their gender identity or gender expression. An employer may be legally obligated to use an employee's legal name in specific employment records, but when no legal obligation compels the use of a legal name, employers and co-workers must respect an employee's chosen name and pronouns. For example, some businesses utilize software for payroll and other administrative purposes, such as creating work schedules or generating virtual profiles. While it may be appropriate for the business to use a transgender employee's legal name for payroll purposes when legally required, refusing or failing to use that person's chosen name and pronouns, if different from their legal name, on a shift schedule, nametag, instant messaging account, or work ID card could be harassing or discriminatory. CRD recommends that employee take care to ensure that each employee's chosen name and pronouns are respected to the greatest extent allowed by law. Yes. Employees have the right to use and be addressed by extent allowed by law.

### 6. Does an employee have the right to dress in a way that corresponds with their gender identity and gender expression?

Yes. An employer who imposes a dress code must enforce it in Thes, and employees who miposes a unset of the achievement of the analysis of the achievement of the analysis of the achievement of the achievemen

## 7. Can an employer ask an applicant about their sex assigned at birth or gender identity in an interview?

No. Employers may ask non-discriminatory questions, such as inquiring about an applicant's employment history or asking for professional references. But an interviewer should not ask our procession designed to detect a person's gender identity or gender transition history such as asking about why the person changed their name. Employers should also not ask questions about a person's body or whether they plan to have surgery.

Want to learn more? Visit: https://bit.ly/3hTG1E0

#### **TO FILE A COMPLAINT Civil Rights Department**

Calcivilights.ca.gov/complaintprocess Toll Free: 800.884.1684 / TTY: 800.700.2320 California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit: www.calcivilrights.ca.gov/posters/required

PREGNANCY DISABILITY/CFRA LEAVE FAMILY CARE & MEDICAL LEAVE Civil Rights ( <u>a</u>ja) Department **& PREGNANCY** DISABILITY

> Under California law, an employee may have the right to take job-protected leave to care for their own serious health condition or a family member with a serious health condition, or to bond with a new child (via birth, adoption, or foster care). California law also requires employers to provide jobprotected leave and accommodations to nployees who are disabled by pregnancy, childbirth, or a related medical condition.

Under the California Family Rights Act of 1993 (CFRA), many employees have the right to take job-protected leave, which is leave that will allow them to return to their job or a similar job after their leave ends. This leave may be up to 12 work weeks in a 12-month period for:

Pregnancy Disability Leave. Even if an employee is not eligible for CFRA leave, if disabled by pregnancy, childbirth or a related medical condition, the employee is entitled to take a pregnancy disability leave of up to four months, depending on their period(s) of actual disability. If the employee is CFRA-eligible, they have certain rights to take *both* a pregnancy disability leave and a CFRA leave for reason of the birth of their child.

Reinstatement. Both CFRA leave on reason of the on the of their clinic. Reinstatement. Both CFRA leave and pregnancy disability leave contain a guarantee of reinstatement – for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position at the end of the leave, subject to any defense allowed under the law.

Notice. For foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or o a family member), the employee must provide, if possible, at least 30 days' advance notice to their employer that they will be taking leave. For events that are unforesceable, employee should notify their employers, at least verbally, as soon as th learn of the need for the leave. Failure to comply with these

## TRANSGENDER RIGHTS



### FOR PREGNANCY DISABILITY LEAVE

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy, childbirth, or related medical condition. Your health care provider determines how much time you will need
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same or a comparable position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postpatal medical appointments, and PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, and doctor-ordered bed rest, and covers conditions such as severe morning sickness, gestational diabetes, pregnancy-induced hyper-tension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression. PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule. Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.

- At your discretion, you can use any vacation or other paid time off during your PDL.
- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

#### CALIFORNIA FAMILY RIGHTS ACT (CFRA)

Under the California Family Rights Act (CFRA), if you have Under the California Family Rights Act (CFRA), if you have more than 12 months of service with an employer, and have worked at least 1.250 hours in the 12-month period before the date you want to begin your leave, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, own serious health condition or that of your child, parent\*\*\*, spouse, domestic partner, grandparent, grandchild, sibiling, or someone else related by blood or in family-like relationship with the employee ("designated person"). Employers may pay their employees while taking CFRA leave, but employers are not required to do so, unless the employee is taking CFRA leave may be eligible for benefits administered by Employment Development Department.

#### **TO FILE A COMPLAINT**

Civil Rights Department calcivilights.ca.gov/complaintprocess Toll Free: 800.884.1684 / TTY: 800.700.2320 California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit

- · the employee's own serious health condition;
- the serious health condition of a child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else with a blood or family-like relationship with the employee ("designated person"); or
- the birth. adoption. or foster care placement of a child.

If an employee takes leave for their own or a family member's serious health condition, leave may be taken on an intermitte or reduced work schedule when medically necessary, among other circumstances

Eligibility. To be eligible for CFRA leave, an employee must have more than 12 months of service with their employer, ha worked at least 1,250 hours in the 12-month period before t date they want to begin their leave, and their employer must have five or more employees.

Pay and Benefits During Leave. While the law provides only oyers pay their employees during CFRA eave. In addition, employees may choose (or employers may equire) use of accrued paid leave while taking CFRA leave under certain circumstances. Employees on CFRA leave may also be eligible for benefits administered by the Employment ent Department.

Taking CFRA leave may impact certain employee benefits and seniority date. If employees want more information regarding seniority date. If employees want more information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits, they should contact their employer.

Certification. Employers may require certification from an employee's health care provider before allowing leave for pregnancy disability or for the employee's own serious hea condition. Employers may also require certification from the health care provider of the employee's family member, including a designated person, who has a serious health condition, before granting leave to take care of that family ealth member

/isit: calcivilrights.ca.gov/family-medical-pregnancy

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperty denied protected leave, file a complaint with the Civil Rights Department (CRD).

#### TO FILE A COMPLAINT

#### Civil Rights Department

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\*PDL, CFRA leav

eave, and anti-discrimination protections apply to employers of 5 or more employees; anti-harassment protections apply to employers of 1 or more. ans a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the emplo

ncludes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the emplo