

## The Expiration of California COVID-19 Supplemental Paid Sick Leave

February 8, 2023

---

### State Leave

The California State 2022 COVID-19 Supplemental Paid Sick Leave (SB 114) expired on December 31, 2022. The law, which applied retroactively to January 1, 2022, was extended by Gov. Gavin Newsom from September 30 to December 31, 2022. Gov. Newsom did not extend the expiration date further. This means California employers do not have to provide COVID-19 supplemental paid sick leave (SPSL) anymore. The only exception is if an employee started the leave before the end of 2022, the employee is allowed to complete the leave even if the time extends into the new year.

Employers should take note, however, that after December 31, 2022, workers who were not paid the SPSL they were entitled to when they were unable to work due to COVID-19 during the covered period (January 1, 2022 to December 31, 2022) can still request pay from their employer for that covered period of time. Employers will either have to add back paid time if an employee used any other paid time for the leave or pay for the time taken if it was unpaid.

### Local Jurisdictions

Unfortunately, the state law is not the end of the enquiry when an employee goes home due to COVID-19 in 2023. Even though the state law has expired, employers in certain jurisdictions may still need to provide supplemental paid sick leave for COVID-19 absences under certain local ordinances. For example, the cities of Oakland, San Francisco, Long Beach, Los Angeles and the County of Los Angeles still have such ordinances in place. The parameters and expiration dates on these local ordinances vary so employers should carefully review these ordinances to determine if they are still subject to any such ordinances.

#### *Los Angeles City*

Los Angeles City's COVID-19 supplemental sick leave ordinance is set to expire two weeks after the City ends its COVID state of emergency. Los Angeles's City Council has voted to end its COVID state of emergency on February 1. Therefore, the Los Angeles City supplemental COVID leave is set to expire on February 15, 2023. Note that this ordinance only applies to an employer that has either: (1) 500 or more employees within the City of Los Angeles; or (2) 2,000 or more employees within the United States.

### California OSHA Requirements

Employers also should be aware that the Cal/OSHA Emergency Temporary Standards (ETS) had a requirement that employers provide exclusion pay if an employee had to be excluded from work because of a workplace COVID-19 exposure. Cal OSHA's exclusion pay requirement is set to go away any day now as the emergency ETS is set to be replaced by a non-emergency ETS that has dropped this requirement. The emergency ETS is still officially in place as of today, but it will be gone soon but no later than the end of January.

---

## Employer Takeaways

- Employers should advise relevant staff of the changes to the law so that staff can be mindful of the changes going forward.
- Employers should advise relevant staff of the obligation to provide paid leave for any qualifying COVID-19 sick leave that took place during the period of January 1, 2022 to December 31, 2022 that was not paid.
- Employers should be mindful of their local jurisdictional requirements with regard to sick leave and supplemental sick leave.

---

## CONTACTS

For more information, contact your Katten attorney or any of the following [Employment Litigation and Counseling](#) attorneys.



**Stacey McKee Knight**  
+1.310.788.4406  
stacey.knight@katten.com



**Janella T. Gholian**  
+1.310.788.4445  
janella.gholian@katten.com



**Julie L. Gottshall**  
+1.312.902.5645  
julie.gottshall@katten.com



**Janet R. Widmaier**  
+1.312.902.5546  
janet.widmaier@katten.com



**Sarah J Lee**  
+1.310.788.4414  
sarah.lee@katten.com



**Andrew J. Schuyler**  
+1.312.902.5471  
andrew.schuyler@katten.com

# Katten

katten.com

CENTURY CITY | CHARLOTTE | CHICAGO | DALLAS | LONDON | LOS ANGELES | NEW YORK | ORANGE COUNTY | SHANGHAI | WASHINGTON, DC

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2023 Katten Muchin Rosenman LLP. All rights reserved.

Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).

02/06/23