

AMENDED IN ASSEMBLY MARCH 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1522

Introduced by Assembly Member Gonzalez
(Principal coauthor: Assembly Member Levine)
(Coauthors: Assembly Members Ammiano, Bonta, Campos, Dickinson,
Hernández, Lowenthal, Rendon, Stone, Ting, and Williams)
(Coauthor: Senator Hueso)

January 16, 2014

An act to amend Section 226 of, and to add Article 1.5 (commencing with Section 245) to Chapter 1 of Part 1 of Division 2 of, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, Gonzalez. Employment: paid sick days.

Existing law authorizes employers to provide their employees paid sick leave.

This bill would *enact the Healthy Workplaces, Healthy Families Act of 2014* to provide that an ~~employee, as defined,~~ *employee* who works in California for 7 or more days in a calendar year is entitled to paid sick days, ~~as defined,~~ to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. *The bill would authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each calendar year.* The bill would require ~~employers~~ *an employer* to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic ~~violence or violence,~~ *sexual assault.* ~~An assault,~~

or stalking. The bill would prohibit an employer ~~would be prohibited~~ from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would ~~also~~ define terms for those purposes and make conforming changes.

This bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, *and the* investigation, mitigation, and relief of violations of these requirements. ~~This~~ *The* bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney’s fees, costs, and interest.

The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor ~~does it~~ lessen any other obligations of the employer to employees. ~~This~~ *The* bill would ~~further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement contains specified terms and expressly waives the requirements of this article the bill in clear and unambiguous terms. However, the~~ *The* bill would ~~specify that it applies~~ *apply* to certain public ~~authorities;~~ *authorities* established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill’s requirements for accrual of sick days.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Nearly every worker in the State of California will at some
- 3 time during the year need some time off from work to take care
- 4 of his or her own health or the health of family members.
- 5 (b) Many workers in California do not have any paid sick days,
- 6 or have an inadequate number of paid sick days, to care for their
- 7 own health or the health of family members.
- 8 (c) Low-income workers are significantly less likely to have
- 9 paid sick time than other workers.

1 (d) Providing workers time off to attend to their own health care
2 and the health care of family members will ensure a healthier and
3 more productive workforce in California.

4 (e) Paid sick days will have an enormously positive impact on
5 the public health of Californians by allowing sick workers paid
6 time off to care for themselves when ill, thus lessening their
7 recovery time and reducing the likelihood of spreading illness to
8 other members of the workforce.

9 (f) Paid sick days will allow parents to provide personal care
10 for their sick children. Parental care ensures children's speedy
11 recovery, prevents more serious illnesses, and improves children's
12 overall mental and physical health.

13 (g) Providing paid sick days is affordable for employers and
14 good for business.

15 (h) Employers who provide paid sick days enjoy greater
16 employee retention and reduce the likelihood of employees coming
17 to work sick. Studies have shown that costs of decreased
18 productivity caused by sick workers exceed the costs of employee
19 absenteeism.

20 (i) Many adults have significant elder care responsibilities
21 requiring them to take time off from work or to work reduced
22 hours.

23 (j) Employees frequently lose their jobs or are disciplined for
24 taking sick days to care for sick family members or to recover
25 from their own illnesses.

26 (k) Workers whose jobs involve significant contact with the
27 public, such as service workers and restaurant workers, are very
28 unlikely to have paid sick days. Often, these workers have no
29 choice but to come to work when they are ill, thereby spreading
30 illness to coworkers and customers.

31 (l) Domestic violence and sexual assault affect many persons
32 without regard to age, race, national origin, sexual orientation, or
33 socioeconomic status.

34 (m) Domestic violence is a crime that has a devastating effect
35 on families, communities, and the workplace. It impacts
36 productivity, effectiveness, absenteeism, and employee turnover
37 in the workplace. The National Crime Survey estimates that
38 175,000 days of work each year are missed due to domestic
39 violence.

1 (n) Survivors of domestic violence and sexual assault may be
2 vulnerable at work when trying to end an abusive relationship
3 because the workplace may be the only place where the perpetrator
4 knows to contact the victim. Studies show that up to one-half of
5 domestic violence victims experience job loss. Forty percent
6 reported on-the-job harassment. Nearly 50 percent of sexual assault
7 survivors lose their jobs or are forced to quit in the aftermath of
8 the assaults.

9 (o) Affording survivors of domestic violence and sexual assault
10 paid sick days is vital to their independence and recovery.

11 SEC. 2. In enacting this act, it is the intent of the Legislature
12 to do the following:

13 (a) Ensure that workers in California can address their own
14 health needs and the health needs of their families by requiring
15 employers to provide a minimum level of paid sick days including
16 time for family care.

17 (b) Decrease public and private health care costs in California
18 by enabling workers to seek early and routine medical care for
19 themselves and their family members and to address domestic
20 violence or sexual assault.

21 (c) Protect employees in California from losing their jobs while
22 they use sick days to care for themselves or their families.

23 (d) Provide economic security to employees in California who
24 take time off from work for reasons related to domestic violence
25 or sexual assault.

26 (e) Safeguard the welfare, health, safety, and prosperity of the
27 people of and visitors to California.

28 SEC. 3. Section 226 of the Labor Code is amended to read:

29 226. (a) An employer shall, semimonthly or at the time of each
30 payment of wages, furnish to each employee, either as a detachable
31 part of the check, draft, or voucher paying the employee's wages,
32 or separately if wages are paid by personal check or cash, an
33 accurate itemized statement in writing showing (1) gross wages
34 earned, (2) total hours worked by the employee, unless the
35 employee's compensation is solely based on a salary and the
36 employee is exempt from payment of overtime under subdivision
37 (a) of Section 515 or an applicable order of the Industrial Welfare
38 Commission, (3) the number of piece-rate units earned and the
39 applicable piece rate if the employee is paid on a piece-rate basis,
40 (4) all deductions, provided that all deductions made on written

1 orders of the employee may be aggregated and shown as one item,
2 (5) net wages earned, (6) the inclusive dates of the period for which
3 the employee is paid, (7) the name of the employee and only the
4 last four digits of his or her social security number or an employee
5 identification number other than a social security number, (8) the
6 name and address of the legal entity that is the employer and, if
7 the employer is a farm labor contractor, as defined in subdivision
8 (b) of Section 1682, the name and address of the legal entity that
9 secured the services of the employer, (9) paid sick leave accrued
10 and used pursuant to Article 1.5 (commencing with Section 245),
11 and (10) all applicable hourly rates in effect during the pay period
12 and the corresponding number of hours worked at each hourly rate
13 by the employee and, beginning July 1, 2013, if the employer is a
14 temporary services employer as defined in Section 201.3, the rate
15 of pay and the total hours worked for each temporary services
16 assignment. The deductions made from payment of wages shall
17 be recorded in ink or other indelible form, properly dated, showing
18 the month, day, and year, and a copy of the statement and the
19 record of the deductions shall be kept on file by the employer for
20 at least three years at the place of employment or at a central
21 location within the State of California. For purposes of this
22 subdivision, “copy” includes a duplicate of the itemized statement
23 provided to an employee or a computer-generated record that
24 accurately shows all of the information required by this subdivision.

25 (b) An employer that is required by this code or a regulation
26 adopted pursuant to this code to keep the information required by
27 subdivision (a) shall afford current and former employees the right
28 to inspect or copy records pertaining to their employment, upon
29 reasonable request to the employer. The employer may take
30 reasonable steps to ensure the identity of a current or former
31 employee. If the employer provides copies of the records, the actual
32 cost of reproduction may be charged to the current or former
33 employee.

34 (c) An employer who receives a written or oral request to inspect
35 or copy records pursuant to subdivision (b) pertaining to a current
36 or former employee shall comply with the request as soon as
37 practicable, but no later than 21 calendar days from the date of the
38 request. A violation of this subdivision is an infraction.
39 Impossibility of performance, not caused by or a result of a
40 violation of law, shall be an affirmative defense for an employer

1 in any action alleging a violation of this subdivision. An employer
2 may designate the person to whom a request is made under this
3 subdivision.

4 (d) This section does not apply to an employer of a person
5 employed by the owner or occupant of a residential dwelling whose
6 duties are incidental to the ownership, maintenance, or use of the
7 dwelling, including the care and supervision of children, or whose
8 duties are personal and not in the course of the trade, business,
9 profession, or occupation of the owner or occupant.

10 (e) (1) An employee suffering injury as a result of a knowing
11 and intentional failure by an employer to comply with subdivision
12 (a) is entitled to recover the greater of all actual damages or fifty
13 dollars (\$50) for the initial pay period in which a violation occurs
14 and one hundred dollars (\$100) per employee for each violation
15 in a subsequent pay period, not to exceed an aggregate penalty of
16 four thousand dollars (\$4,000), and is entitled to an award of costs
17 and reasonable attorney's fees.

18 (2) (A) An employee is deemed to suffer injury for purposes
19 of this subdivision if the employer fails to provide a wage
20 statement.

21 (B) An employee is deemed to suffer injury for purposes of this
22 subdivision if the employer fails to provide accurate and complete
23 information as required by any one or more of items (1) to (10),
24 inclusive, of subdivision (a) and the employee cannot promptly
25 and easily determine from the wage statement alone one or more
26 of the following:

27 (i) The amount of the gross wages or net wages paid to the
28 employee during the pay period or any of the other information
29 required to be provided on the itemized wage statement pursuant
30 to items (2) to (4), inclusive, (6), (9), and (10) of subdivision (a).

31 (ii) Which deductions the employer made from gross wages to
32 determine the net wages paid to the employee during the pay
33 period. Nothing in this subdivision alters the ability of the employer
34 to aggregate deductions consistent with the requirements of item
35 (4) of subdivision (a).

36 (iii) The name and address of the employer and, if the employer
37 is a farm labor contractor, as defined in subdivision (b) of Section
38 1682, the name and address of the legal entity that secured the
39 services of the employer during the pay period.

1 (iv) The name of the employee and only the last four digits of
2 his or her social security number or an employee identification
3 number other than a social security number.

4 (C) For purposes of this paragraph, “promptly and easily
5 determine” means a reasonable person would be able to readily
6 ascertain the information without reference to other documents or
7 information.

8 (3) For purposes of this subdivision, a “knowing and intentional
9 failure” does not include an isolated and unintentional payroll error
10 due to a clerical or inadvertent mistake. In reviewing for
11 compliance with this section, the factfinder may consider as a
12 relevant factor whether the employer, prior to an alleged violation,
13 has adopted and is in compliance with a set of policies, procedures,
14 and practices that fully comply with this section.

15 (f) A failure by an employer to permit a current or former
16 employee to inspect or copy records within the time set forth in
17 subdivision (c) entitles the current or former employee or the Labor
18 Commissioner to recover a seven-hundred-fifty-dollar (\$750)
19 penalty from the employer.

20 (g) The listing by an employer of the name and address of the
21 legal entity that secured the services of the employer in the itemized
22 statement required by subdivision (a) shall not create any liability
23 on the part of that legal entity.

24 (h) An employee may also bring an action for injunctive relief
25 to ensure compliance with this section, and is entitled to an award
26 of costs and reasonable attorney’s fees.

27 (i) This section does not apply to the state, to a city, county, city
28 and county, district, or to any other governmental entity, except
29 that if the state or a city, county, city and county, district, or other
30 governmental entity furnishes its employees with a check, draft,
31 or voucher paying the employee’s wages, the state or a city, county,
32 city and county, district, or other governmental entity shall use no
33 more than the last four digits of the employee’s social security
34 number or shall use an employee identification number other than
35 the social security number on the itemized statement provided with
36 the check, draft, or voucher.

37 SEC. 4. Article 1.5 (commencing with Section 245) is added
38 to Chapter 1 of Part 1 of Division 2 of the Labor Code, to read:

Article 1.5. Paid Sick Days

1
2
3 245. This article shall be known and may be cited as the
4 Healthy Workplaces, Healthy Families Act of 2014.

5 245.5. ~~For the purposes of this article the following terms have~~
6 ~~the following meanings:~~ *As used in this article:*

7 (a) “Employee” does not include the following:
8 (1) An employee covered by a valid collective bargaining
9 agreement if the agreement expressly provides for the wages, hours
10 of work, and working conditions of employees, and expressly
11 provides for paid sick days or a paid leave or paid time off policy
12 that permits the use of sick days for those employees, final and
13 binding arbitration of disputes concerning the application of its
14 paid sick days provisions, premium wage rates for all overtime
15 hours worked, and regular hourly rate of pay of not less than 30
16 percent more than the state minimum wage rate.

17 (2) An employee in the construction industry covered by a valid
18 collective bargaining agreement if the agreement expressly provides
19 for the wages, hours of work, and working conditions of
20 employees, premium wage rates for all overtime hours worked,
21 and regular hourly pay of not less than 30 percent more than the
22 state minimum wage rate, and the agreement *either (A) was entered*
23 *into before January 1, 2015, or (B)* expressly waives the
24 requirements of this article in clear and unambiguous terms. For
25 purposes of this subparagraph, “employee in the construction
26 industry” means an employee performing onsite work associated
27 with construction, including work involving alteration, demolition,
28 building, excavation, renovation, remodeling, maintenance,
29 improvement, repair work, and any other work as described by
30 Chapter 9 (commencing with Section 7000) of Division 3 of the
31 Business and Professions Code, and other similar or related
32 occupations or trades.

33 (b) *“Employer means any person employing another under any*
34 *appointment or contract of hire and includes the state, political*
35 *subdivisions of the state, and municipalities.*

36 ~~(b)~~
37 (c) “Family member” means any of the following:
38 (1) A child, which for purposes of this article means a biological,
39 adopted, or foster child, stepchild, legal ward, or a child to whom

1 the employee stands in loco parentis. This definition of a child is
2 applicable regardless of age or dependency status.

3 (2) A biological, adoptive, or foster parent, stepparent, or legal
4 guardian of an employee or the employee’s spouse or registered
5 domestic partner, or a person who stood in loco parentis when the
6 employee was a minor child.

7 (3) A spouse.

8 (4) A registered domestic partner.

9 (5) A grandparent.

10 (6) A grandchild.

11 (7) A sibling.

12 ~~(e)~~

13 (d) “Health care provider” has the same meaning as defined in
14 paragraph (6) of subdivision (c) of Section 12945.2 of the
15 Government Code.

16 ~~(d)~~

17 (e) “Paid sick days” means time that is compensated at the same
18 wage as the employee normally earns during regular work hours
19 and is provided by an employer to an employee for the purposes
20 described in Section 246.5.

21 ~~(e) “Small business” means an employer who employs 10 or
22 fewer employees during 20 or more calendar workweeks in the
23 current or preceding calendar year.~~

24 246. (a) An employee who works in California for seven or
25 more days in a calendar year is entitled to paid sick days as
26 specified in this section.

27 (b) (1) An employee shall accrue paid sick days at the rate of
28 not less than one hour per every 30 hours worked, beginning at
29 the commencement of employment or the operative date of this
30 article, whichever is ~~first~~ *later*.

31 (2) An employee who is exempt from overtime requirements
32 as an administrative, executive, or professional employee under a
33 wage order of the Industrial Welfare Commission is deemed to
34 work 40 hours per workweek for the purposes of this section,
35 unless the employee’s normal workweek is less than 40 hours, in
36 which case the employee ~~will~~ *shall* accrue paid sick days based
37 upon that normal workweek.

38 (c) An employee shall be entitled to use accrued paid sick days
39 beginning on the 90th calendar day of employment, after which
40 day the employee may use paid sick days as they are accrued.

1 (d) Accrued paid sick days shall carry over to the following
2 calendar year. However, an employer may limit an employee's
3 use of paid sick days to 24 hours or three days in each calendar
4 year.

5 (e) An employer is not required to provide additional paid sick
6 days pursuant to this section if the employer has a paid leave policy
7 or paid time off policy and the employer makes available an
8 amount of leave that satisfies the accrual requirements of this
9 section and that may be used for the same purposes and under the
10 same conditions as specified in this section.

11 (f) (1) Except as specified in paragraph (2), an employer is not
12 required to provide compensation to an employee for accrued,
13 unused paid sick days upon termination, resignation, retirement,
14 or other separation from employment.

15 (2) If an employee separates from an employer and is rehired
16 by the employer within one year, previously accrued and unused
17 paid sick days shall be reinstated. The employee shall be entitled
18 to use those previously accrued and unused paid sick days and to
19 accrue additional paid sick days upon rehiring.

20 (g) An employer may lend paid sick days to an employee in
21 advance of accrual, at the employer's discretion and with proper
22 documentation.

23 246.5. (a) Upon the oral or written request of an employee,
24 an employer shall provide paid sick days for the following
25 purposes:

26 (1) Diagnosis, care, or treatment of an existing health condition
27 of, or preventive care for, an employee or an employee's family
28 member.

29 (2) For an employee who is a victim of domestic ~~violence~~ or
30 *violence*, sexual assault, or *stalking*, the purposes described in
31 subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

32 (b) An employer shall not require as a condition of using paid
33 sick days that the employee search for or find a replacement worker
34 to cover the days during which the employee uses paid sick days.

35 (c) (1) An employer shall not deny an employee the right to
36 use sick days, discharge, threaten to discharge, demote, suspend,
37 or in any manner discriminate against an employee for using sick
38 days, attempting to exercise the right to use sick days, filing a
39 complaint with the department or in a court alleging a violation of
40 this article, cooperating in an investigation or prosecution of an

1 alleged violation of this article, or opposing any policy or practice
2 or act that is prohibited by this article.

3 (2) There shall be a rebuttable presumption of unlawful
4 retaliation if an employer denies an employee the right to use sick
5 days, discharges, threatens to discharge, demotes, suspends, or in
6 any manner discriminates against an employee within 90 days of
7 any of the following:

8 (A) The filing of a complaint by the employee with the Labor
9 Commissioner or in a court alleging a violation of this article.

10 (B) The cooperation of an employee with an investigation or
11 prosecution of an alleged violation of this article.

12 (C) Opposition by the employee to a policy, practice, or act that
13 is prohibited by this article.

14 247. (a) An employer shall give each employee written notice
15 of the requirements of this article in English, Spanish, Chinese,
16 and any other language spoken by at least 5 percent of the
17 employees. The written notice shall state the following:

18 (1) That an employee is entitled to accrue, request, and use paid
19 sick days.

20 (2) The amount of paid sick days provided for by this article.

21 (3) The terms of use of paid sick days.

22 (4) That retaliation or discrimination against an employee who
23 requests paid sick days or uses paid sick days, or both, is prohibited
24 and that an employee has the right under this article to file a
25 complaint or bring a civil action against an employer who retaliates
26 or discriminates against the employee.

27 (b) In each workplace of the employer, the employer shall
28 display a poster in a conspicuous place containing all the
29 information specified in subdivision (a). The Labor Commissioner
30 shall create a poster containing this information and make it
31 available to employers.

32 (c) An employer who willfully violates the notice and posting
33 requirements of this section is subject to a civil penalty of not more
34 than one hundred dollars (\$100) per each offense.

35 247.5. An employer shall keep for at least five years records
36 documenting the hours worked and paid sick days accrued and
37 used by an employee. An employer shall allow the Labor
38 Commissioner access to these records with appropriate notice and
39 at a mutually agreeable time to monitor compliance with this
40 article. An employer shall make these records available to an

1 employee pursuant to Section 226. If an employer does not
2 maintain adequate records pursuant to this section, it shall be
3 presumed that the employee is entitled to the maximum number
4 of hours accruable under this article, unless the employer can show
5 otherwise by clear and convincing evidence.

6 248. The Labor Commissioner ~~is authorized and directed to~~
7 *shall* coordinate implementation and enforcement of this article
8 and ~~to~~ promulgate guidelines and regulations for those purposes.

9 248.5. (a) The Labor Commissioner ~~is authorized and directed~~
10 ~~to~~ *shall* enforce this article, including investigating an alleged
11 violation, and ordering appropriate temporary relief to mitigate
12 the violation or to maintain the status quo pending the completion
13 of a full investigation or hearing.

14 (b) If the Labor Commissioner, after a hearing that contains
15 adequate safeguards to ensure that the parties are afforded due
16 process, determines that a violation of this article has occurred, he
17 or she may order any appropriate relief, including reinstatement,
18 backpay, the payment of sick days unlawfully withheld, and the
19 payment of an additional sum in the form of an administrative
20 penalty to an employee or other person whose rights under this
21 article were violated. If paid sick days were unlawfully withheld,
22 the dollar amount of paid sick days withheld from the employee
23 multiplied by three, or two hundred fifty dollars (\$250), whichever
24 amount is greater, shall be included in the administrative penalty.
25 In addition, if a violation of this article results in other harm to the
26 employee or person, such as discharge from employment, or
27 otherwise results in a violation of the rights of the employee or
28 person, the administrative penalty shall include a sum of fifty
29 dollars (\$50) for each day or portion thereof that the violation
30 occurred or continued.

31 (c) Where prompt compliance by an employer is not
32 forthcoming, the Labor Commissioner may take any appropriate
33 enforcement action to secure compliance, including the filing of
34 a civil action. In compensation to the state for the costs of
35 investigating and remedying the violation, the commissioner may
36 order the violating employer to pay to the state a sum of not more
37 than fifty dollars (\$50) for each day or portion of a day a violation
38 occurs or continues for each employee or other person whose rights
39 under this article were violated. These funds shall be allocated to

1 the Labor Commissioner to offset the costs of implementing and
2 enforcing this article.

3 (d) An employee or other person may report to the Labor
4 Commissioner a suspected violation of this article. The
5 commissioner shall encourage reporting pursuant to this
6 subdivision by keeping confidential, to the maximum extent
7 permitted by applicable law, the name and other identifying
8 information of the employee or person reporting the violation.
9 However, the commissioner may disclose that person's name and
10 identifying information as necessary to enforce this article or for
11 other appropriate purposes, upon the authorization of that person.

12 (e) The Labor Commissioner, the Attorney General, a person
13 aggrieved by a violation of this article, or an entity a member of
14 which is aggrieved by a violation of this article may bring a civil
15 action in a court of competent jurisdiction against the employer
16 or other person violating this article and, upon prevailing, shall be
17 entitled to such legal or equitable relief as may be appropriate to
18 remedy the violation, including reinstatement, backpay, the
19 payment of sick days unlawfully withheld, the payment of an
20 additional sum as liquidated damages in the amount of fifty dollars
21 (\$50) to each employee or person whose rights under this article
22 were violated for each day or portion thereof that the violation
23 occurred or continued, plus, if the employer has unlawfully
24 withheld paid sick days to an employee, the dollar amount of paid
25 sick days withheld from the employee multiplied by three; or two
26 hundred fifty dollars (\$250), whichever amount is greater; and
27 reinstatement in employment or injunctive relief; and further shall
28 be awarded reasonable attorney's fees and costs, provided,
29 however, that any person or entity enforcing this article on behalf
30 of the public as provided for under applicable state law shall, upon
31 prevailing, be entitled only to equitable, injunctive, or restitutionary
32 relief, and reasonable attorney's fees and costs.

33 (f) In an administrative or civil action brought under this article,
34 the Labor Commissioner or court, as the case may be, shall award
35 interest on all amounts due and unpaid at the rate of interest
36 specified in subdivision (b) of Section 3289 of the Civil Code.

37 (g) The remedies, penalties, and procedures provided under this
38 article are cumulative.

39 249. (a) This article does not limit or affect any laws
40 guaranteeing the privacy of health information, or information

1 related to domestic violence or sexual assault, regarding an
2 employee or employee’s family member. That information shall
3 be treated as confidential and shall not be disclosed to any person
4 except to the affected employee, or as required by law.

5 (b) This article shall not be construed to discourage or prohibit
6 an employer from the adoption or retention of a paid sick days
7 policy more generous than the one required herein.

8 (c) This article does not lessen the obligation of an employer to
9 comply with a contract, collective bargaining agreement,
10 employment benefit plan, or other agreement providing more
11 generous sick days to an employee than required herein.

12 (d) This article establishes minimum requirements pertaining
13 to paid sick days and does not preempt, limit, or otherwise affect
14 the applicability of any other law, regulation, requirement, policy,
15 or standard that provides for greater accrual or use by employees
16 of sick days, whether paid or unpaid, or that extends other
17 protections to an employee.

18 249.5. (a) A public authority established under Section 12301.6
19 of the Welfare and Institutions Code shall ~~be required to meet the~~
20 ~~requirements of~~ *comply with* this article for individuals who
21 perform domestic services comprising in-home supportive services
22 under Article 7 (commencing with Section 12300) of Chapter 3
23 of Part 3 of Division 9 of the Welfare and Institutions Code.

24 (b) A public authority may satisfy ~~the requirements of~~ this article
25 by entering into a collective bargaining agreement that provides
26 an incremental hourly wage adjustment in an amount sufficient to
27 satisfy the accrual requirements of Section 246.

O