

The 12 Days of California Labor and Employment Series – Day 12 “Agricultural Employees Given Another Reason to Use Sick Leave”

2 min read

Dec 19, 2024

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In the spirit of the season, we are using our annual “12 Days of California Labor and Employment” blog series to address new California laws and their impact on employers. On the twelfth day of the holidays, my labor and employment attorney gave to me twelve drummers drumming and SB 1105.

Background

Ten years ago, California enacted the Healthy Workplaces, Healthy Families Act of 2014, which entitled employees who work for the same employer for 30 or more days within one year from the commencement of employment to receive three paid sick days. Sick days are able to be utilized for:

- the diagnosis, care, or treatment of an existing health condition of an employee or employee’s family member;
- preventive care for an employee or an employee’s family member; or
- a specified purpose for an employee who is a victim of domestic violence, sexual assault, or stalking.

An employer is prohibited from denying an employee the right to use accrued sick days or to discharge, threatening to discharge, demoting, suspending, or in any manner discriminating against an employee for using or attempting to use accrued sick days.

As of January 1, 2024, sick leave was expanded from three to five days.



SB 1105

SB 1105 requires paid sick days to be provided to agricultural employees, defined below, for additional reasons. As of January 1, 2025, agricultural workers who work outside will now be entitled to paid sick days to avoid smoke, heat, or flooding conditions created by a local or state emergency.

Who is an Agricultural Employee?

SB 1105 defines an “**agricultural employee**” as a person employed in any of the following:

- an agricultural occupation, as defined in Wage Order No. 14 of the Industrial Welfare Commission;
- an industry that prepares agricultural products for the market on the farm, as defined in Wage Order No. 13 of the Industrial Welfare Commission; or
- an industry that handles products after harvest, as defined in Wage Order No. 8 of the Industrial Welfare Commission.

Key Takeaways for California Employers

Employers, specifically ones that employ agricultural employees, should take the following steps to comply with SB 1105:

1. Provide updated information to the requisite supervisors, managers, and human resources personnel regarding the additional reasons for an employee to take sick leave;
2. Update their sick leave policy and employee handbook as necessary;
3. Provide updated information to the eligible employees about their entitlement to sick leave; and
4. Remind human resource personnel to maintain accurate records of employees’ sick leave use.

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