

Paid Time Off (PTO) and Sick Leave Policies: Key Drafting Tips (CA)

LexisNexis Practical Guidance

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This Practical Guidance note emphasizes the importance of drafting compliant and equitable paid time off (PTO) and sick leave policies in California. Employers must ensure policies meet the minimum statutory requirements under the Healthy Workplaces, Healthy Families Act (HWHFA).

Policies should allow leave for health-related needs, care for family members, and specific situations like domestic violence or emergencies. Employers must also ensure non-discrimination by applying neutral factors, such as tenure or hours worked, to accrual and usage rules, and by accommodating disabilities and religious observances.

The guidance highlights the interaction between HWHFA, the California Family Rights Act (CFRA), and the Family and Medical Leave Act (FMLA). Clear written policies, proper tracking systems, and HR training are essential to ensure compliance and mitigate risks.

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