

# 016-0656 FW: California Paid Sick Leave and Doctors notes - 407

Inbox x



DIR DLSE <DLSE2@dir.ca.gov>

Feb 23 (1 day ago)

to me

You asked two questions regarding the Healthy Workplace Healthy Families Act.

1. "DLSE opinion is that requiring a doctors note as condition of payment for paid sick leave could be considered retaliatory. My question is if an employer does not require the notice for payment but rather for fitness for duty after X amount of hours/days how does that play into HWHFA?"

The Healthy Workplace Healthy Families Act does not address the issue of a doctor's note for payment or address the issue of a fitness for duty exam. Please note that requiring a fitness-for-duty medical exam may be regulated by the ADA and may require that the employer has a reasonable belief that, either:

- A. The employee's condition may prevent the employee from performing the job's essential functions, or
- B. The employee poses a direct threat to his or her own safety or the safety of others.

2. "In addition if an employee has no sick time on the books, then would an employers conclusion that the employee has no protection under HWHFA be correct?"

The Healthy Workplace Healthy Families Act does not address the issue of unpaid sick leave.

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**From:** Claudell Greear-Maggio [<mailto:greeargroup@gmail.com>]  
**Sent:** Thursday, February 11, 2016 11:00 AM  
**To:** DIRInfo; Claudell Greear-Maggio  
**Subject:** California Paid Sick Leave and Doctors notes

DLSE opinion is that requiring a doctors note as condition of payment for paid sick leave could be considered retaliatory. My question is if an employer does not require the notice for payment but rather for fitness for duty after X amount of hours/days how does that play into HWHFA? In addition if an employee has no sick time on the books, then would an employers conclusion that the employee has no protection under HWHFA be correct?  
Thank you and have a great day,

**Claudell Maggio, PHR / SHRM-CP**

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