

RECEIVED

DEC 08 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA Messenger

December 8, 2015

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Submission of Amendment to Statewide Initiative Measure –Raise California's Wage and Paid Sick Days Act of 2016 (15-0105)

Dear Ms. Johansson:

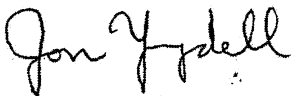
As you know, Bruce Michael Boyer and Shonda Roberts serve as proponents for the "Raise California's Wage and Paid Sick Days Act of 2016." On their behalf, I am enclosing the following documents:

- The amended text of "Raise California's Wage and Paid Sick Days Act of 2016"
- A red-lined version showing the changes made in the amended text
- Signed authorizations from Mr. Boyer and Ms. Roberts for the submission of the amended text together with their requests that the Attorney General's Office prepare a circulating title and summary using the amended text.

Please continue to direct all inquiries or correspondence relative to this proposed initiative to me at the address listed below:

California State Council of Service Employees
3055 Wilshire Blvd., Suite 1050
Los Angeles, CA 90010
(213) 368-7400

Sincerely,



Jon Youngdahl

VIA MESSENGER

December 4, 2015

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Submission of Amendment to Raise California's Wage and Paid Sick Days Act of 2016

Dear Ms. Johansson:

On November 3, 2015 I submitted a proposed statewide initiative titled "Raise California's Wage and Paid Sick Days Act of 2016" ("Initiative") and a request that the Attorney General prepare a circulating title and summary pursuant to section 10(d) of Article II of the California Constitution. Pursuant to Elections Code section 9002(b), I hereby submit timely amendments to the text of the Initiative. As the proponent of the Initiative, I approve the submission of the amended text to the Initiative and I declare that the amendment is reasonably germane to the theme, purpose, and subject of the Initiative. I request that the Attorney General prepare a circulating title and summary using the amended Initiative.

Sincerely,

A handwritten signature in black ink that reads "Bruce Michael Boyer". The signature is written in a cursive, flowing style.

Bruce Michael Boyer

VIA MESSENGER

December 4, 2015

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Submission of Amendment to Raise California's Wage and Paid Sick Days Act of 2016

Dear Ms. Johansson:

On November 3, 2015 I submitted a proposed statewide initiative titled "Raise California's Wage and Paid Sick Days Act of 2016" ("Initiative") and a request that the Attorney General prepare a circulating title and summary pursuant to section 10(d) of Article II of the California Constitution. Pursuant to Elections Code section 9002(b), I hereby submit timely amendments to the text of the Initiative. As the proponent of the Initiative, I approve the submission of the amended text to the Initiative and I declare that the amendment is reasonably germane to the theme, purpose, and subject of the Initiative. I request that the Attorney General prepare a circulating title and summary using the amended Initiative.

Sincerely,

A handwritten signature in black ink that reads "Shonda Roberts". The signature is written in a cursive, flowing style with a large initial "S".

Shonda Roberts

SEC 1. Name.

This measure shall be known and may be cited as the "Raise California's Wage and Paid Sick Days Act of 2016."

SEC 2. Findings and Declarations.

- (a) Income inequality is a serious economic and social problem facing the State of California. Many Californians work full-time jobs, but earn too little to provide their families with housing, groceries, medical care, and other life necessities.
- (b) The people of California need and deserve to earn fair pay for their work so they can keep up with rising costs and support their families.
- (c) Most workers including restaurant, retail, in-home support services, and others need occasional time off to care for their own health needs and those of family members.
- (d) When employees do not receive a fair wage, or guaranteed paid sick leave, the State of California and its taxpayers bear costs in the form of increased demand for emergency medical services, homeless shelters, and other necessary services.
- (e) The State of California has an interest in promoting the health, safety, and welfare of workers, and their families and communities, by ensuring a fair wage for their work and access to paid sick leave.

SEC 3. Purpose and Intent

- (a) The chief purpose and intent of this measure is to provide more economic security for California workers by increasing the minimum wage and requiring employers to provide additional guaranteed paid sick leave so that all workers, including providers of in-home supportive services, will suffer no loss of minimum compensation when it becomes necessary to take a limited amount of time off as fully paid sick leave.
- (b) This measure is intended to increase minimum wage and compensation standards for purposes of enabling California workers to support themselves and their families.
- (c) This measure will sustain the economic security of California workers over time by requiring annual increases in the minimum wage, including adjustments for inflation beginning in 2022, and requiring employers to provide no less than 48 hours or six days of paid sick leave to workers during every year of employment.
- (d) This measure ensures that providers of in-home supportive services are eligible for paid sick leave at the same rates and for the same purposes as most other California employees. This

requirement will guarantee that in-home caregivers are treated equally with other California workers by making them eligible for the same minimum wage and compensation standards.

SEC 4. Section 1182.12 of the Labor Code is amended to read:

1182.12. (a) Notwithstanding any other provision of this part, on and after July 1, 2014, the minimum wage for all industries shall not be less than nine dollars (\$9) per hour, and on and after January 1, 2016, the minimum wage for all industries shall not be less than ten dollars (\$10) per hour.

(b) Notwithstanding any other provision of this part, the minimum wage for all industries shall not be less than the rates set forth in this subdivision.

(1) Employers with twenty-six (26) or more employees shall pay employees a wage of no less than the following hourly rates:

- (A) On July 1, 2017, the minimum wage shall be \$12.00 per hour
- (B) On July 1, 2018, the minimum wage shall be \$13.25 per hour
- (C) On July 1, 2019, the minimum wage shall be \$14.25 per hour
- (D) On July 1, 2020, the minimum wage shall be \$15.00 per hour.

(2) Employers with twenty-five (25) or fewer employees shall pay employees a wage of no less than the following hourly rates:

- (A) On July 1, 2017, the minimum wage shall be \$10.50 per hour
- (B) On July 1, 2018, the minimum wage shall be \$12.00 per hour
- (C) On July 1, 2019, the minimum wage shall be \$13.25 per hour
- (D) On July 1, 2020, the minimum wage shall be \$14.25 per hour
- (E) On July 1, 2021, the minimum wage shall be \$15.00 per hour.

(3) Beginning July 1, 2022, and each year thereafter on July 1, the minimum wage shall increase by an amount corresponding to the prior calendar year's increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers or, if that index ceases to exist, the most comparable successor index. Beginning January 1, 2022 and continuing each year thereafter no later than January 1, the Department of Industrial Relations or an agency designated by the Department shall determine the adjusted rates which shall take effect the following July 1. The minimum wage may be rounded off to the nearest five cents (\$0.05).

(c) The number of employees employed by an employer shall be determined by calculating all individuals performing work for the employer in California for compensation on a full-time, part-time, or temporary basis, including individuals made available to work through the services of a temporary services or staffing agency or similar entity, during the prior calendar quarter.

(d) If a local jurisdiction establishes a minimum wage that exceeds the state minimum wage established by this section, the minimum wage established by the local jurisdiction shall be the minimum wage required to be paid by employers in the local jurisdiction.

(e) This section shall not be construed to allow a reduction in the minimum wage, to preclude an increase of the minimum wage that is greater than the rates calculated in subdivision (b), or to preempt, limit or otherwise restrict any other law, regulation, requirement, policy, or standard providing for higher wages or greater protections, or the exercise of local police powers pursuant to Section 1205(b) of the Labor Code.

SEC 5. Section 246 of the Labor Code is amended to read:

246. (a) An employee who, on or after July 1, 2015, works in California for the same employer for 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in this section.

(b) (1) An employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or the operative date of this article, whichever is later, subject to the use and accrual limitations set forth in this section.

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

(3) An employer may use a different accrual method, other than providing one hour per every 30 hours worked, provided that the accrual is on a regular basis so that an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment ~~or~~ and no less than 48 hours of accrued sick leave or paid time off by the 240th calendar day of employment during each calendar year, or in each 12-month period.

(4) An employer may satisfy the accrual requirements of this section by providing not less than 24 hours or three days of paid sick leave that is available to the employee to use by the completion of his or her 120th calendar day of employment and no less than 48 hours or six days of paid sick leave by the 240th calendar day of employment during each calendar year, or in each 12-month period.

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

(d) Accrued paid sick days shall carry over to the following year of employment. However, an employer may limit an employee's use of accrued paid sick days to ~~24 hours or three days~~ 48 hours or six days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carry over is required if the full amount of leave is received at

the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means ~~three days or 24 hours~~ 48 hours or six days.

(e) An employer is not required to provide additional paid sick days pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:

(1) Satisfies the accrual, carry over, and use requirements of this section.

(2) Provided paid sick leave or paid time off to a class of employees before January 1, 2015, pursuant to a sick leave policy or paid time off policy that used an accrual method different than providing one hour per 30 hours worked, provided that the accrual is on a regular basis so that an employee, including an employee hired into that class after January 1, 2015, has no less than one day or eight hours of accrued sick leave or paid time off within three months of employment of each calendar year, or each 12-month period, and the employee was eligible to earn at least ~~three days or 24 hours~~ 48 hours or six days of sick leave or paid time off within nine months of employment. If an employer modifies the accrual method used in the policy it had in place prior to January 1, 2015, the employer shall comply with any accrual method set forth in subdivision (b) or provide the full amount of leave at the beginning of each year of employment, calendar year, or 12-month period. This section does not prohibit the employer from increasing the accrual amount or rate for a class of employees covered by this subdivision.

(3) Notwithstanding any other law, sick leave benefits provided pursuant to the provisions of Sections 19859 to 19868.3, inclusive, of the Government Code, or annual leave benefits provided pursuant to the provisions of Sections 19858.3 to 19858.7, inclusive, of the Government Code, or by provisions of a memorandum of understanding reached pursuant to Section 3517.5 that incorporate or supersede provisions of Section 19859 to 19868.3, inclusive, or Sections 19858.3 to 19858.7, inclusive of the Government Code, meet the requirements of this section.

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

(2) If an employee separates from an employer and is rehired by the employer within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring, subject to the use and accrual limitations set forth in this section. An employer is not required to reinstate accrued paid time off to an employee that was paid out at the time of termination, resignation, or separation of employment.

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

(h) An employer shall provide an employee with written notice that sets forth the amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick leave, for use on either the employee's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the employee's payment of wages. If an employer provides unlimited paid sick leave or unlimited paid time off to an employee, the employer may satisfy this section by indicating on the notice or the employee's itemized wage statement "unlimited." The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226. This subdivision shall apply to employers covered by Wage Order 11 or 12 of the Industrial Welfare Commission only on and after January 21, 2016.

(i) An employer has no obligation under this section to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not limited other than as allowed under this section.

(j) An employee may determine how much paid sick leave he or she needs to use, provided that an employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave.

(k) For the purposes of this section, an employer shall calculate paid sick leave using any of the following calculations:

(1) Paid sick time for nonexempt employees shall be calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek.

(2) Paid sick time for nonexempt employees shall be calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

(3) Paid sick time for exempt employees shall be calculated in the same manner as the employer calculates wages for other forms of paid leave time.

(l) If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.

(m) An employer shall provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken.

(n) Amendments to this section made by the Raise California's Wage and Paid Sick Days Act of 2016 shall take effect on January 1, 2017.

SEC. 6. Article 4 of Chapter 1, Part 1 of Division 2 of the Labor Code is added to read:

Article 4. Paid Sick Leave for Providers of In-Home Supportive Services

274. The provisions of this article are in addition to and independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an aggrieved person.

275. As used in this article:

(a) "Employer of record" means a county Public Authority established or nonprofit consortium contracted pursuant to Section 12301.6 of the Welfare and Institutions Code, or the California In-Home Supportive Services Authority established pursuant to Section 6531.5 of the Government Code, or their successors.

(b) "Family member" means any of the following:

(1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the provider stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

(2) A biological, adoptive, or foster parent, stepparent, or legal guardian of a provider or the provider's spouse or registered domestic partner, or a person who stood in loco parentis when the provider was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

(c) "Paid sick leave" means time that a provider is not required to work for reasons specified in subdivision (a) of Section 277 but is nevertheless compensated at the same wage as the provider normally earns during regular work hours.

(d) "Provider" means a provider of In-Home Supportive Services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code.

276. Beginning January 1, 2018, a provider of in home supportive services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code is entitled to paid sick leave as specified in this article if the provider works for 30 or more days within a calendar year in California as a provider where a county public

authority, contracted non-profit consortium, or the California In-Home Supportive Services Authority is the employer of record.

277. The Department of Social Services, in concert with the employers of record, counties, and other interested parties, including recognized employee organizations representing providers, shall establish policies and procedures to ensure providers have access to paid sick leave subject to the requirements of this section.

(a) A provider shall be entitled to use paid sick leave upon the oral or written request of the provider. Providers may use paid sick leave for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, a provider or a provider's family member.

(2) For a provider who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(b) A provider shall not be required to provide substantiation of the reasons he or she is seeking to use paid sick leave or, as a condition of using paid sick leave, to find a replacement provider to work during the time the provider uses paid sick leave.

(c) A provider shall accrue paid sick leave at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or January 1, 2018, whichever is later, subject to the use and accrual limitations set forth in this section.

(d) (1) An accrual method that is different from the accrual method provided in subdivision (c) may be used if the accrual occurs on a regular basis so that a provider is afforded no less than 24 hours of paid sick leave or paid time off by the 120th calendar day of employment and no less than 48 hours of paid sick leave or paid time off by the 240th calendar day of employment during each calendar year or in each 12-month period.

(2) The accrual requirements set forth in this section may be satisfied by providing not less than 24 hours or three days of paid sick leave to the provider by the completion of his or her 120th calendar day of employment and no less than 48 hours or six days of accrued paid sick leave or paid time off by the 240th calendar day of employment during each calendar year or in each 12-month period.

(e) A provider shall be entitled to use accrued paid sick leave beginning on the 90th day of employment, after which day the provider may use paid sick leave as it is accrued.

(f) Accrued paid sick leave shall carry over to the following year of employment. However, a provider's use of accrued paid sick leave may be limited to 48 hours or six days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carry over is required if the full amount of leave is received at the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means 48 hours or six days.

(g) If providers represented by an employee organization, for purposes of meeting and conferring in good faith concerning wages, hours, and working conditions, are covered by provisions of a memorandum of understanding which establishes paid sick leave benefits that exceed the minimum benefits required under this section, that memorandum of understanding shall be controlling.

(h)(1) Except as specified in paragraph (2), a provider is not entitled to receive compensation for accrued, unused paid sick leave upon termination, resignation, retirement, or other separation from employment.

(2) If a provider is separated from employment and is rehired within one year from the date of separation, previously accrued and unused paid sick leave shall be reinstated. The provider shall be entitled to use those previously accrued and unused paid sick leave and to accrue additional paid sick leave upon rehire, subject to the use and accrual limitations set forth in this section. A provider is not entitled to reinstatement of accrued paid time off if the provider was paid for sick leave at the time of termination, resignation, or separation of employment.

(i) Procedures established pursuant to this section may provide for the lending of paid sick leave to a provider in advance of accrual.

(j) A provider shall be given written notice setting forth the amount of paid sick leave available on the provider's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the provider's payment of wages. The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226.

(k) A provider is not entitled to a total accrual of paid sick leave exceeding 48 hours or six days.

(l) A provider may determine how much paid sick leave he or she needs to use, provided that a reasonable minimum increment may be established, not to exceed two hours, for use of paid sick leave.

(m) For the purposes of this section, paid sick leave shall be calculated:

(1) In the same manner as the regular rate of pay for the workweek in which the provider uses paid sick leave, whether or not the provider actually works overtime in that workweek; or

(2) By dividing the provider's total wages, not including overtime premium pay, by the provider's total hours worked in the full pay periods of the prior 90 days of employment.

(n) If the need for paid sick leave is foreseeable, a provider shall give reasonable advance notification. If the need for paid sick leave is unforeseeable, the provider shall give notice of the need for leave as soon as practicable.

(o) A provider shall be paid for paid sick leave no later than the payday for the next regular payroll period after the paid sick leave was taken.

(p) Hours for which a provider is compensated for paid sick leave shall not be deducted from the authorized service hours of any recipient who is authorized to receive in-home services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code.

278. (a)(1) Providers shall not be denied the right to use accrued paid sick leave, or be subject to discharge, threatened discharge, demotion, suspension, or in any manner discriminated against for using accrued paid sick leave, attempting to exercise the right to use accrued paid sick leave, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy, practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if a provider is denied the right to use accrued paid sick leave, or is discharged, threatened with discharge, demoted, suspended, or in any manner discriminated against within 30 days of any of the following:

(A) The filing of a complaint by the provider with the Labor Commissioner alleging a violation of this article.

(B) The cooperation of a provider with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the provider to a policy, practice, or act prohibited by this article.

279. (a) The Department of Social Services, in concert with the employers of record, counties, and other interested parties, including recognized employee organizations representing providers, shall establish policies and procedures to ensure that records documenting the hours worked and accrued paid sick leave and used by providers are maintained for a minimum of three years. The Labor Commissioner is entitled to access these records pursuant to the requirements set forth in Section 1174 and a provider is permitted to access the records in the same manner as described in Section 226. In the event the recordkeeping requirements are inadequate to demonstrate the amount of accrued paid sick leave available to a provider, it shall be presumed that the provider is entitled to the maximum number of hours accruable under this article.

(b) Nothing in this article shall be interpreted to authorize or require maintenance of records documenting the purpose for which a provider requests or uses paid sick leave.

280. (a) The Labor Commissioner shall enforce this article, including investigating an alleged violation, and ordering appropriate temporary relief to mitigate the violation or to maintain the status quo pending the completion of a full investigation or hearing.

(b)(1) If the Labor Commissioner, after a hearing that contains adequate safeguards to ensure that the parties are afforded due process, determines that a violation of this article has occurred, he or she may order any appropriate relief, including reinstatement, backpay, the payment of sick leave unlawfully withheld, and the payment of an additional sum in the form of an administrative penalty to a provider or other person whose rights under this article were violated.

(2) If paid sick leave was unlawfully withheld, the dollar amount of paid sick leave withheld from the provider multiplied by three, or two hundred fifty dollars (\$250), whichever amount is greater, but not to exceed an aggregate penalty of four thousand dollars (\$4,000), shall be included in the administrative penalty.

(3) If a violation of this article results in other harm to the provider or person, such as discharge from employment, or otherwise results in a violation of the rights of the provider or person, the administrative penalty shall include a sum of fifty dollars (\$50) for each day or portion thereof that the violation occurred or continued, not to exceed an aggregate penalty of four thousand dollars (\$4,000).

(c) Where prompt compliance is not forthcoming, the Labor Commissioner may take any appropriate enforcement action to secure compliance, including the filing of a civil action. In compensation to the state for the costs of investigating and remedying the violation, the commissioner may order the violator to pay to the state a sum of not more than fifty dollars (\$50) for each day or portion of a day a violation occurs or continues for each provider or other person whose rights under this article were violated.

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

(e) The Labor Commissioner or the Attorney General may bring a civil action in a court of competent jurisdiction against any person violating this article and, upon prevailing, shall be entitled to collect legal or equitable relief on behalf of the aggrieved as may be appropriate to remedy the violation, including reinstatement, backpay, the payment of sick leave unlawfully withheld, the payment of an additional sum, not to exceed an aggregate penalty of four thousand dollars (\$4,000), as liquidated damages in the amount of fifty dollars (\$50) to each provider or person whose rights under this article were violated for each day or portion thereof that the violation occurred or continued, plus, if the person has unlawfully withheld paid sick leave to a provider, the dollar amount of paid sick leave withheld from the provider multiplied by three; or two hundred fifty dollars (\$250), whichever amount is greater; and reinstatement in employment or injunctive relief; and further shall be awarded reasonable attorney's fees and costs, provided, however, that any person or entity enforcing this article on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive, or restitutionary relief, and reasonable attorney's fees and costs.

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

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

(h) No penalty or liquidated damages under this article shall be assessed due to an isolated and unintentional payroll error or written notice error that is a clerical or an inadvertent mistake regarding the accrual or available use of paid sick leave. In reviewing for compliance with this article, the factfinder may consider as a relevant factor whether, prior to an alleged violation, a set of policies, procedures, and practices that fully comply with this article were adopted and complied with.

281. (a) This article does not limit or affect any laws guaranteeing the privacy of health information, or information related to domestic violence or sexual assault, regarding a provider or provider's family member. That information shall be treated as confidential and shall not be disclosed to any person except to the affected provider or as required by law.

(b) This article shall not be construed to discourage or prohibit the adoption or retention of a paid sick leave policy more generous than the one required by this article.

(c) This article does not impair the obligation to comply with a contract, collective bargaining agreement, memorandum of understanding, employment benefit plan, or other agreement providing more generous sick leave to a provider than required by this article.

(d) This article establishes minimum requirements pertaining to paid sick leave and does not preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use of sick leave, whether paid or unpaid, or that extends other protections to a provider.

SEC. 7. Severability

If the provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect and to this end the provisions of this act are severable.

SEC. 8. Conflicting Measures

In the event that this measure and another measure that affects the rate of the state minimum wage or paid sick leave appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

SEC. 9. Amendments

Pursuant to subdivision (c) of Section 10 of Article II of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the people at a statewide election or by statute validly enacted, but only to further the purposes of the Act and not to reduce or limit access to the minimum wage or paid sick leave benefits required by this Act.

* * * * *