

Local Paid Sick Leave Related to COVID-19

	San Jose COVID-19 Paid Sick Leave Ordinance	San Francisco Public Health Emergency Leave Ordinance	Oakland Protecting Workers and Communities During a Pandemic - COVID-19 Emergency Paid Sick Leave Ordinance	Los Angeles County COVID-19 Worker Protection Ordinance	City of Los Angeles COVID-19 Supplemental Paid Sick Leave Public Order
Employers Covered	<p>Employers who are subject to the San Jose Business License Tax or maintain a facility within the City and are not required to provide paid sick leave under the FFCRA. This includes employers with more than 500 and employers with fewer than 50 employees.</p> <p>The Ordinance applies only to the extent of the benefits not provided under the FFCRA.</p> <p><u>Exemption:</u> Employers who provide employees, on April 7, 2020, with some combination of paid personal leave at least equivalent to the paid sick time required by this Ordinance, are not subject to the Ordinance.</p> <p>Similar exemption for employers who operate hospitals, except the paid personal leave must be provided within two weeks of the Ordinance's effect date.</p>	<p>Private employers with 500 or more employees worldwide and not covered by the FFCRA.</p>	<p>Private employers who employed at least 50 employees between February 3, 2020 and March 4, 2020, unregistered janitorial employers of any size, and franchises with fewer than 50 employees associated with a franchisor or network of franchises employing more than 500 employees in total.</p> <p><u>Exemptions:</u> (1) Employers of health care providers or emergency responders may elect exemption from the Ordinance, subject to certain requirements.</p> <p>(2) Employers who, after February 3, 2020:</p> <ul style="list-style-type: none"> - Allows employees to accrue at least 160 hours of paid leave, so long as each employee has immediate access to at least 80 hours of leave after May 12, 2020 for the Ordinance's qualifying reasons, and employees are provided additional leave to bring their paid leave balances to 80 hours where their balances have fallen below 80 hours on May 12, 2020; or - Provide employees immediate access to paid personal leave in amounts at least equivalent to those specified in the Ordinance for the Ordinance's qualifying reasons. The paid personal leave must be in addition to any paid leave the employer was otherwise required to provide. 	<p>Private employers in Los Angeles County (unincorporated areas) with 500 or more employees nationwide and not covered by the FFCRA and Governor Newsom's Executive Order N-51-20 (COVID-19 Supplemental Paid Sick Leave for Food Sector Workers).</p> <p><u>Exemption:</u> Employers may exclude employees who are emergency responders or health care providers from the leave requirements.</p>	<p>Employers with 500 or more employees within the City or 2,000 or more employees nationwide.</p> <p><u>Exemptions:</u> (1) Employers of emergency personnel or health care workers. (2) Employers of employees who provide global parcel delivery services. (3) Employers who provide at least 160 hours of paid leave annually (exempt as to those employees who received the more generous leave). (4) Employers who started business in the City or relocated from outside the City on or after September 4, 2019 through March 4, 2020, with certain exceptions. (5) Government agencies do not have to provide supplemental leave to employees working within the course and scope of their public service employment. (6) Businesses or organizations that were closed or not operating for at least 14 days, any time on or after March 4, 2020, due to a city official's emergency order related to COVID-19 or provided at least 14 days of leave are exempt.</p>

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Eligible Employees	Employees who have worked at least two (2) hours within the City's geographic boundaries and who leave their residences to perform <u>Essential Work</u> , as defined by the Santa Clara County Public Health Officer Order dated March 16, 2020, as amended.	Employees who perform work within the geographic boundaries of the City/County. <u>Telework:</u> Employees who performed work in the City prior to February 25, 2020 and subsequently switched to teleworking outside of the City may be entitled to leave. Conversely, employees who did not perform work in the City prior to February 25, 2020 and subsequently switched to teleworking in the City are not entitled to leave.	Employees who have worked for an employer for at least two (2) hours after February 3, 2020 within the geographic boundaries of the City.	Individuals who perform any work within the geographic boundaries of the County for an employer.	Individuals who perform any work within the geographic boundary of the City and have been employed with the same employer from February 3, 2020 through March 4, 2020.

<p>Qualifying Reasons for Leave</p>	<p>The employee is unable to work (or telework) due to a need for leave because:</p> <p>(1) The employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19 or is caring for someone who is quarantined or isolated due to COVID-19;</p> <p>(2) A health care provider advised the employee to self-quarantine due to COVID-19 or the employee is caring for someone who has been advised by a health care provider to quarantine due to COVID-19;</p> <p>(3) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or</p> <p>(4) The employee is caring for a minor child because a school or daycare is closed due to COVID-19.</p>	<p>The employee is unable to work (or telework) due to any of the following:</p> <p>(1) The employee is subject to an individual or general federal, state, or local quarantine or isolation order related to COVID-19, including shelter-in-place orders. This also includes an employee who is a member of a "vulnerable population" and is unable to work due to recommendations in the SF Department of Public Health's orders or any order issued by the Governor or Bay Area jurisdictions recommending or requiring additional restrictions for vulnerable or high-risk populations;</p> <p>(2) The employee has been advised by a health care provider to self-quarantine;</p> <p>(3) The employee is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis;</p> <p>(4) The employee is caring for a family member who is subject to an order as described in (1), has been advised as described in (2), or is experiencing symptoms as described in (3);</p> <p>(5) The employee is caring for a family member whose school or place of care has been closed, or whose care provider is unavailable, due to the public health emergency; or</p> <p>(6) The employee is experiencing any other substantially similar condition specified by the Local Health Officer or federal law.</p> <p><u>Health Care Providers and Emergency Responders:</u> Use of leave may be limited to situations described in (2) and in (3) where the employee does not meet the CDC's return to work criteria.</p>	<p>The employee is unable to work (or telework) for the following reasons:</p> <p>(1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;</p> <p>(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;</p> <p>(3) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;</p> <p>(4) The employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2);</p> <p>(5) The employee is caring for a child if the school or place of care of the child has been closed, or the child care provider is unavailable, due to COVID-19 precautions;</p> <p>(6) The employee is experiencing any other substantially similar condition specified by the federal Secretary of Health and Human Services;</p> <p>(7) To enable the employee to care for a family member who has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19; or</p> <p>(8) To take time off work because the employee: (a) is at least 65 years old, (b) has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system, (c) has any condition identified by the county, state, or federal public health official as putting the public at heightened risk of serious illness or death if exposed to COVID-19, or (d) has any condition certified by a health care professional as putting the employee at a heightened risk of serious illness or death if exposed to COVID-19.</p>	<p>The employee is unable to work (or telework) because:</p> <p>(1) A public health official or health care provider requires or recommends that the employee isolate or self-quarantine to prevent the spread of COVID-19;</p> <p>(2) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 (e.g. is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system);</p> <p>(3) The employee needs to care for a family member who is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine related to COVID-19; or</p> <p>(4) The employee needs to provide care for a family member whose senior care provider or whose school or child care provider ceases operations in response to a public health or other public official's recommendation.</p>	<p>The employee is unable to work (or telework) due to any of the following:</p> <p>(1) A COVID-19 infection or because a public health official or health care provider requires or recommends that the employee isolate or self-quarantine;</p> <p>(2) The employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;</p> <p>(3) The employee needs to care for a family member who is not sick but whom public health officials or health care providers have required or recommended isolate or self-quarantine; or</p> <p>(4) The employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation (only applicable to an employee who is unable to secure a reasonable alternative caregiver).</p>
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Amount of Paid Leave	<p><u>Full-time Employees:</u> 80 hours of paid sick leave.</p> <p><u>Part-time Employees:</u> Paid sick leave hours equal to the number of hours the employee worked on average over a two-week period during the six (6) months preceding the Ordinance. If the employee has worked fewer than six (6) months, the employer should calculate sick leave usage based on the average number of hours the employee was expected to work at the time he/she was hired.</p> <p><u>Offset:</u> Employers who provide, on April 7, 2020, paid personal leave less than that required by the Ordinance are required to comply with the Ordinance to the extent of the deficiency.</p> <p>Same requirement for employers who operate hospitals and provide paid personal leave less than that required by the Ordinance within two weeks of the Ordinance's effect date.</p>	<p><u>Full-time Employees as of February 25, 2020:</u> 80 hours of paid sick leave.</p> <p><u>Part-time Employees as of February 25, 2020:</u> Paid sick leave hours shall be equal to the average number of hours over a two-week period that the employee was scheduled over the previous six months ending on February 25, 2020, including hours for which the employee took leave of any type.</p> <p><u>Employees Hired After February 25, 2020:</u> The number of hours is equal to the number of hours that the employee worked, on average, over a two-week period between the date of hire and the date upon which the leave is taken, including hours for which the employee took leave of any type.</p> <p><u>Offset:</u> Employers who provide additional paid leave in response to COVID-19 or leave pursuant to Executive Order N-51-20 (COVID-19 Supplemental Paid Sick Leave for Food Sector Workers) are permitted to offset that leave against the requirement. This does not include hours accrued under the SF Paid Sick Leave Ordinance.</p>	<p><u>Full-time Employees During the Period of February 3 - March 4, 2020 or Any Point Thereafter:</u> 80 hours of paid sick leave.</p> <p><u>Part-time Employees:</u> Paid sick leave in an amount equal to the average number of hours the employee worked within the City over 14 days during the period of February 3, 2020 through March 4, 2020. The 14 days must be the 14 days with the highest number of hours worked within the City during the above period.</p> <p><u>Offset:</u> Employers may credit the total sick leave hours provided under the FFCRA against their paid sick leave obligation under the Ordinance.</p>	<p><u>Full-time Employees:</u> 80 hours of paid sick leave.</p> <p><u>Part-time Employees:</u> Paid sick leave in an amount no greater than the employee's average two-week pay over the period of January 1, 2020 through the effective date of the Ordinance.</p> <p><u>Offset:</u> If an employer provided additional paid leave for COVID-19 reasons above and beyond an employee's regular or previously accrued leaves, the obligation to provide supplemental paid sick leave under the Ordinance shall be reduced for every hour the employer allowed an employee to take such voluntary COVID-19 leave in an amount equal to or greater than the requirements of the Ordinance on or after March 31, 2020, for any of the qualifying reasons.</p>	<p><u>Full-time Employees:</u> 80 hours of paid sick leave.</p> <p><u>Part-time Employees:</u> Paid sick leave in an amount equal to the number of hours worked in four consecutive weeks during the period of February 3, 2020 through March 4, 2020 divided by two.</p> <p><u>Offset:</u> An employer's obligation to provide 80 hours of paid sick leave shall be reduced for every hour the employer allowed an employee to take paid leave in an amount equal to or greater than the Order's requirements, not including previously accrued hours, on or after March 4, 2020, for any of the qualifying reasons or in response to an employee's inability to work due to COVID-19.</p>

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Payment Amount	<p><u>For Employee:</u> Regular rate of pay up to \$511 per day, not to exceed an aggregate of \$5,110.</p> <p><u>For Care of Another:</u> 2/3 of the employee's regular rate of pay up to \$200 per day, not to exceed an aggregate of \$2,000.</p>	<p><u>Non-Exempt Employees:</u> Employers may calculate leave using the regular rate of pay for the workweek in which the employee uses the leave, or 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.</p> <p><u>Exempt Employees:</u> Same manner as the employer calculates wages for other forms of paid leave.</p>	<p>The same hourly rate and with the same benefits, including health benefits, as the employee normally earns during hours worked, which cannot be less than the City's minimum wage.</p> <p>Not to exceed \$511 per day or \$5,110 in the aggregate.</p>	<p><u>Full-time Employees:</u> Employee's highest average two-week pay over the period of January 1, 2020 through the effective date of the Ordinance.</p> <p><u>Part-time Employees:</u> No greater than the employee's average two-week pay over the period of January 1, 2020 through the effective date of the Ordinance.</p> <p>Not to exceed \$511 per day and \$5,110 in the aggregate.</p>	<p><u>Full-time Employees:</u> Employee's average two-week pay over the period of February 3, 2020 through March 4, 2020.</p> <p><u>Part-time Employees:</u> Employee's average two-week pay over the period of February 3, 2020 through March 4, 2020.</p> <p>Not to exceed \$511 per day and \$5,110 in the aggregate.</p>
When Leave is Available	April 7, 2020 through December 31, 2020.	April 17, 2020 through October 15, 2020 unless reenacted, or upon the termination of the Public Health Emergency, whichever occurs first.	May 12, 2020 through December 31, 2020.	April 28, 2020 through December 31, 2020, unless extended. * The Ordinance provides that an employer's obligation to begin providing supplemental paid sick leave is March 31, 2020.	April 7, 2020 until two (2) calendar weeks after the expiration of the COVID-19 local emergency period.

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Family Members for Whom Care May Be Provided	<p><u>Caring for Another:</u> An immediate family member, person who regularly resides in employee's home, or similar person with whom employee has a relationship that creates an expectation of care.</p> <p><u>Caring for Child:</u> Biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing <i>in loco parentis</i>, who is under 18 years of age or is 18 years or older and incapable of self-care because of a mental or physical disability.</p> <p>* The Ordinance was intended to follow the federal Emergency Sick Leave Act.</p>	<p><u>Caring for Family Member:</u> "Family Member" means a child, parent, legal guardian or ward, sibling, grandparent, grandchild, spouse or registered domestic partner, and Designated Person, including biological, adoptive, step, and foster care relationships.</p> <p>"Child" also includes a child of a domestic partner and a child of a person standing <i>in loco parentis</i>.</p> <p>"Parent" also includes a person who stood <i>in loco parentis</i> when the employee was a minor child, and a person who is a biological, adoptive, or foster parent, or guardian of the employee's spouse or registered domestic partner.</p> <p>"Designated Person." If the employee has no spouse or registered domestic partner, the employee may designate one person as to whom the employee may use paid sick leave to aid or care for the person.</p>	<p><u>Caring for Family Member:</u> "Family Member" means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling; the child, parent, grandparent, grandchild, and sibling of an employee's spouse or domestic partner; sibling, grandparent, and grandchild relationships resulting from adoptive, step, and foster care relationships; an individual for whom the employee is responsible for providing or arranging care, or whose close association with the employee is the equivalent of a family relationship.</p>	<p><u>Caring for Family Member:</u> "Family Member" means an employee's child, parent, or spouse.</p> <p>"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing <i>in loco parentis</i> who is either under 18 years of age or an adult dependent child.</p> <p>"Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood <i>in loco parentis</i> to the employee when the employee was a child.</p>	<p>The Public Order does not define "family member."</p> <p>However, Los Angeles' Minimum Wage Ordinance defines "family member" for purposes of its paid sick leave provisions as a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.</p>

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Requisite Documentation of Need for Leave	Employers must maintain/be provided documentation containing the following: (1) Name of the employee requesting leave; (2) Date(s) for which leave is requested; (3) Reason for leave; and (4) Statement from the employee that he/she is unable to work because of the reason specified.	An employer may require an employee to identify the basis for requesting Public Health Emergency Leave, but may not require the disclosure of health information or other documentation, such as a doctor's note or letter from a child care facility.	Employers may not require a doctor's note or other documentation for the use of paid sick leave, except when an employee must take time off work because he/she has a condition certified by a health care professional as putting the employee at a heightened risk of serious illness or death if exposed to COVID-19 (employee need only disclose that he/she is at a heightened risk for serious illness or death if exposed to COVID-19).	Employers must provide leave upon the written request of an employee. Employers may require a doctor's note or other documentation for the use of paid sick leave.	Employers must provide leave upon the oral or written request of an employee. Employers may not require a doctor's note or other documentation and may not inquire into or require an employee to provide a description or explanation of the illness or condition necessitating the employee's leave. Employers may require an employee to, orally or in writing, provide the reason for taking leave (child care, quarantine, vulnerable medical condition, caring for a family member) for purposes of recordkeeping. Employer should retain documentation of compliance, including the name of the employee requesting the leave, the date for which it is requested, the category or reason for the leave, and whether or not it was approved, and if not, the reason for denial.

Additional localities that have mandated supplemental paid sick leave for reasons related to COVID-19: Long Beach, Sacramento (City and County), San Diego, San Mateo County, Santa Rosa, and Sonoma County.

Further, other localities have provided specific guidance as to their existing local paid sick leave ordinances and COVID-19.