

	Emeryville Paid Sick Leave ¹	Los Angeles Supplemental Paid Sick Leave Due to COVID-19	San Francisco Paid Sick Leave	San Francisco Public Health Emergency Leave	San Jose COVID-19 Paid Sick Leave Ordinance
Overview	<p>Minimum of 48 paid sick leave hours accruable for employees of small businesses (55 or fewer employees within Emeryville city limits) and 72 hours for Employees of Large Businesses (56 or more within Emeryville city limits).</p> <p>Effective July 2, 2015, interpretation issued on April 9, 2020.</p>	<p>Employee who works 40+ hours/week or is classified as full-time receives 80 hours of supplemental paid sick leave.</p> <p>Employee who works less than 40 hours/week and is not classified as full-time shall receive supplemental paid sick leave in an amount no greater than the employee's average two-week pay over the period of February 3, 2020, through March 4, 2020.</p> <p>Effective April 7, 2020, and in effect until two calendar weeks after expiration of the COVID-19 local emergency period.</p>	<p>Employers must provide paid sick leave to all employees who perform work in San Francisco.</p> <p>Employers with 10+ employees may cap an employee's sick time balance at 72 hours.</p> <p>Employers with fewer than 10 employees may cap an employee's sick time balance at 40 hours.</p> <p>Effective February 5, 2007. On March 24, 2020, the City published guidance clarifying that employees affected by COVID-19 are eligible for this leave.</p>	<p>Provides up to 80 hours of supplemental paid leave for COVID-19-related reasons for employees who work within the City and County of San Francisco.</p> <p>Effective April 17, 2020. Expires on the 61st day following enactment unless reenacted, or upon the termination of the Public Health Emergency, whichever occurs first.</p>	<p>Provides up to 80 hours of paid sick leave for employees who leave their residence to perform Essential Work under the Shelter in Place Order.</p> <p>Effective from April 7, 2020, through December 31, 2020.</p>
Interaction of Laws	<p>Employer must comply with all federal, state, or local laws and regulations related to sick leave.</p> <p>Employer subject to state and other local paid sick leave laws must follow the stricter standard or law.</p>	<p>Employer must comply with all federal, state, or local laws and regulations related to sick leave.</p> <p>The supplemental paid sick leave is a separate category of leave, in addition to California/Los Angeles-mandated paid sick leave.</p>	<p>An employer must comply with any and all federal, state, or local laws and regulations related to sick leave.</p> <p>Employer subject to state and other local paid sick leave laws must follow the stricter standard or law.</p>	<p>An employer must comply with any and all federal, state, or local laws and regulations related to sick leave.</p> <p>SF PHELO is a separate category of leave, in addition to California/San Francisco-mandated paid sick leave.</p>	<p>An employer must also comply with any and all federal, state, or local laws and regulations related to sick leave.</p>

¹ Other California cities have local paid sick leave ordinances that may also apply to employees affected by COVID-19. California employers should check local paid sick leave ordinances for applicability to their employees.

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Covered Employers	<p>Any employer who directly or indirectly employs or exercises control over the wages, hours, or working conditions of any employee.</p>	<p>Employer that has either:</p> <p>(i) 500+ employees within City of Los Angeles; or</p> <p>(ii) 2,000+ employees within United States.</p> <p>Size of an employer's business = average number of employees employed during the <i>previous calendar year</i>.</p> <p>Number of employees = full-time, part-time, temporary or seasonal employees, and workers supplied through a temporary employment agency.</p> <p>Six categories of exempted employers:</p> <ol style="list-style-type: none"> 1. Emergency and health services personnel. 2. Critical parcel delivery. 3. Employers with generous leave policies – If PTO policy provides a minimum of 160 hours of paid leave annually. 4. New businesses – If business (a) started in the City or relocated from outside City on or after September 4, 2019 through March 4, 2020; and (b) was not in business in the City in the 2018 tax year. 5. Government agencies. 6. Closed businesses – Closed or not operating for a period of 14 or more <i>consecutive days</i>—any time on or after March 4, 2020—due to a city official's emergency COVID-19 order, or have already provided at least 14 days of <i>paid or unpaid</i> leave—including furlough days. <p>If collective bargaining agreement (CBA) is in place as of April 7, 2020, that doesn't address sick leave related to COVID-19, employer must comply with Order until the CBA is amended to expressly waive the terms. For period not covered by the CBA, employer must comply with Order. Any employer who fails to comply will be required to make retroactive corrections.</p>	<p>All employers regardless of size.</p>	<p>Private employers who have 500 or more employees worldwide.</p>	<p>Applies to all businesses that:</p> <ol style="list-style-type: none"> 1. Maintain a facility within the boundaries of the City, or is subject to the Business License Tax required by Chapter 4.76 of the San Jose Municipal Code; and 2. "[T]hat are not required—in whole or in part—to provide paid sick leave benefits under the federal Emergency Paid Sick Leave Act" in the FFCRA. <p>Employers whose leave policies are "at least equivalent" to the provisions of the San Jose Ordinance on the date of enactment are exempt from the ordinance.</p>

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Eligible Employees	All employees who perform work in the City for at least two hours per week.	<p>Employees employed with the same employer from February 3, 2020, through March 4, 2020, unable to work or telework, and perform any work within the geographic boundaries of the City for an employer.</p> <p>If employee worked in multiple locations, should be counted as an employee within the City of Los Angeles if they performed any work within the City's geographic boundaries in the previous calendar year.</p> <p>For a telecommuting employee, the Order applies to employees who either:</p> <ol style="list-style-type: none"> 1. Normally work for companies at locations inside the City of Los Angeles and are telecommuting from homes inside the City; 2. Normally work for companies at locations outside the City but are telecommuting from homes inside the City; or 3. Normally work for companies at locations inside the City but are telecommuting from homes outside the City. 	<p>Available to all employees.</p> <p>Workers who have been laid off by their employer are no longer eligible for paid sick leave.</p> <p>Employees who have their hours reduced or eliminated are not entitled to use accrued paid sick leave to account for reductions or eliminations.</p> <p>Employees who remain scheduled to work may continue to use their accrued paid sick leave for any qualifying reason for any portion of their scheduled hours that they are unable to work.</p>	All employees who perform work as an employee within the City and County of San Francisco, including part-time, temporary, and seasonal workers.	All employees who have worked at least two hours within the City and who leave their residence to perform Essential Work, as defined by the Santa Clara County Public Health Officer on March 16, 2020.
Qualifying Reasons	<p>Employers covered by Section 5-37.03 of the Minimum Wage, Paid Sick Leave Ordinance must allow employees to use accrued sick leave in the following situations:</p> <ul style="list-style-type: none"> • Healthcare providers require or recommend an employee isolate or self-quarantine; • Employee falls within the definition of a "vulnerable population" under the Guidance from the State or any other official subsequent updates. • Employee's business or a work location temporarily ceases operations in response to a public health or other public official's recommendation; <p>(continued on next page)</p>	<p>Employer shall provide supplemental paid sick leave upon oral or written request of employee if:</p> <ul style="list-style-type: none"> • Due to COVID-19 infection or because public health official or healthcare provider requires or recommends employee isolate or self-quarantine; • Employee is at least 65 years old or has health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system; • Employee needs to care for family member who is not sick but whom public health officials or healthcare providers have required or recommended isolation or self-quarantine; or <p>(continued on next page)</p>	<p>Employees can use accrued sick leave in the following situations:</p> <ul style="list-style-type: none"> • Public health officials or healthcare providers require or recommend an employee isolate or quarantine; • Employee falls within the definition of a "vulnerable population" under the San Francisco Department of Public Health's (DPH) March 6, 2020 guidelines or any subsequent updates. • Employee's business or work location temporarily ceases operations in response to a public health or other public official's recommendation—subject to the "Eligibility for Paid Sick Leave" guidelines above; <p>(continued on next page)</p>	<p>Employees can use accrued sick leave in the following situations:</p> <ul style="list-style-type: none"> • Public health officials or healthcare providers require or recommend an employee isolate or quarantine; • Employee falls within the definition of a "vulnerable population" under the San Francisco Department of Public Health's (DPH) March 6, 2020 guidelines or any subsequent updates. • Employee's business or work location temporarily ceases operations in response to a public health or other public official's recommendation—subject to the "Eligibility for Paid Sick Leave" guidelines above; <p>(continued on next page)</p>	<p>Employees can use emergency paid sick leave for the following reasons:</p> <ul style="list-style-type: none"> • 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; • Employee is advised by a healthcare provider to self-quarantine due to COVID-19 or is caring for someone who is so advised by a healthcare provider; • Employee experiences symptoms of COVID-19 and is seeking medical diagnosis; and/or <p>(continued on next page)</p>

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	<p>(continued from previous page)</p> <ul style="list-style-type: none"> Employee needs to provide care for a family member who is not sick but whom public health officials or healthcare providers have required or recommended isolate or quarantine; or Employee needs to provide care for a family member whose school, childcare provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official's recommendation. 	<p>(continued from previous page)</p> <ul style="list-style-type: none"> Employee takes time off work because employee needs to provide care for family member whose senior care provider or school or childcare provider caring for a child under age 18 temporarily ceases operations in response to public health or other public official's recommendation. Only applicable to Employees unable to secure reasonable alternative caregivers. 	<p>(continued from previous page)</p> <ul style="list-style-type: none"> Employee needs to provide care for a family member who is not sick but whom public health officials or healthcare providers have required or recommended isolate or quarantine; or Employee needs to provide care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official's recommendation. 	<p>(continued from previous page)</p> <ul style="list-style-type: none"> Is caring for a family member if their school or care provider is closed or unavailable to due to COVID-19; or Is experiencing any other substantially similar conditions specified by the Local Health Officer. Employers of healthcare providers or emergency responders may limit those employees' use of time to the following circumstances: The employee is advised by a health care provider to self-quarantine; or <p>The employee is experiencing COVID-19 symptoms, is seeking a diagnosis, and does not meet CDC return-to-work guidance.</p>	<p>(continued from previous page)</p> <ul style="list-style-type: none"> Employee is caring for a minor child because a school or daycare is closed due to COVID-19.
Duration of Leave	<p>48 hours accruable for employees of small businesses (55 or fewer employees within Emeryville city limits).</p> <p>72 hours for employees of large businesses (56 or more within Emeryville city limits).</p>	<p>Full time employees: 80 hours.</p> <p>Part-time employees: Amount no greater than employee's average two-week pay over the period of February 3, 2020, to March 4, 2020. Maximum of 80 hours</p> <p>Employees of joint employers are not entitled to double dip in amount of paid sick leave they receive.</p>	<p>Employers with 10 or more employees may cap an employee's sick time balance at 72 hours.</p> <p>Employers with fewer than 10 employees may cap an employee's sick time balance at 40 hours.</p>	<p>Full-time employees: 80 hours.</p> <p>Part-time employees: The number of hours normally worked in a two-week period, based on a six-month average.</p>	<p>Full-time employees: 80 hours.</p> <p>Part-time employees: The number of hours normally worked in a two-week period, based on a six-month average.</p>
Advance Notice Requirement	<p>Employer may require reasonable notice of PSL use as long as the requirement does not deter the valid use of PSL and employer has a procedure on how to communicate absences.</p>	<p>Not addressed in Order. Generally, employee should provide notice as soon as practicable.</p>	<p>If unforeseeable, PSL policies requiring no more than two hours' notice prior to start of the shift are presumptively reasonable. Policies requiring more than two hours' notice are presumptively unreasonable.</p>	<p>Employer may require reasonable notice when need for leave is foreseeable.</p>	<p>Issue not addressed in ordinance.</p>

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Documentation Requirement	Employer may adopt a policy of verifying and/or documenting lawful use of PSL.	No. No doctor's note or other documentation can be required. But employers can and should document reasons for leave.	No. No doctor's note or other documentation required if paid sick leave taken during the duration of the Local Health Emergency regarding Novel Coronavirus Disease 2019.	No. No doctor's note or other documentation can be required.	Issue not addressed in ordinance.
Accrual	<p>One hour of PSL for every 30 hours worked in the City; or</p> <p>At the start of each year, front-load a PSL amount equal to the applicable accrual cap; or</p> <p>A combination of both of the above options.</p> <p>Employers may cap the amount of accrued, unused PSL, depending on the number of employees they have working in the City.</p>	Not applicable.	<p>One hour of PSL for every 30 hours worked in the City; or</p> <p>At the start of each year, front-load a PSL amount equal to the applicable accrual cap.</p>	Not applicable.	Not applicable.
Carryover	Accrued, unused PSL carries over into the next year but is limited by the employer's accrual cap, if any. If PSL is provided up-front, rollover is not required.	Not applicable.	Accrued, unused PSL carries over into the next year but is limited by the employer's rolling accrual cap.	Not applicable.	No.
Intermittent Use Allowed?	Yes. Employers cannot require that PSL be used in increments larger than two hours.	Yes.	Yes. Employers cannot require that PSL be used in increments larger than one hour.	Yes. Employers cannot require that PSL be used in increments larger than one hour.	Issue not addressed in ordinance.
Rate of Pay	<p>Non-exempt employees:</p> <ul style="list-style-type: none"> Regular rate of pay for the workweek in which PSL is used; or Divide total wages (excluding OT) by total hours worked in full pay periods of prior 90 days. <p>Exempt employees:</p> <ul style="list-style-type: none"> PSL is paid using the same method as any other form of paid leave provided by the employer. 	<p>If employee works 40+ hours/week or is classified as full-time by the employer = employee's average two-week pay between February 3, 2020, and March 4, 2020.</p> <p>If employee works less than 40 hours/week and is not classified as full-time = employee's average two-week pay between February 3, 2020, and March 4, 2020.</p> <p>Amount of hours that must be provided is determined by adding number of hours worked in four consecutive weeks during this period and dividing total by 2.</p> <p>Supplemental paid sick leave is capped at \$511/day or \$5,110 total.</p>	<p>Non-exempt employees:</p> <ul style="list-style-type: none"> Regular rate of pay for the workweek in which PSL is used. <p>Exempt employees:</p> <ul style="list-style-type: none"> Same as any other paid leave provided by the employer; or Divide annual salary by 52 weeks, then divide by the actual hours worked during a regular workweek. 	<p>Non-exempt employees:</p> <ul style="list-style-type: none"> Regular rate of pay for the workweek in which the employee uses the leave. <p>Exempt employees:</p> <ul style="list-style-type: none"> The same way the employer calculates wages for other forms of paid leave. 	<p>The employee's regular rate of pay, up to \$511 a day and not to exceed \$5,110.</p> <p>If the employee is caring for another person, the employee is only entitled to two-thirds of their regular rate of pay, up to \$200 a day and not to exceed \$2,000.</p>

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Cash-Out of Paid Leave	No. Employers not required to cash out PSL or pay for accrued or unused PSL at separation.	No. Employers not required to pay out unused paid sick leave to employees at termination, resignation, retirement, or other separation from employment.	No. Employers not required to pay for accrued unused paid sick leave upon the employee's separation from employment. If employer is using a PTO or vacation policy to comply with the Ordinance, California law requires the payout of PTO or vacation upon separation of an employee.	No. Upon the employee's separation from employment, the employer does not have to provide or pay out unused SF PHELO.	No. Unused emergency leave is not paid out on termination.
Interaction with Paid Time Off Policies (Vacation, Sick and Personal)	None if equivalent to benefit available under ordinance.	Supplemental paid sick leave is separate and apart from any regular paid sick leave provided by the employer. Employer's obligation to provide 80 hours of supplemental paid sick is reduced for every hour an employer allowed employee to take paid leave that was compensated at the amount required by this Order , not including previously accrued hours, on or after March 4, 2020, for any of the four qualifying reasons described above, or in response to an Employee's inability to work due to COVID-19.	No additional benefits are required if the paid time off can be used for the same purposes and meets the minimum accrual requirements of the ordinance.	Employers cannot require employees to use other accrued paid time off before they can use this emergency leave. Employees may voluntarily choose to use other accrued paid leave before using this emergency leave.	No additional benefits are required if, on the date of the ordinance's enactment, the paid time off can be used for the same purposes and is at least equivalent to the requirements of the ordinance.
Job Restoration	Yes. Absent clear and convincing evidence of just cause, it is unlawful to discharge an employee within 120 days of learning that the employee engaged in protected activity.	Yes (same or equivalent job at end of leave).	Yes (same or an equivalent job at the end of their leave).	Yes. Although not expressly addressed in the Order, the Order's non-retaliation provision appears to require job restoration following an employee's return from leave under this Order.	Ordinance does not specify. However, the City is likely to require that an employee be restored to their same or similar position at the end of their leave.
Employer Posting/ Notice Obligation	Yes. Employers must display the notice of rights in a prominent location in the workplace, provide a copy of the notice to new employees, and at the time of hire, provide employees with the employer's name, address, and telephone number.	Not addressed in Order.	Yes. Employers must display the City's official notice of rights in a prominent location in the workplace and include in wage statements amount of available hours.	Yes. The City will provide a notice to be posted, sent electronically, and/or posted on the intranet or app. This leave must also be reflected on sick leave notices required under Cal Labor Code 246(i).	Ordinance does not specify. However, it authorizes the San Jose Office of Equality Assurance to implement and enforce the ordinance, which may require employers to post notices.
Retaliation Prohibited	Yes.	Yes.	Yes.	Yes.	Not addressed in Ordinance.

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Records Retention	Four years (records showing employee's hours worked in the City, pay rates, and PSL accrual and use).	Yes. <ul style="list-style-type: none"> Name of the employee requesting the leave; Date for which the leave is requested; Category or reason for the leave; and Whether the leave request was approved and, if not, the reason for denial. 	Four years (showing employees' hours worked in the City, and PSL accrual and use).	Four Years (must retain for four years showing hours worked and emergency leave taken).	Yes. <ul style="list-style-type: none"> The name of your employee requesting leave; The date(s) for which leave is requested; The reason for leave; and A statement from the employee that he or she is unable to work because of the reason.
Enforcement	<p>The City is authorized to investigate potential violations, and award the same relief in its proceedings as a court of law.</p> <p>The City or an <i>aggrieved</i> employee can bring a civil action in court to enforce the ordinance.</p>	<p>Damages available include:</p> <ol style="list-style-type: none"> Reinstatement. Back pay and supplemental paid sick leave unlawfully withheld, calculated at the employee's average rate of pay. Other legal or equitable relief. Attorneys' fees and costs to prevailing employee. 	<p>The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an <i>aggrieved</i> employee can bring a civil action in court to enforce the ordinance.</p>	<p>Damages for retaliation:</p> <ol style="list-style-type: none"> Reinstatement, if they were terminated; Back pay and supplemental paid leave that was unlawfully withheld (calculated at the employee's average rate of pay); and/or Other legal or equitable relief the court may deem appropriate. 	<p>Ordinance does not specify the penalty for noncompliance.</p> <p>Generally, employees can bring actions against employers if they are retaliated against for taking protected leave. Damages include:</p> <ol style="list-style-type: none"> Reinstatement, if they were terminated; Back pay and supplemental paid sick leave that was unlawfully withheld (calculated at the employee's average rate of pay); or Other legal or equitable relief.