

Employers Need to Check for Local COVID-19 Emergency Paid Sick Leave Ordinances

An increasing number of California cities are adopting expanded paid sick leave ordinances – or expanded application of local paid sick leave ordinances – aimed at providing paid sick leave benefits to employees affected by COVID-19 who may not be entitled to benefits under the Families First Coronavirus Response Act (FFCRA). These cities include San Francisco, Los Angeles, and San Jose. Oakland also is considering such an ordinance, Emeryville has interpreted its ordinance to cover COVID-19 related absences, and San Diego has had a sick leave ordinance in place since 2016 providing similar benefits.

Although the ordinances differ, they generally apply to employers who are not required to provide paid sick leave benefits under the federal FFCRA's Emergency Paid Sick Leave Act. Employees may use the emergency paid sick leave for COVID-related reasons, such as:

- Because public health official or healthcare provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19
- Because employee needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine
- Because employee is caring for a minor child due to a school or daycare closure in response to COVID-19

San Jose and San Francisco also permit "vulnerable" employees (e.g., a person who is 60 years old or older or a person with a health condition such as heart disease, lung disease, diabetes, kidney disease, or weakened immune system) to use emergency paid sick leave.

The Los Angeles and San Jose ordinances provide up to 80 hours of supplemental paid sick leave to full time employees. However, these ordinances cap the amount of paid sick leave paid to an employee at \$511 per day and \$5,110 in the aggregate.

The Los Angeles and San Jose ordinances also provide specific exemptions for employees of certain employers, and in certain circumstances. San Diego's Ordinance has been in place since 2016 and allows employees to take up to 40 hours of sick leave

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specifically because: "The Employee's place of business is closed by order of a public official due to a Public Health Emergency, or the Employee is providing care or assistance to a Child, whose school or child care provider is closed by order of a public official due to a Public Health Emergency."

For details regarding the requirements of the specific ordinances, please click on the chart below and/or contact your Hanson Bridgett attorney. Check our website for any updates as we expect more cities join in this trend.

[Emergency Paid Sick Leave Ordinances \(California\) Chart »](#)

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