

California State and City Paid Sick Leave Laws

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| | | |
|-------------------------------------|------------------------------------|--|
| 1. Summary 1 | 10. Accrual Methods..... 4 | 19. Requiring Advance Notice from Employees of PSL Use 8 |
| 2. Interaction of Laws 1 | 11. Accrual Caps 4 | 20. Requiring Documentation to Verify PSL Use..... 8 |
| 3. Effective Date 2 | 12. Carry Over 5 | 21. Employers' Posting and Notice Obligations..... 9 |
| 4. Covered Employers 2 | 13. Use Caps 5 | 22. Effect of Rehiring 10 |
| 5. Covered Employees 2 | 14. Use Increments 5 | 23. Retaliation Prohibited..... 10 |
| 6. Permitted Uses 3 | 15. When PSL Pay Is Due 5 | 24. Record Retention..... 11 |
| 7. Covered Family Members 3 | 16. Cash Out of PSL..... 6 | 25. Enforcement 11 |
| 8. First Day PSL Can Be Used..... 3 | 17. Paid Time Off Policies 6 | 26. Los Angeles and Long Beach Hotel Workers ... 12 |
| 9. Start of Accrual 3 | 18. Rate of Pay 7 | |

| | California Paid Sick Leave ¹ | Berkeley Paid Sick Leave ² | Emeryville Paid Sick Leave ³ | Los Angeles City Paid Sick Leave ⁴ | Oakland Paid Sick Leave ⁵ | San Diego City Paid Sick Leave ⁶ | San Francisco Paid Sick Leave ⁷ | Santa Monica Paid Sick Leave ⁸ |
|-------------------------------|---|---|---|--|--|--|---|--|
| 1. Summary | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 48 hours or 6 days per year <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • 24 hrs. or 3 days <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked; • Front load 24 hrs. or 3 days; • Other accrual method resulting in the employee having no less than 24 PSL hrs. by the 120th calendar day of employment. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 48 or 72 hours, depending on employer size <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • Small employers may limit use to 48 hours per calendar year. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 48 or 72 hours, depending on employer size <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Front load annual accrual cap; • Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 72 hours <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • 48 hours <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Front load 48 hours at the start of each year. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 40 or 72 hours, depending on employer size <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 80 hours <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • 40 hours <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Front load 40 hours at the start of each year. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 40 or 72 hours, depending on employer size <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned. | <p><u>Accrual Cap:</u></p> <ul style="list-style-type: none"> • 1/1/2017: 32 or 40 hours, depending on employer size • 1/1/2018: 40 or 72 hours, depending on employer size <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none"> • Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none"> • Accrue one PSL hour per 30 hours worked in the City; • Front load annual accrual cap. |
| 2. Interaction of Laws | Employers subject to state and local paid sick leave laws must follow the stricter standard or the law that is most beneficial to the employee when there are conflicting requirements in the laws. | | | | | | | |

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|-----------------------------|--|---|---|--|--|--|---|---|
| 3. Effective Date | July 1, 2015 | October 1, 2017 | July 2, 2015 | July 1, 2016 ⁹ | March 2, 2015 | July 11, 2016 | February 5, 2007 | January 1, 2017 |
| 4. Covered Employers | All employers regardless of size. | | | | | | | |
| 5. Covered Employees | <p>Employees who work at least 30 days in California for the employer.</p> <p><u>Includes:</u></p> <ul style="list-style-type: none"> • Employees who are exempt from overtime requirements. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Union workers who explicitly waive the law's benefits in their union contract; • Airline flight deck or cabin crew; • Providers of publicly-funded in-home support services; and • Certain public sector workers. | <p>Employees who:</p> <ul style="list-style-type: none"> • In a calendar week work at least 2 hours in the City; and • Are entitled to be paid a minimum wage. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Union workers who explicitly waive the ordinance's benefits in their union contract. | <p>Employees who:</p> <ul style="list-style-type: none"> • In a calendar week work at least 2 hours in the City; and • Are entitled to be paid a minimum wage. <p><u>Includes:</u></p> <ul style="list-style-type: none"> • Learners as defined by the California Industrial Welfare Commission. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Union workers who explicitly waive the city ordinance's benefits in their union contract. | <p>Employees who:</p> <ul style="list-style-type: none"> • In a particular week work at least 2 hours in the City; • Are entitled to be paid a minimum wage; and <p>• On or after July 1, 2016, work in the City for the same employer for at least 30 days within a year from the start of employment.</p> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Employees who are exempt from the state minimum wage; and • Government employees. | <p>Employees who:</p> <ul style="list-style-type: none"> • In a particular week work at least 2 hours in the City; and • Are entitled to be paid a minimum wage. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Union workers who explicitly waive the city's benefits in their union contract. | <p>Employees who:</p> <ul style="list-style-type: none"> • In one or more calendar weeks work at least 2 hours in the City; and • Are entitled to be paid a minimum wage, or participate in a state Welfare-to-Work Program. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Employees who are exempt from the California minimum wage; • Those paid a subminimum wage under a specific license; • Employees of a publicly subsidized summer or short-term youth employment program; • Student employees, camp counselors and program counselors at of organized camp as defined in Cal. Labor Code § 1182.4. | <p>Employees who work in the City.</p> <p><u>Includes:</u></p> <ul style="list-style-type: none"> • Participants in Welfare-to-Work Programs who are engaged in work activity that would be considered "employment" under federal law. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Union workers who explicitly waive the city ordinance's benefits in their union contract; • Those who work in the City on an occasional basis not exceeding 55 hours in a calendar year. | <p>Employees who:</p> <ul style="list-style-type: none"> • In a particular week, work at least 2 hours in the City; and • Are entitled to be paid a minimum wage. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • Employees who are exempt from the California minimum wage; and • Government employees. |

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| 6. Permitted Uses | <ul style="list-style-type: none"> · Medical need of the employee or the employee's family member · Purposes related to domestic violence, sexual assault or stalking suffered by the employee | <ul style="list-style-type: none"> · Medical need of employee or employee's family member | <ul style="list-style-type: none"> · Medical need of employee or employee's family member · To provide care for a guide dog, signal dog or service dog of the employee or family member | Same as California law. | <ul style="list-style-type: none"> · Medical need of employee or employee's family member | Same as California law, plus: <ul style="list-style-type: none"> · Public health emergencies resulting in the closure of the employee's worksite, child-care provider, or child's school. | <ul style="list-style-type: none"> · Medical need of employee or family member · Purposes related to domestic violence, sexual assault or stalking suffered by the employee · Bone marrow or organ donation | Same as California law. |
| 7. Covered Family Members | Children, parents, spouse or registered domestic partner, grandparents, grandchildren, and siblings. | Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner. | Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner. | Same as California law, plus those related to the employee by blood or affinity equivalent to a family relationship. | Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner. | Same as California law. | Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner. | Same as California law. |
| 8. First Day PSL Can Be Used | On the 90th calendar day of employment. | Same as California law. | Same as California law. | On the 90th day of employment, or 7/1/2016*, whichever is later. <i>* 7/1/2017 for employers with 25 or fewer covered employees.</i> | Same as California law. | On the 91st day of employment, or 7/11/2016, whichever is later. | Same as California law. | Same as California law. |
| 9. Start of Accrual | First day of work or 7/1/2015, whichever is later. | First day of work or 10/1/2017, whichever is later. | First day of work or 7/2/2015, whichever is later. | <i>Employers with 26 or more covered employees:</i> <ul style="list-style-type: none"> · First day of work or 7/1/16, whichever is later. <i>Employers with 25 or fewer covered employees:</i> <ul style="list-style-type: none"> · First day of work or 7/1/17, whichever is later. | First day of work. | First day of work or 7/11/2016, whichever is later. | 90 days after start of employment. For employees hired on or after 1/1/2017, on the first day of work. ¹⁰ | First day of work. |

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| 10. Accrual Methods | <p><u>Option 1:</u> One PSL hour for every 30 worked.</p> <p><u>Option 2:</u> Front load 24 PSL hours or 3 days at the start of each year.</p> <p><u>Option 3:</u> PSL accrues on a regular basis, resulting in the employee having no less than 24 hours of accrued PSL by the 120th calendar day of employment.</p> | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> Front load any sum of PSL at the start of each employment year, calendar year, or 12-month period, so long as the employee can accrue additional PSL after working enough hours to have accrued the amount allocated upfront.</p> | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> At the start of each year, front load a PSL amount equal to the applicable accrual cap (see Row 11).*</p> <p><u>Option 3:</u> A combination of Options 1 and 2.</p> | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> Front load 48 PSL hours at the start of each year.* Employers front-loading PSL on a calendar-year basis can provide 24 PSL hours on 7/1/16 or 7/1/17, depending on which effective date applies (see Row 9), and the full 48 hours starting January 1 of the following year.</p> | One hour of PSL for every 30 hours worked in the City. | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> Front load 40 PSL hours at the start of the year.*</p> | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> Front load any sum of PSL at the start of each employment year, calendar year, or 12-month period, so long as the employee can accrue additional PSL after working enough hours to have accrued the amount allocated upfront.</p> | <p><u>Option 1:</u> One hour of PSL for every 30 hours worked in the City.</p> <p><u>Option 2:</u> At the start of each year, front load a PSL amount equal to the applicable accrual cap (see Row 11).*</p> |
| 11. Accrual Caps | Employers may cap the amount of PSL an employee can accrue in a year to no less than 48 hours or 6 days, whichever is greater.# | <p>Accrued, unused PSL is capped according to the number of employees the employer has in <u>any location</u>.</p> <ul style="list-style-type: none"> · 24 or fewer employees: 48 hours · 25 or more employees: 72 hours | <p>Employers may cap the amount of accrued, unused PSL, depending on the number of employees it has working in the <u>City</u>.#</p> <ul style="list-style-type: none"> · 55 or fewer employees: 48 hours · 56 or more employees: 72 hours | Employers may cap accrued, unused PSL at 72 hours. | <p>Employers may cap the amount of accrued, unused PSL, depending on the number of employees in <u>any location</u>.%</p> <ul style="list-style-type: none"> · 9 or fewer employees: 40 hours[!] · 10 or more employees: 72 hours | Employers may cap an employee's total PSL accrual at no less than 80 hours. | <p>Accrued, unused PSL is capped according to the number of employees the employer has in <u>any location</u>.%</p> <ul style="list-style-type: none"> · 9 or fewer employees: 40 hours[!] · 10 or more employees: 72 hours | <p>Employers may cap the amount of accrued, unused PSL, depending on the number of employees in the <u>City</u>.</p> <ul style="list-style-type: none"> · 25 or fewer employees: 2017: 32 hours! 2018: 40 hours! · 26 or more employees: 2017: 40 hours! 2018: 72 hours |

* Employers can use either the employment year, calendar year, or other 12-month period for purposes of PSL accrual or frontloading of PSL.

Annual cap - the law clearly allows a limit on how many hours of PSL an employee may accrue in a year.

% Rolling cap - the ordinance clearly allows only a limit on how many hours of PSL an employee may have "in the bank" at any given time. Employers cannot limit how much PSL is accrued in a year.

! Caution: This accrual cap is lower than what is required under the state law (48 hours or 6 days). See Row 12 regarding interactions of laws.

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| 12. Carry Over | Accrued, unused PSL carries over into the next year but is limited by the employer's accrual cap. | Accrued, unused PSL carries over into the next year but is limited by the accrual cap. | 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, roll over is not required. | Accrued, unused PSL (including un-used front-loaded PSL) carries over year to year but may be capped at a minimum of 72 hours. | Accrued, unused PSL carries over into the next year but is limited by the employer's rolling accrual cap, if any. | Accrued, unused PSL carries over year to year. If PSL is provided up front, roll over is not required. | Accrued, unused PSL carries over into the next year but is limited by the employer's rolling accrual cap. | Accrued, unused PSL carries over year to year but is limited to the employer's accrual cap. If PSL is provided up front, roll over is not required. |
| 13. Use Caps | PSL use may be limited to 24 hours or 3 days per year (whichever is more for the employee). | Employers with 24 or fewer employees may limit PSL use to 48 hours per calendar year. Larger employers cannot limit PSL use; their employees may use any PSL they have in their PSL banks. PSL banks are limited by the accrual cap. See Row 11. | Not permitted. Employees may use the PSL they have in their PSL banks. Employers may set accrual caps or use the frontload method to limit PSL banks. See Rows 10-12. | Annual use of PSL may be limited to 48 hours per year. | Not permitted. Employees may use the PSL they have in their PSL banks. Employers may set accrual caps to limit PSL banks. See Row 11. | PSL use may be limited to 40 hours per year. | Not permitted. Employees may use the PSL they have in their PSL banks. Accrual caps limit PSL banks. See Row 11. | Not permitted. Employees may use the PSL they have in their PSL banks: employers may set accrual caps or use the frontload method to limit PSL banks. See Row 11. |
| 14. Use Increments | Employers cannot require that PSL be used in increments larger than 2 hours. | Each time PSL is used, employers cannot require usage in increments larger than 1 hour for the initial hour, or larger than 15 minutes thereafter. | Employers cannot require that PSL be used in increments larger than 2 hours. | Employers cannot require that PSL be used in increments larger than 2 hours. | Employers cannot require that PSL be used in increments larger than 1 hour. | Employers cannot require that PSL be used in increments larger than 2 hours. | Employers cannot require that PSL be used in increments larger than 1 hour. | Not addressed. |
| 15. When PSL Pay Is Due | On the payday for the next regular payroll period after PSL is taken. | On the payday for the next regular payroll period after PSL is taken. | On the payday for the next regular payroll period after PSL is taken. | Not addressed. | On the payday for the next regular payroll period after PSL is taken. | Not addressed. | On the payday for the next regular payroll period after PSL is taken. | Not addressed. |

California State and City Paid Sick Leave Laws

| | California Paid Sick Leave | Berkeley Paid Sick Leave | Emeryville Paid Sick Leave | Los Angeles City Paid Sick Leave | Oakland Paid Sick Leave | San Diego City Paid Sick Leave | San Francisco Paid Sick Leave | Santa Monica Paid Sick Leave |
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| 16. Cash Out of PSL | An employer is not required to cash out PSL or pay for accrued or unused PSL at separation. | | | | | | | |
| 17. Paid Time Off Policies | <p>No additional benefits are required if, as of 1/1/2015, the employer already had an existing paid leave or paid time off policy meeting the following requirements:</p> <ul style="list-style-type: none"> • Made available paid leave that could be used for at least as many paid sick days and under the same conditions required by the state PSL law; or • Had conditions more favorable to employees (e.g., more sick days or a more favorable accrual rate than required under the state PSL law). | <p>No additional benefits are required if the paid time off can be used for the same purposes required by the ordinance, and the policy meets the City's use and accrual requirements.</p> | <p>If an employer has a paid leave policy, such as a paid time off or vacation policy, that makes available paid time off that may be used for the same purposes specified in the ordinance, and the policy is sufficient to meet the ordinance's requirements for making PSL available, then an employer is not required to provide additional PSL.</p> | <p>No additional benefits are required if the policy provides at least 48 hours of paid time off.</p> <p>Where the policy does not meet all requirements of the ordinance, the City may still determine that additional benefits are not required if the policy is overall more generous to employees.</p> | <p>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.</p> | <p>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.</p> <p>Nor are additional benefits needed if the paid time off policy provides an enhanced benefit in at least one of the following categories and otherwise meets the minimum requirements for the remaining two:</p> <ul style="list-style-type: none"> • Accrual rate; • Rate of pay; or • Allowable purposes for PSL use. | <p>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.</p> | <p>Other paid time off plans will comply with the ordinance if the benefits are equal to or more generous than the ordinance.</p> |

California State and City Paid Sick Leave Laws

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| 18. Rate of Pay | <p>When used, PSL must be paid by one of following methods:</p> <p><u>Exempt employees:</u></p> <ul style="list-style-type: none"> • For employees who are exempt from the minimum wage under the Professional, Executive, or Administrative exemptions, PSL is paid using the same method as any other form of paid leave provided by the employer.¹¹ <p><u>Other employees:</u></p> <ul style="list-style-type: none"> • Regular rate of pay for the workweek in which PSL is used; or • Divide the total wages (excluding any overtime premiums) by the total hours worked in the full pay periods of the prior 90 days of employment. | <p>When used, PSL must be paid by one of following methods:</p> <ul style="list-style-type: none"> • The hourly wage; or • If an employee, in the 90 days of employment before taking PSL, had different hourly pay rates, was paid by piece rate or commission, or was a non-exempt salaried employee, the rate of pay is calculated by dividing the employee's total wages (excluding any overtime premium pay) by the employee's total hours worked in full pay periods of prior 90 days. | <p>PSL is paid at the regular hourly rate of pay for workweek in which PSL is used.</p> <p>If an employee has more than one pay rate, PSL is paid at the rate equal to the scheduled pay rate(s) for the job during which PSL is taken.</p> | <p>When used, PSL must be paid by one of following methods:</p> <ul style="list-style-type: none"> • The regular hourly rate of pay for the workweek in which PSL is used; or • Divide total wages (excluding overtime premiums) by total hours worked in the full pay periods of the prior 90 days of employment. | <p>PSL is paid at the regular hourly rate of pay for the time PSL is taken.</p> <p>For salaried employees, divide the annual salary by 52 weeks, then divide by 40 hours or by the actual hours worked during a regular workweek if less than 40 hours.</p> | <p>PSL is paid at the regular hourly rate of pay for the workweek in which PSL is used.</p> <p>If an employee has more than one pay rate, PSL is paid at the rate equal to the scheduled pay rate(s) for the job during which PSL is taken.</p> | <p>When used, PSL must be paid by one of following methods:</p> <p><u>Non-exempt employees:</u></p> <ul style="list-style-type: none"> • Regular rate of pay for the workweek in which PSL is used; • Total wages (excluding overtime premiums) divided by total hours worked in the full pay periods of the prior 90 days of employment; or • Divide annual salary by 52 weeks, then divide by the actual hours worked during a regular workweek, not to exceed 40 hours. <p><u>Exempt employees:</u></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. | Not addressed. |

California State and City Paid Sick Leave Laws

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| 19. Requiring Advance Notice from Employees of PSL Use | <p>If the need for PSL is foreseeable, the employee must provide reasonable advance notice.</p> <p>If the need is unforeseeable, the employee must provide notice as soon as practicable.</p> | <p>Same as California.</p> <p>Employees cannot be required, as a condition of taking PSL, to search for a replacement worker.</p> | <p>Employers may require reasonable notice of a PSL absence, but cannot require such advance notice that would deter valid use of PSL.</p> <p>If reasonable notice is required, employers must have a procedure for employees to communicate absences.</p> | <p>Employees must give advance notice if PSL is planned, such as a scheduled medical appointment.</p> <p>If the need is unforeseeable (such as an unanticipated illness or medical emergency) the employee must give notice as soon as practicable.</p> | <p>Employers may require no more than two hours' notice before the start of shift, but greater flexibility is necessary for emergencies or sudden illnesses.</p> <p>If reasonable notice is required, the employer must have a procedure for employees to communicate absences.</p> <p>Employees cannot be required, as a condition of taking PSL, to search for a replacement worker.</p> | <p>If need for PSL is foreseeable, an employer may require reasonable advance notice not to exceed seven days.</p> <p>If need is unforeseeable, notice must be provided as soon as practicable.</p> <p>Employees cannot be required, as a condition of taking PSL, to search for a replacement worker.</p> | <p>Employers may require at least 2 hours' notice of an absence before the start of a shift, except for emergencies or sudden illnesses for which advance notice would be unreasonable.</p> <p>Employees cannot be required, as a condition of taking PSL, to search for a replacement worker.</p> | Not addressed. |
| 20. Requiring Documentation to Verify PSL Use | <p>Requiring documentation is not permitted under the California Labor Commissioner's interpretation of the law.</p> | <p>An employer may only take reasonable measures to verify or document that PSL use is lawful and cannot require employees to incur expenses in excess of \$15 in order to show their eligibility for PSL.&</p> | <p>Employers may adopt a policy of verifying and/or documenting that employees' use of accrued PSL is lawful. If the employer adopts such a policy, it need not pay PSL for the time in question until the employee complies with the verification requirement.&</p> | <p>Employers may request reasonable documentation. What is reasonable depends on the situation, but a requirement should never be so difficult that it deters legitimate PSL. Documentation may be required after more than three consecutive days of PSL use.&</p> | <p>It is presumptively reasonable to require documentation for PSL use exceeding three consecutive work days, or to verify a subsequent absence if abuse is reasonably suspected.& Employers cannot require employees to incur expenses in excess of \$5 to obtain required documentation.</p> | <p>Requiring documentation is permitted for absences exceeding three consecutive work days.&</p> | <p>It is presumptively reasonable to require documentation in the following circumstances:</p> <ul style="list-style-type: none"> • PSL absences exceeding three consecutive work days; • Medical appointments; or • Where there is a pattern or clear instance of PSL abuse.& | <p>The ordinance is silent as to the type of documentation that an employer may request to verify PSL use. Employers should follow applicable state and federal law.</p> |

& Caution: On this issue, the city ordinance is inconsistent with the California Labor Commissioner's interpretation of the California law.

California State and City Paid Sick Leave Laws

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| 21. Employers' Posting and Notice Obligations | <p>Employers must:</p> <ul style="list-style-type: none"> • Display the state's official poster in a conspicuous place at the worksite; • Include PSL information on non-exempt employees' wage notices (a template is available at www.dir.ca.gov/dlse/LC_2810_5_Notice.pdf); and • Include the amount of available PSL in employees' wage statements. | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a conspicuous place at all worksites in the City, in all languages spoken by at least 5% of workers at the worksite; • Include the amount of PSL hours accrued to date in records provided to employees at the end of each pay period (<i>e.g.</i>, wage statements); and • At the time of hire, provide employees written notice of the employer's name, address, and telephone number. | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a prominent location in the workplace; • Provide a copy of the City's official notice of rights to current and new employees; and • At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number. <p>Notices must be provided in all languages spoken by 10% or more of employees.</p> | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a clearly visible place at any workplace of a covered employee; and • At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number. <p>Notices must be provided in English and any other language spoken by at least 5% of covered employees at the workplace or job site.</p> | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a prominent location in the workplace; • Provide a copy of the City's official notice of rights to current and new employees at the time of hire; and • At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number. <p>Notices must be provided in all languages spoken by 10% or more of employees.</p> | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a conspicuous place at any workplace where any covered employee works; • At the time of hire, provide written notice of the employer's legal name and any fictitious business name, address, and telephone number, and information on how the employer complies with the ordinance. <p>Notices must be provided in all languages spoken by 5% or more of employees.</p> | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a conspicuous place in the workplace; and • Include the amount of available City paid sick leave in employees' wage statements. <p>Notice must be posted in English, Spanish, Chinese, and any other language spoken by at least 5% of employees at the workplace.</p> | <p>In addition to the notice requirements under the state law, employers must:</p> <ul style="list-style-type: none"> • Display the City's official notice of rights in a conspicuous place at the workplace in English, Spanish and any other language spoken by 5% or more of the employer's workforce; and • At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number. |

California State and City Paid Sick Leave Laws

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| 22. Effect of Rehiring | If the employee is rehired within one year from the date of separation, any previously accrued and unused PSL must be reinstated and can be used immediately upon rehire. However, if the employee is compensated for accrued, unused PSL upon separation, the employer is not required to reinstate the paid out PSL if the employee is subsequently rehired. | If the employee is rehired within 12 months from the date of separation, any previously accrued and unused PSL must be reinstated. | Same as California law. | Same as California law. | Same as California law. | If the employee is rehired within six months from the date of separation, any previously accrued and unused PSL must be reinstated and can be used immediately upon rehire. | Same as California law. | Not addressed. |
| 23. Retaliation Prohibited | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. | Employers cannot retaliate against employees for exercising rights under the law. It is unlawful to discharge an employee within 120 days of the employer learning of the employee's protected activity, unless the employer has clear and convincing evidence of just cause for such discharge. | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. | Employers cannot retaliate against employees for exercising rights under the law. It is unlawful to discharge an employee within 120 days of the employer learning of the employee's protected activity, unless the employer has clear and convincing evidence of just cause for such discharge. | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. | Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer takes a negative employment action against an employee within 90 days of that employee engaging in a protected activity. |

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| 24. Record Retention | Employers must retain for three years records showing each employee's hours worked, and PSL accrual and use. | Employers must retain for four years records showing each covered employee's hours worked in the City, and PSL accrual and use. If the employer fails to maintain or retain adequate records documenting accrued PSL, the City will presume the employee's account of PSL owed is accurate, absent clear and convincing evidence otherwise. | Employers must retain for four years records showing each covered employee's hours worked in the City, pay rates, and PSL accrual and use. Employers must provide employees copies of these records upon their reasonable request. | Employers must retain for four years records showing each covered employee's hours worked in the City, and PSL accrual and use. | Employers must retain for three years records showing each covered employees' names, hours worked, pay rates, and PSL accrual and usage. A copy of the records must be provided to an employee upon reasonable request. | Employers must retain for three years records showing each covered employee's wages paid, hours worked in the City, and PSL accrual and use. Failure to maintain or retain adequate records documenting accrued PSL creates a rebuttable presumption that the employer has violated the ordinance and the City may rely on an employee's reasonable estimate regarding PSL earned and used. | Employers must retain for four years records showing each covered employee's hours worked in the City, and PSL accrual and use. | Employers must retain for three years records showing each covered employee's hours worked in the City, and PSL accrual and use. If the employer fails to maintain or retain adequate records documenting hours worked by the employee and PSL taken by the employee, the City will presume the employer has violated the ordinance absent clear and convincing evidence otherwise. |
| 25. Enforcement | The law does not directly permit a private right of action by an aggrieved employee. It remains unclear, however, if an aggrieved employee can file suit under the California Private Attorney General Act of 2004 (PAGA). | The City is authorized to investigate potential violations, and to impose penalties and fines. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City is authorized to investigate potential violations, and to award the same relief in its proceedings as a court of law could. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City is authorized to investigate potential violations, and to award the same relief in its proceedings as a court of law could. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance. | The City contracts with Los Angeles County to process and investigate claims. Violations can result in fines, penalties and criminal liability. Employees have the right to file civil claims, and employers violating the law can be subject to administrative or criminal penalties. |

26. Los Angeles and Long Beach Hotel Workers

This chart does not include two ordinances applicable to hotel workers only.

The Los Angeles Citywide Hotel Worker Minimum Wage Ordinance (Ord. No. 183241) became effective July 1, 2015, and requires hotels with 150 or more guest rooms to pay their employees a minimum wage and provide 96 compensated hours of time off and at least 80 additional hours of uncompensated time off per year. (L.A. Mun. Code §§ 186.01.A and 186.02.) See <http://www.foxrothschild.com/content/uploads/2015/05/Citywide-Hotel-Worker-Minimum-Wage-Ordinance.pdf>.

The Long Beach Hotel Workers Initiative Ordinance (Measure N) became effective January 2012, and requires hotel employers to pay their employees a minimum wage and provide at least five days of paid sick leave. (Long Beach Mun. Code § 5.48.020.) See <http://www.foxrothschild.com/content/uploads/2015/05/Citywide-Hotel-Worker-Minimum-Wage-Ordinance.pdf>.

- ¹ See the California Department of Industrial Relations' Healthy Workplace Healthy Family Act of 2014 (AB 1522) website, www.dir.ca.gov/dlse/ab1522.html, and Frequently Asked Questions at www.dir.ca.gov/dlse/paid_sick_leave.htm.
- ² See Berkeley Ordinance No. 7,505-N.S., Minimum Wage Ordinance, www.cityofberkeley.info/Clerk/City_Council/2016/08_Aug/Documents/2016-08-31_Item_01_Ordinance_7505.aspx.
- ³ See Emeryville's Minimum Wage and Paid Sick Leave Ordinance website, www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance/. Information on Emeryville's geographical boundaries can be found here: www.ci.emeryville.ca.us/DocumentCenter/Home/View/678.
- ⁴ See City of Los Angeles's Minimum Wage and Paid Sick Leave website: www.wagesla.lacity.org. Information on City of Los Angeles' geographical boundaries can be found here: www.zimas.lacity.org/; www.laalmanac.com/LA/lamap2.htm; and www.neighborhoodinfo.lacity.org.
- ⁵ See Oakland's Minimum Wage and Paid Sick website: www2.oaklandnet.com/Government/o/CityAdministration/d/MinimumWage/index.htm. Information on Oakland's geographical boundaries can be found here: www.zipmap.net/California/Alameda_County/Oakland.htm.
- ⁶ See the City of San Diego's Paid Sick Leave and Minimum Wage website: www.sandiego.gov/treasurer/minimum-wage-program. Information on the City of San Diego's geographical boundaries can be found here: <http://gis.sandag.org/boundary/viewer.htm>, and <https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mapsua/pdf/cpland2.pdf>.
- ⁷ See San Francisco's Paid Sick Leave Ordinance website: <http://sfgov.org/olse/paid-sick-leave-ordinance-pslo>. Information on San Francisco's geographical boundaries can be found here: http://www.zipmap.net/California/San_Francisco_County.htm.
- ⁸ See the City of Santa Monica's Paid Sick Leave and Minimum Wage website: <http://beta.smgov.net/strategic-goals/inclusive-diverse-community/minimum-wage-ordinance>.
- ⁹ City of Los Angeles Effective Date: The effective date of the ordinance depends on the size of the employer. Employers with 26 or more employees must comply by July 1, 2016. Employers with 25 or fewer employees ("small businesses") have until July 1, 2017 to comply.
- ¹⁰ Caution: As it applies to employees hired before 1/1/2017, the San Francisco ordinance is inconsistent with the state law, which requires PSL to begin to accrue on the first day of employment.
- ¹¹ California Department of Labor Standards Enforcement, Opinion Letter 2016.10.11, "Calculating Payment of Paid Sick Leave," <http://www.dir.ca.gov/dlse/opinions/2016-10-11.pdf>.

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