

Los Angeles and San Diego Pass New Paid Sick Leave Ordinances

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Employment

Not content with California's state law requiring employers to provide certain employees with paid sick leave, Los Angeles's Mayor recently signed into law a new ordinance that would provide eligible employees working in the City of Los Angeles with more generous paid sick leave benefits. Meanwhile, voters in San Diego also recently approved a local sick leave ordinance that differs in key respects from the state law.

Los Angeles Paid Sick Leave Ordinance

Under the new Los Angeles ordinance, employees who work at least two hours per week in the City of Los Angeles—and for the same employer for 30 days or more within a year of hire—are entitled to accrue paid sick leave. Leave accrues from the first day of employment or the date the ordinance takes effect, whichever is later. Similar to state law, employers can require that employees wait until the 90th day of employment before using accrued sick leave.

Unlike state law, which provides multiple methods of accruing sick leave, the Los Angeles ordinance only authorizes two methods of accrual. Either an employer can provide one hour of sick leave for every 30 hours worked, or an employer can frontload 48 hours of sick leave at the beginning of each year of employment, calendar year, or 12-month period. The Los Angeles ordinance is also more generous than state law, allowing employees to take up to 48 hours of sick leave annually (as compared with 24 hours under state law). In addition, the Los Angeles ordinance has a higher cap on accrued sick leave (72 hours).

The Los Angeles ordinance is also broader in terms of permissible uses, allowing employees to take sick leave not only for themselves or a family member (as defined under state law), but also for any individual related by blood or affinity whose close association with the employee is equivalent to a family relationship. As under state law, employers need not pay out unused sick time on termination, but for those employees who separate and are re-hired within a year, accrued but unused sick time must be reinstated.

The Los Angeles ordinance takes effect on July 1, 2016 for employers with 26 or more employees and on July 1, 2017 for employers with 25 or fewer employees.

San Diego Paid Sick Leave Ordinance

Under the new San Diego ordinance, employees who work at least two hours in one or more calendar weeks within the city of San Diego are entitled to accrue paid sick leave. Leave accrues from the first day of employment, but similar to state law and the Los Angeles ordinance, employers can require that employees wait until the 90th day of employment before using accrued sick leave.

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Unlike state law, the San Diego ordinance specifies only one method for accrual, which is at a rate of one hour for every 30 hours worked. And again, San Diego's ordinance is more generous than the state law, providing no cap on how much sick leave can be accrued at any given time. However, the San Diego ordinance does specify that an employer may limit the use of sick leave to 40 hours per year. Employers need not pay out unused sick time on termination, but for those employees who separate and are re-hired within six months, accrued but unused sick time must be reinstated.

The San Diego ordinance is also broader in terms of permissible uses, allowing employees to take sick leave when their place of business is closed by order of a public official due to a public health emergency or to provide 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. In addition, the ordinance allows employees to use sick leave not only to obtain certain services when they themselves are the victims of domestic violence, sexual assault, or stalking, but also to obtain certain services for family members who are victims of domestic violence, sexual assault, or stalking. San Diego's notice has specific regulations concerning reasonable notice and documentation for use of sick leave under the ordinance.

The San Diego ordinance is expected to take effect immediately following certification of the election results.

Given the complexities of overlapping requirements between state and local paid sick leave laws, employers should consult with experienced counsel to make sure they are in compliance with the new ordinances and other applicable California laws.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our Employment Practice Group:

M. Michael Cole
Lindsay Burke

+1 415 591 7030
+1 202 662 5859

mmcole@cov.com
lburke@cov.com

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