

Note: The COVID-19 (Coronavirus) situation is developing very rapidly. Employers should continue to monitor the [U.S. Centers for Disease Control and Prevention COVID-19 website](#), the [World Health Organization COVID-19 website](#), and Ogletree's [Coronavirus \(COVID-19\) Resource Center](#) for the latest developments. State laws may vary, and state government agencies may issue further orders and guidance that should be considered. Employers should carefully review and discuss these materials with their Ogletree counsel to tailor the materials and guidance to their particular situation.

## PAID SICK LEAVE, SCHOOL CLOSURE, WORKPLACE CLOSURE, AND QUARANTINE LEAVE LAWS

- FEDERAL, STATE, AND MAJOR LOCALITY -

[ISSUES RELEVANT TO CORONAVIRUS/COVID-19]

Updated August 2, 2021 – 4 p.m. Eastern\*

\*This document is no longer being updated. Please reach out to your Ogletree attorney if you would like to develop a customized version of this chart.

- To go right to the [50-state and major locality table below](#), click [here](#).
- To learn more about [OD Comply: State Leaves](#), the source of the information in this document, please visit us [here](#).

### General Tips and Best Practices for Employers

**Overview.** The table below summarizes the relevant reasons for leave provided by (a) the **Federal Emergency Paid Sick Leave Act**, and (b) **state and major locality paid sick leave laws** that may be triggered by a COVID-19-related event or absence—including those state and major locality paid sick leave laws that were passed in response to the COVID-19 public health emergency. **Please note:** many preexisting (i.e., before the COVID-19 pandemic) paid sick leave laws encompass a variety of types of leave that may not be directly triggered by an employee's or family member's illness (e.g., school and workplace closure; employee or family member quarantine). The table below includes only those reasons for leave under paid sick leave laws that likely are implicated by COVID-19; it does not cover every qualifying reason for leave provided in the sick leave statutes and ordinances. For example, it does not include "safe leave" (e.g., leave due to domestic violence, sexual assault, or stalking) reasons, which many preexisting state and local paid sick leave laws cover. It also is limited to paid sick leave laws—and does not cover all leave laws that may apply to a particular situation involving COVID-19—for example, in some states, there is protected leave if an employee serves as a first responder (e.g., to respond to a COVID-19 outbreak). This document **does not cover COVID-19 vaccine-specific leave laws**; those summaries may be found in the [OD Comply: State Leaves Portal](#) (see link above).

**Mandating Sick Leave.** Employers who wish to require employees to use statutory paid sick leave under state or local law for absences associated with COVID-19 generally should do so **only** if the leave qualifies as paid sick leave under the respective state or local statute—e.g., employee or qualifying family member is ill with COVID-19, workplace or child's school/place of care is closed by a public official because of a public health emergency, or asymptomatic employee is quarantined by a health care provider or health authority. Further, employers should be aware that while the paid sick leave laws typically do not specify whether employers may or may not mandate use in these contexts, **Seattle** published paid sick leave FAQs (available via [this link](#)) in the COVID-19 context that state employers "cannot require employees to use [paid sick leave] for an absence that is otherwise covered by the ordinance." Employers should **ensure no comparable restriction applies** before mandating statutory paid sick leave use.

**Mandating PTO (which satisfies Paid Sick Leave).** If an employer in one of the states listed below (i.e., states with paid sick leave laws) complies with the respective paid sick leave law through a compliant paid time off (PTO) policy, the same rules as in the Mandating Sick Leave policy section above apply to PTO. Employers in states or localities not listed below (i.e., that are not required to provide paid sick leave) may require use of PTO related to a COVID-19 situation, subject to (a) policy language and (b) any jurisdiction-specific implied contract of employment law.

## COVID-19-Specific Paid Sick Leave Laws & Rules

*This section provides an overview of federal, state, and major locality laws or rules that have been implemented as a direct result of COVID-19—first the federal FFCRA (the only federal law described in this state resource), followed by states and localities (alphabetical, by state).*

**FEDERAL EMERGENCY PAID SICK LEAVE ACT.** On March 18, 2020, Congress passed the Families First Coronavirus Response Act (“FFCRA”), which includes the **Emergency Paid Sick Leave Act (the “Act”)**—requiring covered employers (i.e., **those with fewer than 500 employees, government entities, and schools**) to provide **paid sick leave** for eligible employees (i.e., all employees, regardless of length of employment). The Act was effective beginning April 1, 2020, with **mandated leave expiring on December 31, 2020 (please see updates below)**. Shortly after it was passed, the U.S. Department of Labor (“DOL”) promulgated its *original* [Final Rule](#) interpreting and implementing the FFCRA.

**\*UPDATE (8/12/20):** *In response to the DOL’s Final Rule, the State of New York filed a lawsuit challenging four provisions of the regulations. On August 3, 2020, the U.S. District Court for the Southern District of New York (“SDNY”) struck down those portions of the regulations—specifically, those regarding (a) the requirement that employers actually have work available for employees in order to be eligible for leave; (b) the broad definition of “health care provider” under the Final Rule; (c) the requirement that employees obtain employer approval for intermittent leave; and (d) the requirement that employees provide documentation prior to taking FFCRA leave. [We have noted the changes from this ruling below in blue where applicable.](#) In the short term, employers should proceed with prudence, as the geographic scope of the ruling is uncertain at this time and depends largely on how the DOL responds to the ruling.*

**\*UPDATE (9/15/20):** *On September 11, 2020, the DOL issued a new rule (“New Rule”)—effective September 16, 2020 and available [here](#)—in response to the SDNY’s ruling described above. [The DOL’s positions on the above four issues, as confirmed and explained in its New Rule, are noted below in purple.](#)*

**\*UPDATE (12/22/20):** On December 21, 2020, Congress passed\*\* a stimulus bill that **ends mandated FFCRA leave** for employers as of the original expiration date (December 31, 2020), but extends (through March 31, 2021) the availability of the refundable payroll tax credit for employers who choose to provide FFCRA paid sick leave or paid family leave after December 31. Therefore, **employers will still obtain the tax credit if they continue to provide paid leave under the FFCRA through March 31, 2021, but they will no longer be required to provide such leave after December 31, 2020.** Note that the number of hours of leave to which an eligible employee is entitled under the FFCRA does not reset in the new year. (The entire text of the bill can be found [here](#); see section 286.) \*\*Then-President Trump signed the legislation on December 27, 2020.

**\*UPDATE (3/23/21 & 4/30/21):** On March 11, 2021, President Biden signed into law the **American Rescue Plan Act of 2021 (ARPA)**, which will be **effective on April 1, 2021**. Notably, the ARPA extends the tax credits available to employers with fewer than 500 employees who choose to provide FFCRA paid sick leave or paid family leave **through September 30, 2021** (i.e., past the original extension of March 31, 2021 as described above).

The ARPA also expands the paid leave entitlements provided under the FFCRA – including providing **new qualifying reasons for leave**. In addition to the permitted FFCRA emergency sick leave reasons, tax credits will be available for FFCRA sick leave (or family leave) wages paid to an employee when:

- a) the “employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or the employee’s employer has requested such test or diagnosis”; or
- b) the employee is **obtaining a COVID-19 vaccination**; or
- c) the employee is **recovering** from any injury, disability, illness, or condition related to the **COVID-19 vaccine**.

Further, the ARPA **resets the 10-day bank of FFCRA sick leave as of April 1, 2021**. Thus, employers still may claim tax credits up to \$17,110 if they voluntarily provide FFCRA paid sick leave on or after April 1, 2021, through September 30, 2021, to employees who exhausted their FFCRA sick leave prior to April 1, 2021. Please note that in order for an employer to receive tax credits for voluntarily providing FFCRA paid leave, the employer generally must comply with the FFCRA's substantive requirements.

**IRS Guidance** about the employer tax credits for COVID-19 paid leave under the ARPA, including instructions for employers to claim the credit, can be found [here](#).

**FFCRA Emergency Sick Leave Act Summary** (*the below summarizes the Act as originally passed and as enforced in 2020; please see above for 2021 updates and developments*):

- **Overview**. Covered employers must provide employees with **paid sick leave** when the employee cannot work (or telework) due to certain circumstances related to COVID-19 (described below).
- **Reasons for Leave**. An eligible employee\* is entitled to paid sick leave if the employee is unable to work (or telework) for any of the following reasons:
  - (1) **Quarantine/Isolation Order**—when the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
  - (2) **Self-Quarantine**—when the employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
  - (3) **COVID-19 Symptoms**—when the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  - (4) **Care for Others**—when the employee is caring for an individual who is subject to a quarantine or isolation order or whose healthcare provider has advised the individual to self-quarantine due to concerns related to COVID-19;istrict
  - (5) **School/Childcare Closure\*\***—when the employee is caring for the employee's son or daughter whose school or place of care has been closed, or whose child care provider is unavailable because of a public health emergency (i.e., an emergency with respect to coronavirus declared by a federal, state, or local authority); or
  - (6) **Similar Conditions**—when the employee is experiencing a "substantially similar condition" (as yet undefined) as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- \* *The DOL's New Rule reaffirmed its position (as articulated in the original Final Rule) that **leave under the FFCRA may be taken "only if the employee has work from which to take leave."** In other words, an employee may not "take FFCRA paid leave if the employer would not have had work for the employee to perform, even if the qualifying reason did not apply." This work availability requirement applies to all 6 reasons for leave. (The SDNY's 8/3/20 ruling attempted to invalidate this "work availability" requirement.)*
- \*\* **RETURN TO SCHOOL/REMOTE LEARNING DOL GUIDANCE**. On **August 27, 2020**, the DOL issued new guidance, in the form of additional FAQs, addressing FFCRA emergency paid sick leave in the context of the various school reopening models (e.g., all in-person; all virtual/remote; or a hybrid of the two). The new guidance clarifies that a child's school is effectively "closed" on days when the child is not permitted to attend in person for COVID-19-related reasons—including when a child must engage in remote learning on certain days of the week, even if the child may attend in person on other days (as in a hybrid schooling model). As such, an eligible employee **may take paid leave under the FFCRA on each of his or her child's remote-learning days or while the school remains closed to in-person attendance**, as long as the employee needs the leave to care for the child during that time and no other suitable person is available to do so. However, FFCRA leave is **not available** for an employee whose child's school provides a choice between in-person and remote learning, and the employee chooses remote learning for his or her child, as the school is not deemed "closed." (The Return to School FAQs are available [here](#).)

- **Duration of Leave.** **Full-time employees** are entitled to receive up to **80 hours (10 work days) of paid sick leave** for the above qualifying reasons. **Part-time employees** are entitled to the number of hours of paid sick time equal to the number of hours they work, on average, over a 2-week period. This paid sick leave is *available for immediate use*, and is provided *in addition to any other sick leave* already offered by the employer (including subject to state or local requirements). There is no carryover of unused leave from year to year (although the Act sunsets on December 31, 2020 in any event). An employer may not require an employee to use other paid time off before the employee uses emergency paid sick leave, and may not require an employee to find a replacement worker to cover the hours during which the employee uses paid sick leave.
- **Pay Rate.** Employers must compensate employees for any paid sick time as follows:
  - Employees taking emergency paid sick leave under reasons (1), (2), and (3) above: must be compensated at the higher of their regular rate, the federal minimum wage, or the local minimum wage. Payments are **capped at \$511 per day and \$5,110 in the aggregate**.
  - Employees taking emergency paid sick leave under reasons (4), (5), and (6) above: must be compensated at **2/3** of the rate they would otherwise receive under the above bullet point, **capped at \$200 per day and \$2,000 in the aggregate**.

Each quarter, employers (other than governmental employers) subject to these requirements are entitled to a fully refundable tax credit equal to 100% of the mandated paid sick leave wages paid by the employer (i.e., any payments greater than the capped amounts would not receive the tax credits).

- **Verification.** Documentation of the need for leave is required as soon as practicable. (The original Final Rule required that employees submit documentation including the reason for and duration of the requested leave and, when relevant, isolation or quarantine orders, prior to taking leave. *In its 8/3/20 decision, the SDNY held that this requirement was inconsistent with the FFCRA, which only requires employees to provide notice of the need for leave after the first day of leave (see below). Thus, employers may not require employees to provide documentation before taking leave or as a precondition to leave. The New Rule agreed with the SDNY and affirmed that an employee need not give documentation prior to taking leave, but rather “as soon as practicable,” which “in most cases will be when the employee provides notice” to the employer.*)
- **Intermittent Leave.** While the FFCRA itself does not specify whether employees may take intermittent leave, the DOL Final Rule limits the availability of intermittent leave, requiring employer consent and prohibiting intermittent leave where an employee is at risk of spreading COVID-19 to other employees in the workplace. *Following a challenge by the SDNY’s 8/3/20 ruling, the New Rule confirms the DOL’s stance that intermittent leave is permitted for qualifying reasons (that do not exacerbate the risk of spreading COVID-19) only if an employer approves. However, the DOL clarified that it does not consider an employee’s need for leave in full-day increments to care for a child who is learning remotely on a hybrid schedule to be “intermittent,” because “each day of school closure constitutes a separate reason for FFCRA leave that ends when the school opens the next day.” (The SDNY’s 8/3/20 ruling struck down the Final Rule’s requirement that employees obtain employer consent to use intermittent leave, concluding that in situations where there is not a risk of COVID-19 transmission (e.g., where an employee takes intermittent leave because a child’s school is closed), employer consent cannot be required.)*
- **Job Protection.** There is no specific job restoration requirement in the Act; however, note that it will be a prohibited act to discharge or discipline an employee who (a) takes leave under the Act, and (b) has filed any complaint or instituted any proceeding under or related to the Act or who has testified in any such proceeding.
- **Employer Notice.** Employers must post and keep posted, in conspicuous places on the premises where employee notices are usually posted, a notice prepared by the Secretary of Labor that sets forth the leave requirements (including expanded family and medical leave) of the FFCRA.

The notice is now available [here](#) or on the DOL Wage and Hour Division’s “COVID-19 and the American Workplace” website [here](#) (under “Posters”).

- **Employee Notice.** After the first workday (or portion thereof) for which an employee receives paid sick leave, an employer may require an employee to follow “reasonable notice procedures” to continue to receive pay.
- **Exemptions.** Employers of employees who are **health care providers** (as [defined](#) by the current FMLA and in the DOL’s New Rule\*, including individuals who are capable of providing health care services) or **emergency responders** (no definition was provided) may elect to exclude such employees from the paid leave. Additionally, the DOL is empowered to exempt small businesses with fewer than 50 employees in certain circumstances—namely, providing leave for the “School/Childcare Closure” reason (5) above where these requirements would jeopardize the viability of the business. *\*The New Rule adopts the FMLA’s definition of “health care provider” and expands on that definition by including any other employee “who is capable of providing health care services, meaning he or she is employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care.” (The original Final Rule’s definition of “health care provider” was broader and looked at whether the employer itself provides health care services. In its 8/3/20 decision, the SDNY concluded this definition was too expansive, improperly focusing on the employer’s identity rather than the employee’s job duties.)*

(EMERGENCY PAID SICK LEAVE ACT, H.R. 6201, §§ 5101-5111.)

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**\*PLEASE NOTE: 2021 UPDATES OR OTHER NOTES REGARDING THE STATUS AND/OR EXPIRATION OF THE BELOW STATE AND LOCAL LAWS OR ORDINANCES ARE NOTED BELOW IN RED WHERE APPLICABLE.**

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**CALIFORNIA: 2021 Supplemental COVID-19 Paid Sick Leave.** On March 19, 2021, Governor Gavin Newsom signed Senate Bill (SB) 95, which creates new California Labor Code (LC) Section 248.2 (and Section 248.3, applicable to providers of in-home supportive services). **Beginning March 29, 2021**, California **employers with more than 25 employees nationally** will be required to provide California employees with **up to 80 hours of COVID-19–related paid leave**. This new law covers more employers and requires paid sick leave for many more reasons than did the federal FFCRA (*please see summary above*) and the California COVID-19 supplemental paid sick leave statute(s) that expired on December 31, 2020 (*please see summaries below*). **As of the effective date, the requirements of the law will apply retroactively to January 1, 2021 (as explained below), and will expire on September 30, 2021, unless extended.**

**\*April 2021:** The Labor Commissioner’s Office has published 2021 COVID-19 Supplemental Paid Sick Leave **FAQs**, available [here](#). The FAQs provide additional information about how a covered employee may request “retroactive” 2021 SPSL; how to calculate leave; offset and use of other leave; coverage; and other topics.

- **Eligibility and Reasons for Leave.** All “covered employees” are entitled to take 2021 COVID-19 supplemental paid sick leave (“2021 SPSL”). A “covered employee” is any employee “who [is] unable to work or telework” because the employee:
  - Is subject to a federal, state, or local **quarantine or isolation order** or guidelines related to COVID-19 (and if the employee is subject to more than one such order, the employee may use SPSL for the minimum quarantine or isolation period under the order or guidelines that provides for the longest minimum period);
  - Has been advised by a health care provider to **self-quarantine** or self-isolate due to COVID-19-related concerns;

- Is attending an **appointment to receive a COVID-19 vaccine**;
  - Is experiencing **symptoms related to a COVID-19 vaccine** that prevent the employee from being able to work or telework;
  - Is experiencing **symptoms of COVID-19** and seeking a medical diagnosis;
  - Is **caring for a covered family member** (i.e., the employee's spouse, registered domestic partner, parent (including parents-in-law), child (regardless of age or dependency), grandparent, grandchild, and sibling) who is subject to a quarantine order or has been advised to self-quarantine, as described above; or
  - Is **caring for a child whose school or place of care is closed** or otherwise unavailable for reasons related to COVID-19 on the premises.
- **Leave Benefits and Duration.** Covered employees are entitled to 2021 SPSL—available immediately upon oral or written request—as follows:
    - **Full-time employees** (i.e., those who (a) worked or were scheduled to work an average of 40 hours per week in the 2 weeks preceding the date the employee took SPSL, or (b) are considered full-time by the employer): **may receive 80 hours of 2021 SPSL.**
    - **Other employees** (i.e., those who do not meet the criteria above for full-time): may receive an amount of SPSL correlating with the number of hours the employee **regularly works over 2 weeks** (specific calculations are set out in LC 248.2(b)(2)(C)).
    - **Pay:** 2021 SPSL for **nonexempt** employees is paid at a rate equal to the *highest* of (a) the regular rate of pay for the workweek in which SPSL was taken, (b) average hourly pay for the preceding 90 days, excluding overtime; or (c) the applicable state or local minimum wage. Pay for **exempt** employees is calculated in the same way employers calculate wages for other types of leave. In any event, pay for SPSL is **capped at \$511 per day and \$5,110 in the aggregate.**
  - **Retroactive Use of SPSL to January 1, 2021.** **An employee can use 2021 SPSL for any absence since January 1, 2021,** that falls within a covered reason. For example, if an employee took unpaid leave in January 2021 to care for a quarantined family member, the employee can ask for, and the employer must pay, 2021 SPSL for those unpaid absences. Similarly, if an employee took *paid* vacation in February 2021 because he or she was experiencing COVID-19 symptoms and waiting for a medical diagnosis, the employee could ask for and the employer would have to pay 2021 SPSL for those days and replenish the employee's vacation bank.

Employers must provide **retroactive payment for qualifying leave taken since January 1, 2021**, once the employee makes an oral or written request for such payment. Employers must make this payment on or before the payday for the next full pay period after the employee makes the oral or written request. The employee's wage statement must separately list the payment and reflect the hours available, rate of pay, and corresponding 2021 SPSL wages.

- **Employer Offset.** Other than the statewide general paid sick leave law (the Healthy Workplaces, Healthy Families Act ("HWFA")), employers may credit towards 2021 SPSL the hours of other paid leave the employer provided to employees *on or after January 1, 2021*, for absences taken for the same COVID-19–related reasons as those contained in the statute. For example, if an employer already extended and the employee used 3 hours of leave taken under the federal FFCRA on or after January 1, 2021, a full-time employee would be entitled to 77, not 80, hours of COVID-19 2021 SPSL. *Employers may not credit paid leave they provided employees for COVID-19–related reasons in 2020.* Employers may not use state disability insurance to meet their obligation to provide 2021 SPSL.
- **Other Leave.** 2021 SPSL is *in addition to* any other paid sick leave, including the HWFA. Employers may not force covered employees to use any other form of paid or unpaid leave or time off, including company-provided sick leave, vacation, or paid time off (PTO), before using 2021 SPSL. Instead, the employee may decide how many hours of 2021 SPSL to use, up to the total number of hours to which the employee is entitled. However, the employer can require that an employee exhaust 2021 SPSL before the employer pays exclusion pay under the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) (*please see summary below*).



- Employer Notice. **Employers must post a notice (available [here](#))** of the COVID-19 2021 SPSL requirements in a conspicuous place in the workplace. If covered employees do not frequent a workplace, the employer may satisfy the notice requirement by distributing notice through electronic means, such as email.
- Paystub Requirements. Employers must list the amount of an employee's available 2021 SPSL on the employee's wage statement as a distinct line item. The employer must list available 2021 SPSL separately from any other available paid sick leave or paid time off. The wage statement requirement becomes effective the first full pay period after the statute's effective date.

(SB 95 and California Labor Code (LC) Section 248.2 may be found [here](#); the Department of Industrial Relations' new FAQs may be accessed [here](#).)

**CALIFORNIA: Mandatory COVID-19 Exclusion Pay.** On November 19, 2020, the California Occupational Safety and Health Standards Board, the standards-setting agency of the California Division of Occupational Safety and Health (Cal/OSHA), adopted an **Emergency Temporary Standard ("ETS") regarding COVID-19 workplace prevention**. The final ETS was approved and became effective on November 30, 2020, and is set to **expire on October 2, 2021**. The ETS imposes a number of requirements on California employers—including preparing a "written COVID-19 Prevention Program," notifying employees and third parties of potential COVID-19 exposure, providing face coverings, and offering to test and/or testing employees for COVID-19 in certain situations.

In addition, under the ETS, **employers must provide paid time off ("exclusion pay")** to those employees whom employers must exclude from the workplace because they fall within the definitions of **"COVID-19 cases"** or employees who had a **"close contact"** (*previously employees with "COVID-19 exposure"*) (**"exclusion pay"**). **Revised / readopted ETS (June 2021) can be found here: <https://www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtbrdconsider-Readoption.pdf>**

- Eligibility and Reasons for Leave. Employees are eligible for exclusion pay under the ETS if they ***are able and available to work, but must be excluded from the workplace*** by their employer because they are:
  - **"COVID-19 cases"**: defined as a person who (1) has a positive 'COVID-19 test' as defined by the emergency standard; (2) is subject to COVID-19-related order to isolate issued by a local or state health official; or (3) has died due to COVID-19; and
  - **"Close contact"** means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by the ETS. This definition applies regardless of the use of face coverings.
  - **Original ETS: Employees with "COVID-19 exposure"**: defined as *"being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the 'high-risk exposure period.'" The "high-risk exposure period" means (a) for individuals who develop COVID-19 symptoms, "from [2] days before they first develop symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved"; or (b) for individuals who test positive but are asymptomatic, the high-risk exposure period is "from [2] days before until [10] days after the specimen for their first positive test for COVID-19 was collected."*
  - **Effective June 17, 2021, employers need not exclude employees who come into close contact with an infected person if they are fully vaccinated or have recently recovered from COVID-19 and are not experiencing symptoms.**
  - **The employer must document that the exposed employee received the final dose of a COVID-19 vaccine at least 14 days before contact with the infected person.**

- Employers are **not required to exclude** employees “who have not been excluded or isolated by the local health department ... if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements ... are met.”
- [Updated Cal/OSHA ETS Frequently Asked Questions issued January 8, 2021](#) (linked below and incorporated herein in blue) confirm that employers need not pay an employee COVID-19 exclusion pay if the employee is unable to work because of the COVID-19 symptoms.
- Leave Benefits and Duration. Employers must (a) provide employees with leave from work each time an employee meets the workplace exclusion criteria above, and (b) “continue and maintain an employee’s earnings, seniority, and all other rights and benefits, including the employee’s right to their former job status, as if the employee had not been removed from their job” (i.e., exclusion pay). This means that employers generally must provide paid time off and the other benefits and rights **until the employee satisfies the final rule’s criteria to return to work** (see below). [The January 8, 2021 FAQs clarify that an employee typically would receive exclusion pay for the period of quarantine, “which could be up to 14 days.”](#) If an employee is out **longer than the standard quarantine period** based on a single exposure or positive test, but still does not meet the below requirements to return to work, the extended quarantine period “may be an indication that the employee is not able and available to work due to illness” (thus not qualifying for exclusion pay). The employee may, however, be eligible for temporary disability or other benefits.
- Return to Work.
  - Employees who meet the definition of “COVID-19 cases” **with COVID-19 symptoms** must not return to work until: (a) at least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications; (b) COVID-19 symptoms have improved; and (c) at least 10 days have passed since COVID-19 symptoms first appeared.
  - Employees who **tested positive** for COVID-19 but did not develop symptoms must not return to work until “a minimum of 10 days have passed since the date of specimen collection of the first positive COVID-19 test.”
  - If a state or local public health official ordered an employee to **isolate or quarantine**, the employee may not return to work until the period of isolation or quarantine is completed or the order is lifted. If the order did not specify a period, “then the period shall be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.”
  - Employers cannot require that employee submit a negative COVID-19 test before returning to work.
  - If CAL/OSHA gives permission, and only in limited circumstances (described in the final rule), employers may allow employees to return to work before they meet the return-to-work criteria.
- Other Leave. Employers may use employer-provided sick leave benefits to satisfy their employee paid time off responsibilities. Employers may consider benefit payments from public sources in determining how to maintain earnings, rights, and benefits, where permitted by law and when not covered by workers’ compensation.
- Exemptions. The ETS identifies two primary exceptions:
  - Employers are not required to provide paid time off for “any period of time during which the employee is unable to work for reasons *other than* protecting persons at the workplace from possible COVID-19 transmission.” [The FAQs provide the following examples of “other” reasons: a business closure, caring for a family member, disability, or vacation.](#)
  - Employers are not required to provide time off “where the employer demonstrates that the COVID-19 exposure is *not work related*.”

(The final COVID-19 ETS is available [here](#) or on the Occupational Safety and Health Standards Board’s website [here](#); the [Department of Industrial Relations’ updated COVID-19 ETS FAQs](#) are available [here](#).)



**CALIFORNIA: Supplemental Paid Leave for Food Sector Workers. \*2021 Update: EXPIRED 12/31/20\*** On April 16, 2020, California Governor Gavin Newsom issued **Executive Order (EO) N-51-20**, which provides COVID-19-related **supplemental paid sick leave (“SPSL”) to food sector employees** who are not covered by the federal FFCRA (see summary above).

**\*UPDATE (9/15/20):** On September 9, 2020, Governor Newsom signed **Assembly Bill 1867 (“AB 1867”)**, which (among other things—see section below) adds **California Labor Code § 248 (“LC 248”)**, adopts/codifies most of EO N-51-20 and makes the food sector worker leave law retroactive to April 16, 2020, when the EO was issued. Differences between EO N-51-20 and LC 248 are noted below. LC 248 will remain in effect **until December 31, 2020**, or longer if the federal FFCRA is extended (whereas the original EO was effective during any statewide stay-at-home orders), and covers “hiring entities” with **500 or more employees** in the United States.

- Eligibility and Reasons for Leave. LC 248 applies to “Food Sector Workers”—which means persons who work in the canning, freezing, and preserving industry, industries handling products after harvest, industries preparing agricultural products on a farm for market, or in an agricultural occupation; or who work for an employer that operates a “food facility” (i.e., those that store, prepare, package, serve, vend or otherwise provide food at the retail level) or who deliver food from a food facility for or through a hiring entity—who must leave home to perform their work. Such “Food Sector Workers” are entitled to SPSL if unable to work because the person:
  - Is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
  - Is advised by a health care provider to self-quarantine or self-isolate due to COVID-19-related concerns; or
  - Is prohibited from working by the employer due to health concerns related to the potential transmission of COVID-19.
- Leave Benefits and Duration. Eligible Food Sector Workers are entitled to SPSL—available immediately upon oral or written request—as follows:
  - **Full-time employees** (i.e., those who work an average of 40 hours per week or are classified as full-time by the hiring entity): may receive **80 hours of SPSL**.
  - **Other employees** (i.e., those who do not meet the criteria above for full-time): may receive SPSL in varying amounts (e.g., in an amount no greater than the employee’s normally-scheduled number of hours over 2 weeks [additional specific calculations are set out in LC 248]).
  - **Maximum pay:** SPSL is paid at a rate equal to the highest of (a) the worker’s regular rate of pay for the last pay period; or (b) the applicable state or local minimum wage; however, SPSL is capped at **\$511 per day and \$5,110 in the aggregate**.
- Verification. According to the Labor Commissioner’s FAQs (linked below), hiring entity may not deny a worker SPSL based solely on a lack of certification from a health care provider (as SPSL is available immediately upon request). However, a hiring entity may request reasonable documentation in certain circumstances before paying the SPSL if the hiring entity has other information indicating the worker is not requesting SPSL for a valid purpose.
- Other Leave. Hiring entities may not require eligible Food Sector Workers to use any other paid or unpaid leave, vacation, or paid time off provided by the hiring entity prior to using SPSL, or in lieu of SPSL. Employers are not required to provide additional paid leave under LC 248 if they already provide, as of April 16, supplemental paid leave for COVID-19-related reasons in an amount at least equal to SPSL. Similarly, employers that provided leave under the EO are not now required to provide additional leave to food sector workers under LC 248.
- Employer Notice. Pursuant to the EO, the Labor Commissioner has published a **model notice (available [here](#))**, which hiring entities must post in a conspicuous place to notify workers of their SPSL entitlement. Hiring entities may distribute the notice electronically if Food Sector Workers do not frequent a workplace. AB 1867 simply incorporates preexisting statewide paid sick leave law requirements that employers post a notice created by the state.

(AB 1867/ LC 248 can be found [here](#); the original Executive Order N-51-20 can be found [here](#); FAQs may be accessed [here](#).)

**CALIFORNIA: Supplemental Paid Sick Leave (Non-Food Sector Employees).** **\*2021 Update: EXPIRED 12/31/20\*** Signed on September 9, 2020, AB 1867 (see above) also creates **Labor Code 248.1 (“LC 248.1”)**, which provides COVID-19-related supplemental paid sick leave (“SPSL”) for **other (non-food sector) employees**. LC 248.1 requires covered employers to provide SPSL no later than September 19, 2020. **These requirements expire on December 31, 2020, or when the federal FFCRA expires, whichever is later.**

- **Eligibility and Reasons for Leave.** Employees are eligible for SPSL under LC 248.1 if they (a) are employed by a **“hiring entity” with 500 or more employees nationwide, or** (b) are **health care providers or emergency responders whose employer with fewer than 500 employees has elected to exclude them from FFCRA paid sick leave coverage, and** (c) are required to leave their home to perform work. However, food sector workers (covered by LC 248) are excluded. Eligible employees are entitled to SPSL if unable to work because the person:
  - Is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
  - Is advised by a health care provider to self-quarantine or self-isolate due to COVID-19-related concerns; or
  - Is prohibited from working by the employer due to health concerns related to the potential transmission of COVID-19.
- **Leave Benefits and Duration.** Eligible employees are entitled to SPSL—immediately upon the employee’s oral or written request—as follows:
  - **Full-time employees** (i.e., those who worked or were scheduled to work an average of 40 hours per week in the preceding two weeks or are classified as full-time by the hiring entity): may receive **80 hours of SPSL**.
  - **Other employees** (i.e., those who do not meet the criteria above for full-time): may receive SPSL in varying amounts (e.g., in an amount no greater than the employee’s normally-scheduled number of hours over 2 weeks [additional specific calculations are set out in LC 248.1]). There are certain exceptions for firefighters.
  - **Maximum pay:** SPSL is paid at a rate equal to the highest of (a) the worker’s regular rate of pay for the last pay period; or (b) the applicable state or local minimum wage; however, SPSL is capped at **\$511 per day and \$5,110 in the aggregate**.
- **Verification.** According to the Labor Commissioner’s FAQs (linked below), a hiring entity may not deny a worker SPSL based solely on a lack of certification from a health care provider (as SPSL is available immediately upon request). However, a hiring entity may request reasonable documentation in certain circumstances before paying the SPSL if the hiring entity has other information indicating the worker is not requesting SPSL for a valid purpose.
- **Employer Offset/Other Leave.** SPSL is in addition to any paid sick leave already available to an employee under California’s existing paid sick leave law (LC 246). However, if an employer has already provided an employee with supplemental paid leave for one of the above COVID-19-related reasons (including if such leave was provided to a food sector worker under EO N-51-20/LC 248), the employer may offset that supplemental leave against the employer’s LC 148.1 SPSL obligation. If an employer already provided supplemental paid leave since March 4, 2020, but compensated the employee in an amount less than what is required under LC 248.1, the employer may offset those hours of leave if the employer retroactively provides supplemental pay to the employee to make up the difference. Hiring entities may not require eligible employees to use any other paid or unpaid leave, vacation, or paid time off provided by the hiring entity prior to using SPSL, or in lieu of SPSL.
- **Employer Notice.** The Labor Commissioner has made available a **model SPSL notice (available [here](#))**, which covered employers must post in a conspicuous place to notify employees about their SPSL rights. If employees do not frequent a workplace, the notice may be distributed electronically.

(AB 1867/ LC 248.1 can be found [here](#); FAQs may be accessed [here](#).)

**CA: EMERYVILLE: Paid Sick Leave Guidance.** On March 17, 2020, the City of Emeryville issued new guidance on its Paid Sick Leave Ordinance (PLSO) as it relates to COVID-19. As written, the PLSO requires employers to provide paid sick leave to all employees working in the City of Emeryville for at least two hours per week for absences due to the employee's or a family member's illness or health condition (among other reasons). The new PLSO guidance requires covered employers to allow eligible employees to use accrued paid sick leave for *additional reasons related to COVID-19*. See Footnote 7 below for additional information. (The Emeryville PLSO guidance may be found [here](#).)

**CA: LONG BEACH: Supplemental Paid Sick Leave.** On May 19, 2020, the Long Beach City Council adopted a **COVID-19 Supplemental Paid Sick Leave Ordinance**, "extending supplemental paid sick leave to employees not protected by the federal Emergency Paid Sick Leave Act" (see above summary). The Ordinance is effective immediately (**and currently has no expiration date; its continuation will be reviewed every 90 days (see link at end of summary)**). It applies to **employers with 500 or more employees nationally** that are not required to provide paid sick leave benefits under the federal Act.

- Eligibility and Reasons for Leave. Employees working in the City of Long Beach are eligible to use supplemental paid sick leave ("SPSL") for the following purposes:
  - The employee is subject to a federal, state, or local **quarantine or isolation order** due to COVID-19, or is **caring for someone** who is quarantined or isolated due to COVID-19;
  - The employee is advised by a **health care provider to self-quarantine**, or is **caring for someone** who is so advised;
  - The employee is experiencing symptoms of COVID-19 and is seeking medical diagnosis; or
  - The employee is caring for a **minor child whose school or place of care is closed** or unavailable because of COVID-19 and the employee is unable to secure a reasonable alternative caregiver.
- Verification. Employers may require employees to identify the basis for requesting SPSL, but may not require a doctor's note or any other documentation for the use of SPSL.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:
  - **Full-time employees:** may receive **80 hours** of SPSL.
  - **Part-time employees:** may receive SPSL hours equal to the number of hours an employee works over an **average 2-week period**. To determine the amount, employers must calculate the average number of daily hours the part-time employee worked during the 6 months immediately preceding the Ordinance effective date, or the average number of hours the employee was expected to work at the time of hire (if the employee has worked less than 6 months).
  - **Pay:** capped at **\$511 per day and \$5,110 in the aggregate** and generally paid at the employee's regular rate of pay; however, employees using SPSL to care for another person may be paid at **2/3 of the employee's regular rate, up to \$200 per day and \$2,000 in the aggregate**.
- Employer Offset/Other Leave. Employees do not need to exhaust sick leave or other accrued leave prior to using SPSL. Employers with paid leave or paid time off (PTO) policies that provide **at least 160 hours of paid leave annually are not required** to provide SPSL. If an employee has received paid leave on or after March 4, 2020 for the above qualifying reasons or in response to the employee's inability to work due to COVID-19, that leave may be offset against the employer's 80-hour requirement.
- Exemptions. The following employees are not covered:
  - Employees able to work from home;
  - Health care providers (i.e., individuals capable of providing health care services necessary to combat the COVID-19 public health care emergency);

- Emergency responders (i.e., employees who (a) interact with and aid individuals with physical or mental health issues; (b) ensure the welfare and safety of the Long Beach community; (c) have specialized training relevant to emergency response; and (d) provide essential services relevant to people's health and well-being);
- Government employees; and
- Employees under a collective bargaining agreement in place as of May 19, 2020 that contains COVID-19-related sick leave provisions.

(The Ordinance can be found [here](#); see the latest [memo](#) to City Council recommending continuing “for another 90-day period or until the public health emergency declaration has expired”).

**CA: LOS ANGELES (CITY): Supplemental Paid Sick Leave.** On April 7, 2020, Los Angeles Mayor Eric Garcetti issued the “**Supplemental Paid Sick Leave Due to COVID-19**” Public Order (after concluding that the similar ordinance passed by City Council on March 27 needed adjustments). The Order requires large employers—i.e., those with either: (a) **500 or more employees within the City of Los Angeles**; or (b) **2,000 or more employees nationally**—to provide employees working in the City of Los Angeles **up to 80 hours of Supplemental Paid Sick Leave (“SPSL”)** for COVID-19-related reasons. The Order is intended to cover large employers that are *not* covered by the federal FFCRA (see summary above). The Order is effective immediately **and will remain in effect until 2 calendar weeks after the COVID-19 local emergency period expires**.

**\*UPDATE:** On February 10, 2021, Mayor Garcetti signed a revised [Public Order](#) that **expands employee coverage** for SPSL, and clarifies SPSL calculation, as noted below in red text.

**\*UPDATE:** On June 24, 2021, Mayor Garcetti signed a further [Revised SPSL Order](#) which, among other things, allows eligible employees to **use SPSL to receive a COVID-19 vaccine** (including travel time and recovery time). Please see below.

- Eligibility and Reasons for Leave. Employees working in the City of Los Angeles who have been **employed by the same employer for 60 days** (initially employees needed to be employed from February 3 through March 4, 2020) are eligible for SPSL, upon oral or written request, if they are unable to work or telework and take time off work:
  - Due to **COVID-19 infection** or because a public health official or health care provider requires or recommends the **employee isolate or self-quarantine** to prevent the spread of COVID-19;
  - Because 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;
  - Because the employee needs to care for a **family member** who is not sick but who public health officials or health care providers have required or recommended **isolation or self-quarantine**;
  - Because the employee needs to care for a family member whose **senior care provider, or whose school or childcare provider** caring for a child under age 18, **temporarily ceases operations** in response to a public health or other public official's recommendation. *This provision is applicable only to an employee who is unable to secure a reasonable alternative caregiver; or*
  - **Because the employee takes time off to receive a COVID-19 vaccine, including time traveling to and from an appointment, and to recover from any symptoms related to the vaccine.**
- Verification. Employers may not require a doctor's note or any other documentation for the use of SPSL, **except SPSL to receive a COVID-19 vaccine (for which employers may request verification)**.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:

- **Full-time employees** (i.e., those who work at least 40 hours per week or are classified as full-time by the employer): may receive **80 hours** of SPSL, calculated based on an employee's average 2-week pay **over the last 60 days of employment** (as opposed to the period from 2/3/20-3/4/20).
- **Other employees** (i.e., those who work less than 40 hours per week and are not classified as full-time by the employer): may receive SPSL in an amount no greater than the employee's average 2-week pay **over the last 60 days of employment** (as opposed to the period from 2/3/20-3/4/20).
- **Maximum pay:** For all employees, SPSL is capped at **\$511 per day and \$5,110 in the aggregate** (including for employees of joint employers).
- **Employer Offset/Other Leave.** If an employee has received paid leave on or after March 4, 2020 for the above qualifying reasons or in response to the employee's inability to work due to COVID-19, that leave may be offset against the employer's 80-hour requirement. However, with the exception of rights under the federal FFCRA, leave benefits under the Order are *in addition to* or independent of *any other rights* available to an employee under any other law.
- **Exemptions.** The following are exempt from the requirements of the Order: (a) employers of employees who are "**Emergency Personnel**" (as defined in the [April 1, 2020 Los Angeles Safer at Home emergency order](#)) or **health care workers** (as defined in California Government Code § 12945.2 and including individuals working at a licensed health facility); (b) employers of employees who provide **global parcel delivery** services; (c) employers that have a paid leave or paid time off policy that provides a **minimum of 160 hours of paid leave annually** (exempt with respect to an employee who received the more generous paid leave); (d) **new businesses** that started in the City or relocated from outside the City from September 4, 2019 through March 4, 2019 (except construction business or film producers); (e) government employers; and (f) businesses that were **closed or not operating for 14 or more days** due to a city official's emergency order because of COVID-19, or provided at least 14 days of leave. Employees subject to certain **collective bargaining agreements** that contain COVID-19-related sick leave provisions also are exempt if the agreements contain an explicit, clear, and unambiguous waiver.

(A copy of the *initial* Public Order can be found [here](#); the **revised version can be found at the link above**.)

**CA: LOS ANGELES (COUNTY): Supplemental Paid Sick Leave.** On April 28, 2020, the Los Angeles County Board of Supervisors enacted an interim urgency ordinance *initially* requiring employers with 500 or more employees nationally to provide employees working within Los Angeles County up to **80 hours of supplemental paid sick leave ("SPSL")** for COVID-19-related reasons. The Ordinance is effective immediately and *initially* set to expire on December 31, 2020. [**\*2021 update:** In January 2021, the ordinance was extended until **2 weeks after the expiration of the COVID-19 local emergency** by a new [urgency ordinance](#) (effective retroactive to 1/1/21) that **covers all employers** in the unincorporated areas of the County.]

- **Eligibility and Reasons for Leave.** Employees working in the County of Los Angeles—*other than, for the period of March 31 to December 31, 2020, "food sector workers," as defined in California Executive Order N-51-20 (see above summary)*—are eligible for SPSL, upon written request (which includes email and text message requests), if they are unable to work or telework because:
  - A public health official or health care provider requires or recommends the **employee isolate or self-quarantine** to prevent the spread of COVID-19;
  - The employee is subject to a federal, state, or local **quarantine or isolation order** related to COVID-19 (i.e., 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);
  - 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; or



- The employee takes time off work because the employee needs to care for a family member whose **senior care provider, or whose school or childcare provider, ceases operations** in response to a public health or other public official's recommendation.
- Verification. Employers may require documentation for the use of SPSL consistent with the federal FFCRA and related rules (see [here](#)). However, an employee may begin using SPSL before obtaining employer-requested verification.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:
  - **Full-time employees** (i.e., those who work at least 40 hours per week or are classified as full-time by the employer): may receive **80 hours** of SPSL, calculated based on an employee's *highest* average 2-week pay over the period of January 1, 2020 through April 28, 2020.
  - **Other employees** (i.e., those who work less than 40 hours per week and are not classified as full-time by the employer): may receive SPSL in an amount no greater than the employee's average 2-week pay over the period of January 1, 2020 through April 28, 2020.
  - **Maximum pay**: For all employees, SPSL is capped at **\$511 per day and \$5,110 in the aggregate** (including for employees of joint employers).
  - The January 2021 urgency ordinance, while covering more employers and employees, **does not require employers to provide an additional allotment of SPSL**; in other words, an employee who has exhausted SPSL entitlements by December 31, 2020 is not eligible for additional SPSL under the ordinance.
- Employer Offset/Other Leave. If an employer provided additional paid leave for COVID-19-related reasons—above and beyond the employee's regular or previously accrued leaves—that leave may be offset against the employer's 80-hour requirement for every such hour of leave provided after March 31, 2020 for the reasons listed above. Employers may not require employees to use any other paid or unpaid leave, paid time off, or vacation before using SPSL or instead of using SPSL. With the exception of rights under the federal FFCRA and Executive Order N-51-20/LC 248 (applicable to food sector workers) (*see above summaries*), leave benefits under the Ordinance are *in addition to* or independent of *any other rights* available to an employee under any other law.
- Exemptions. Employers may exclude employees who are health care providers or emergency responders (as defined in the Ordinance) from the Ordinance's leave requirements. Collective bargaining agreement also may waive the provisions of the Ordinance if set forth in clear and unambiguous terms.

(The original Ordinance can be found [here](#); the extended urgency ordinance can be found at the link above.)

**CA: OAKLAND: Emergency Paid Sick Leave**. On May 12, 2020, the Oakland City Council passed the **Emergency Paid Sick Leave Ordinance**—effective immediately and *initially set to expire on December 31, 2020*<sup>\*\*</sup>—requiring all private employers (unless exempted) to provide **up to 80 hours of emergency paid sick leave (“EPSL”)** for COVID-19-related reasons. [**\*2021 update: On January 19, 2021, the City enacted a new [emergency ordinance](#) (effective retroactive to 12/31/20) extending the EPSL Ordinance through the end of the City's emergency declaration. Please see below in red.**]

- Eligibility and Reasons for Leave. Employees who have performed at least two hours of work within the City of Oakland after February 3, 2020 are eligible for EPSL for any of the same qualifying reasons under the FFCRA (*see above summary*), i.e., if unable to work or telework because:
  - The employee is subject to a federal, state, or local **quarantine or isolation order** related to COVID-19;
  - A health care provider has advised the **employee to self-quarantine** due to COVID-19 concerns;
  - The employee is **experiencing symptoms of COVID-19** and is seeking medical diagnosis;



- The employee is **caring for an individual** who is subject to a quarantine or isolation order or has been advised by a health care provider to self-quarantine due to COVID-19-related concerns;
- The employee is caring for his or her son or daughter whose **school or place of care has been closed** or whose child care provider is unavailable due to COVID-19 precautions; or
- The employee is experiencing any other substantially similar condition specified by the local health officer or under the federal FFCRA (*see above*).

Additionally, eligible employees must **also be permitted to use EPSL** if unable to work or telework for any of the following **additional reasons**:

- The employee needs to care for a family member who has been diagnosed with or is experiencing symptoms of COVID-19; or
  - The employee (a) is at least 65 years old; (b) has a health condition such as heart disease, asthma, lung disease, kidney disease, or weakened immune system; (c) has any condition identified by an Alameda County, CA 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 provider as putting the employee at heightened risk of serious illness or death if exposed to COVID-19.
- Verification. Employers may take only reasonable measures to verify or document that an employee's use of EPSL is lawful, and may not require an employee to spend more than \$5.00 to demonstrate eligibility. However, employers **may not require a doctor's note** for the use of EPSL, unless to certify a health condition referenced in the last bullet point, part (d) (above). In that case the employee need not disclose his or her condition—only that the employee is at a heightened risk.
  - Increments of Leave. Employees may use EPSL intermittently and in one-hour increments as necessary. Employers may not require that the employee use the leave in increments of more than one hour.
  - Leave Benefits and Duration. Eligible employees are entitled to EPSL as follows:
    - **Full-time employees** (i.e., those who worked at least 40 hours per week within the City of Oakland between **January 1, 2021 through January 21, 2021 (under the 2021 emergency ordinance)** or at any point thereafter, or are classified as full-time by the employer): may receive **80 hours** of EPSL.
    - **Other employees** (i.e., those who worked less than 40 hours per week during the above period and continue to do so thereafter): may receive EPSL in an amount equal to the number of hours the employee worked within the City of Oakland over 14 days during the period of **January 1, 2021 to January 21, 2021**—calculated based on the 14 days with the *highest number of hours worked*.
      - The above methods also may apply to determine the hours of EPSL for employees who began work after **January 21, 2021**.
    - **If any employees have worked fewer than 14 days between January 1, 2021 and January 21, 2021, the employer must provide EPSL once such an employee has worked or 14 days, in an amount equal to the number of hours the employee worked within the City over the 14 days.**
    - **Pay:** For all employees, EPSL is paid at 100% of the employee's regular rate of pay and must be paid no later than the payday for the next regular payroll period after the leave is taken (but in no case more than 14 days after the leave is taken). Employers cannot reduce or eliminate contributions to employee health benefits while an employee is using leave.
    - **Maximum pay:** For all employees, EPSL is capped at **\$511 per day and \$5,110 in the aggregate**.
    - **Please note:** the new emergency ordinance does not require employers to provide a new bank of leave time; employees may use any unused portion of EPSL they may have received in 2020.

- **Employer Offset/Other Leave.** Employers may credit any sick leave hours provided under the FFCRA (*see above summary*) against their obligation to provide EPSL under the Ordinance. Employees may choose to use EPSL before using any other leave available under Oakland's Paid Sick Leave Ordinance. Employers may not require an employee to use any other leave before using EPSL. **The 2021 emergency ordinance clarifies that employers may offset their EPSL obligation not only by any hours provided under the FFCRA, but also under California's two statewide supplemental COVID-19 paid sick leave laws (*see above summaries*).**
- **Payout Upon Layoff.** Notably, the ESPL Ordinance contains a unique requirement that if an employer lays off a covered employee (on or after May 12, 2020), **the employer must pay out all *non-emergency* paid sick leave accrued under the Oakland Paid Sick Leave Ordinance** (but not leave provided under the EPSL Ordinance) immediately upon separation.
- **Employer Notice.** The City has published an [EPSL notice poster](#) for employers to immediately provide to all employees (including posting at the workplace, via electronic communication, or posting in a conspicuous place in an employer's web- or app-based platform). Employers must post and/or provide the notice in all languages spoken by more than 10% of employees. The notice is now available with translations in [Spanish](#), [Vietnamese](#), and [Chinese](#).
- **Exemptions.** The Ordinance does not apply to:
  - Small employers, i.e., those with fewer than 50 employees between February 3, 2020 and March 4, 2020 (unless the small employer is an unregistered janitorial employer or a franchisee of a franchisor or network of franchises that employs over 500 employees in the aggregate);
  - Employers of employee who are health care providers or emergency responders (as defined by the FFCRA), provided that the employer retains information for 3 years describing the classifications exempted, and provided that any non-exempt classifications are provided adequate notice of their ESPL rights; or
  - An employer who, after February 3, 2020:
    - Provides its employees with the ability to accrue at least 160 hours of paid personal leave (including PTO, sick leave, or vacation), so long as (a) each employee has immediate access to at least 80 hours of leave after the effective date of the ESPL Ordinance, available for the permitted reasons described above, and (b) any employee who has used paid personal leave prior to the effective date, and has fewer than 80 hours available on the effective date, is provided additional hours of leave to bring their balance to 80 hours to be used for the reasons described above; or
    - Provides its employees immediate access to paid personal leave in an amount at least equal to and for the reasons specified in the ESPL Ordinance, so long as the paid personal leave is in addition to any paid leave the employer was otherwise required to provide under a CBA, employment contract, or public policy.
  - A collective bargaining agreement may waive the provisions of the ESPL Ordinance in clear and unambiguous terms.

(The original ESPL Ordinance is available [here](#); the 2021 emergency ordinance is available [here](#).)

**CA: SACRAMENTO (CITY): Supplemental Paid Sick Leave.** **\*2021 update: EXPIRED 3/31/21\*** On June 30, 2020, the Sacramento City Council adopted the Sacramento Worker Protection, Health, and Safety Act (Ordinance No. 2020-0026), which requires employers to provide **supplemental paid sick leave ("SPSL")**, allows employees to refuse work under certain circumstances, and requires employers to implement certain safety practices and protocols. The SPSL obligations in the Ordinance become effective on July 15, 2020 (while the Ordinance as a whole is effective upon adoption). The Ordinance initially was to remain in effect until December 31, 2020 (**now March 31, 2021**). The SPSL provisions apply to employers exempt from the emergency paid sick leave portion of the FFCRA (*see above summary*) with **500 or more employees nationwide**.

- Eligibility and Reasons for Leave. Employees are eligible for SPSL if they work for a covered employer within the boundaries of the City of Sacramento. Eligible employees are entitled to SPSL when they are unable to work or telework for the following reasons:
  - The employee is subject to **quarantine or isolation** by **federal, state or local order** or is caring for a **family member** who is quarantined or isolated;
  - A **healthcare provider** advised the employee to **self-quarantine** due to COVID-19 or the employee is caring for a **family member** who has been advised to quarantine;
  - The employee chooses to take off work because the employee is **over the age of 65** or is considered vulnerable due to a compromised immune system;
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis;
  - The employee's employer or a specific **work location ceases operation temporarily** due to a public health order or other public official's recommendation; or
  - The employee is caring for a minor child because a **school or daycare is closed** due to COVID-19.

**"Family member"** means any person for whom an employee may use paid sick leave under the California statewide paid sick leave law (i.e., a child, parent, spouse or domestic partner, grandchild, grandparent, or sibling).

- Verification. Upon an employer's request, an employee must provide the basis for requesting SPSL; however, an employer may not require an employee to provide a doctor's note or other documentation.
- Employee Notice. When the need for SPSL is foreseeable, employers may require employees to follow "reasonable notice procedures" before providing SPSL.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:
  - **Full-time employees** (those who work 40 or more hours a week or who were classified as full-time by the employer before the effective date): may receive **80 hours of SPSL**.
  - **Part-time employees** (those who are not full-time employees): may receive SPSL equal to the number of hours worked on average over a **2-week period**. To determine the amount, employers must use the number of hours the part-time employee worked each week during the 6 months immediately preceding the Ordinance effective date, multiplied by 2.
  - **Maximum pay:** pay for SPSL is capped at **\$511 per day and \$5,110 in the aggregate** and generally is paid at the employee's regular rate of pay. However, employees using SPSL to care for a family member may be paid at **2/3 of the employee's regular rate, up to \$200 per day and \$2,000 in the aggregate**.
  - Employers are not required to pay out unused SPSL at any time. Unused SPSL expires when the Ordinance sunsets (December 31, 2020).
- Employer Offset/Other Leave. SPSL is in addition to any other paid sick leave, paid time off, or vacation that an employer provides to employees by statute, policy, or collective bargaining agreement (CBA). If an employer has granted additional paid sick leave—beyond that provided by statute, policy, or CBA—since March 19, 2020, specifically for use for COVID-19-related reasons as listed above, then that leave may be offset against the employer's 80-hour requirement. Similarly, if an employee is a food sector worker entitled to leave under CA Executive Order N-51-20/LC 248 (see above summary), the employer may use those hours to offset the number of SPSL hours required by the Ordinance.
- Exemptions. An employer of an employee who is a healthcare provider or emergency responder may exclude those employees from the SPSL requirements.

(Sacramento City Code Ch. 5.160; Sacramento SPSL Ordinance available [here](#).)

**CA: SACRAMENTO (COUNTY): Supplemental Paid Sick Leave.** **\*2021 update: EXPIRED 3/31/21\*** Effective October 1, 2020, Sacramento County has enacted its own Worker Protection, Health, and Safety Act of 2020 (“WPHSA”) (Ordinance No. 1593), which is almost identical to the City of Sacramento’s Act (see above), requiring employers to provide **supplemental paid sick leave (“SPSL”)**, allowing employees to refuse work under certain circumstances, and requiring employers to implement certain safety practices and protocols. The WPHSA initially was to remain in effect until December 31, 2020 (**now March 31, 2021**). The SPSL provisions apply to employers exempt from the emergency paid sick leave portion of the FFCRA (see above summary) with **500 or more employees nationwide**.

- Eligibility and Reasons for Leave. Employees are eligible for SPSL if they work for a covered employer in the unincorporated parts of Sacramento County. Eligible employees are entitled to SPSL when they are unable to work or telework for the following reasons:
  - The employee is subject to **quarantine or isolation** by federal, state or local order or is caring for a **family member** who is quarantined or isolated;
  - A **healthcare provider** advised the employee to **self-quarantine** due to COVID-19 or the employee is caring for a **family member** who has been advised to quarantine;
  - The employee chooses to take off work because the employee is **over the age of 65** or is considered vulnerable due to a compromised immune system;
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis;
  - The employee’s employer **temporarily ceases operation** due to a public health order or other public official’s recommendation; or
  - The employee is caring for a minor child because a **school or daycare is closed** due to COVID-19.

**“Family member”** means any person for whom an employee may use paid sick leave under the California statewide paid sick leave law (i.e., a child, parent, spouse or domestic partner, grandchild, grandparent, or sibling).

- Verification. Upon an employer’s request, an employee must provide the basis for requesting SPSL; however, an employer may not require an employee to provide a doctor’s note or other documentation.
- Employee Notice. When the need for SPSL is foreseeable, employers may require employees to follow “reasonable notice procedures” before providing SPSL.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:
  - **Full-time employees** (those who work 40 or more hours a week or who were classified as full-time by the employer before the effective date): may receive **80 hours of SPSL**.
  - **Part-time employees** (those who are not full-time employees): may receive SPSL equal to the number of hours worked on average over a **2-week period**. To determine the amount, employers must use the number of hours the part-time employee worked each week during the 6 months immediately preceding the WPHSA effective date, multiplied by 2.
  - **Maximum pay:** pay for SPSL is capped at **\$511 per day and \$5,110 in the aggregate** and generally is paid at the employee’s regular rate of pay. However, employees using SPSL to care for a family member may be paid at **2/3 of the employee’s regular rate, up to \$200 per day and \$2,000 in the aggregate**.
  - Employers are not required to pay out unused SPSL at any time. Unused SPSL expires when the WPHSA sunsets (December 31, 2020).
- Employer Offset/Other Leave. SPSL is in addition to any other paid sick leave, paid time off, or vacation that an employer provides to employees by statute, policy, or collective bargaining agreement (CBA). If an employer has granted additional paid sick leave—beyond that provided by statute, policy, or CBA—since March 19, 2020, specifically for use for COVID-19-related reasons as listed above, then that leave may be offset against the employer’s 80-hour

requirement. Similarly, if an employee is a food sector worker entitled to leave under CA Executive Order N-51-20/LC 248 (see above summary), the employer may use those hours to offset the number of SPSL hours required by the WPHSA. Employers may not require employees to use other accrued paid sick leave, paid time off, or vacation time before using SPSL.

- Exemptions. An employer of an employee who is a healthcare provider or emergency responder may exclude those employees from the SPSL requirements.

(Sacramento County Ordinance No. 1593, available [here](#).)

**CA: SAN DIEGO: Sick Leave Non-Verification Rule.** Please note: The March 27, 2020 Order of the Health Officer and Emergency Regulations containing this non-verification rule (disallowing employers from requiring doctor verification for sick leave) has been superseded by an updated version of the [Order](#) (most recently updated August 22) which does not contain the rule; as such, it appears this rule is no longer in effect.

**CA: SAN FRANCISCO: Paid Sick Leave Guidance.** On March 24, 2020, the San Francisco Office of Labor Standards Enforcement (OLSE) issued updated guidance (initially issued on March 16, 2020) regarding the **use of paid sick leave for situations related to COVID-19 under the San Francisco Paid Sick Leave Ordinance (PSLO)**. Generally, the PSLO requires employers to provide paid sick leave to all employees working in San Francisco for absences due to their own illness/health condition or a family member's illness/health condition. The new "**OLSE Guidance – PSLO & Coronavirus**" requires covered employers to allow employees to use accrued sick leave for *additional reasons related to COVID-19*. **See Footnote 19 below for additional information.** Additionally, the guidance *prohibits employers from requiring a doctor's note or other documentation* for the use of paid sick leave taken under the PSLO during the duration of the local health emergency regarding the coronavirus. Workers who have been laid off by their employer are no longer eligible for paid sick leave under the PSLO. The guidance is temporary and will remain in effect only for the duration of the local health emergency. (The OLSE Guidance can be accessed [here](#) or on the OLSE's website [here](#).)

**CA: SAN FRANCISCO: Public Health Emergency Leave.** **\*2021 Update: EXPIRED 4/12/21\*** On April 17, 2020, San Francisco Mayor London Breed signed the **Public Health Emergency Leave Ordinance ("PHELO")** (Ordinance No. 59-20; an initially passed version was amended on April 14, 2020), requiring large employers—i.e., those with **500 or more employees worldwide**—to provide eligible employees with **up to 80 hours of public health emergency leave ("PHEL")** for COVID-19-related reasons. The PHELO is effective April 17, 2020 and has been reenacted several times—**most recently on February 19, 2021, retroactive to February 11, 2021—so that it will remain effective for an additional 60 days or until April 12, 2021.**

- Eligibility and Reasons for Leave. Except as provided below for health care providers/emergency responders, employees providing labor or services for remuneration within the City and County of San Francisco—regardless of how long the employee has been employed by the employer, and including part-time and temporary employees—are eligible for PHEL, upon written or oral request, if unable to work or telework because the employee:
  - Is subject to an individual or general federal, state, or local **quarantine or isolation order** related to COVID-19, including employees unable to work (a) due to applicable executive or shelter-in-place orders, and (b) because they are members of a "vulnerable population" (i.e., people 60 years and older, or who have certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems, and people who are pregnant or were pregnant in the last 2 weeks), and are following recommendations and requirements from the Governor or local orders;
  - Has been advised by a health care provider to **self-quarantine**;
  - Is experiencing **symptoms associated with COVID-19** and seeking a medical diagnosis;



- Is **caring for a family member** who is subject to a quarantine or isolation order, has been advised by a health care provider, or is experiencing symptoms as described in the above bullet points;
- 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
- Is experiencing any other substantially similar condition specified by the local health officer or under the federal FFCRA (see above).

Employers of employees who are **health care providers** or **emergency responders** may restrict those employees' use of PHEL; however, such an employee may use PHEL when the employee:

- has been advised by a health care provider to **self-quarantine**, or
  - is experiencing **COVID-19 symptoms**, seeking a medical diagnosis, and does not meet the CDC guidance for healthcare personnel with confirmed or suspected COVID-19 to return to work.
- **No Verification.** Employers may not require health information or any other documentation for the use of PHEL; however, employers may require an employee to identify the basis for requesting PHEL.
  - **Increments of Leave.** Employers may not require, as a condition of an employee's taking PHEL, that the employee use the leave in increments of more than one hour.
  - **Leave Benefits and Duration.** Eligible employees are entitled to PHEL as follows:
    - **Full-time employees as of February 25, 2020:** may receive **80 hours** of PHEL.
    - **Part-time employees as of February 25, 2020:** may receive PHEL in an amount equal to the employee's **average number of hours over a 2-week period** that the employee was scheduled over the previous 6 months ending on February 25, 2020, including hours for which the employee took any type of leave.
    - **Employees hired after February 25, 2020:** may receive the number of hours of PHEL equal to the number of hours the employee worked, on average, over a 2-week period between the date of hire and the date on which the leave is taken, including hours for which the employee took any type of leave.
    - **Pay:** For all employees, PHEL is paid at the employee's regular rate of pay or otherwise the same way pay is calculated under the San Francisco Paid Sick Leave Ordinance (PSLO).
    - **The February 11, 2021 version of the PHELO provides that employees are only permitted to use PHEL for hours they are actually scheduled to work (unlike the original version).**
  - **Employer Offset/Other Leave.** PHEL is in addition to any paid time off the employer offered or provided to employees on or before April 17, 2020; however, if an employee received paid leave on or after February 25, 2020 (excluding previously accrued hours) for the above qualifying reasons related to COVID-19, that leave may be offset against the employer's 80-hour requirement. Employers may not change any paid time off policies on or after April 17, 2020, other than to provide additional paid leave. Employees may use PHEL before using other accrued paid time off. Employees may, but are not required to, use other accrued paid time off before using PHEL. When an employee separates from employment, the employer is not required to provide or pay out unused PHEL.
  - **Employer Notice.** The Office of Labor Standards Enforcement (OLSE) has published the "**Public Health Emergency Leave Poster**"—available [here](#). Employers must **provide this notice to all employees** by posting it at the job site, sending electronically, and/or by posting on a web- or app-based platform. Additionally, to the extent feasible, employers required to provide sick leave balances on paystubs under state law must also set forth on an employee's **paystubs** the amount of PHEL available (or "unlimited" for employers providing unlimited time off).



(The Ordinance can be accessed [here](#) or on the OLSE's website—along with FAQs, the poster, and additional information—[here](#); **updated guidance and FAQs, dated February 19, 2021, available [here](#).**)

**CA: SAN JOSE: Emergency Paid Sick Leave. \*2021 Update: EXPIRED 6/30/21\*** On April 7, 2020, the San Jose City Council adopted the **COVID-19 Paid Sick Leave Ordinance**, effective immediately upon adoption (initially set to expire on December 31, 2020\*\*), which requires covered employers to provide **emergency paid sick leave (“EPSL”) to employees** within the City. *[The City **extended** its supplemental COVID-19 paid sick leave ordinance through a **revised ordinance**, effective retroactive to January 1, 2021, which was set to expire on **June 30, 2021**. Please see below in red. Most notably, the **revised ordinance covers all employers** that are located in San Jose or have employees working within the City's geographic boundaries—not just those employers not covered by the FFCRA, like the original ordinance.]*

- Eligibility and Reasons for Leave. **Employees are eligible for EPSL if they have worked at least 2 hours within the City.** *The revised ordinance does not require that employees perform “essential” work in order to be eligible, as the original did.* Employees who can perform work from home are not eligible. Employees may use EPSL for the following reasons:
  - The employee is subject to **quarantine or isolation** by **federal, state or local order** or is caring for someone who is quarantined or isolated;
  - A **healthcare provider** advised the employee to **self-quarantine** or the employee is caring for someone who has been advised to quarantine;
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis; or
  - The employee is caring for their child whose **school or place of care is closed, or childcare provider is unavailable**, due to COVID-19. *The original ordinance limited this fourth reason for leave to a minor child whose school or daycare closed due to COVID-19.*
- Leave Benefits and Duration. Eligible employees are entitled to EPSL as follows:
  - **Full-time employees:** may receive **80 hours of EPSL**.
  - **Part-time employees:** may receive EPSL equal to the number of hours worked on average over **a 2-week period**. To determine the amount, employers must calculate the average number of daily hours the part-time employee worked during the 6 months immediately preceding the Ordinance, or the average number of hours the employee was expected to work at the time of hire (if the employee has worked less than 6 months).
  - **Maximum pay:** pay for EPSL is capped at **\$511 per day and \$5,110 in the aggregate** and generally is paid at the employee's regular rate of pay. However, employees using EPSL to care for another person may be paid at **2/3 of the employee's regular rate, up to \$200 per day and \$2,000 in the aggregate**.
  - **Please note:** *the revised ordinance does not provide additional leave time for employees who received the leave under the original version of the ordinance (in 2020). Rather, the 80 hours is the total amount available to employees for the period of April 2, 2020 to June 30, 2021.*
- Employer Offset/Other Leave. See below (“Exemptions”).
- Exemptions. *The Ordinance does not apply to employers that provide employees with a combination of paid leave at least equivalent to the amount of EPSL required. Employers that provide paid leave in a lesser amount must make up the difference to provide the amount required by the Ordinance. The Ordinance also does not apply to an employer that operates a hospital, if the employer provides its employees, within 2 weeks of the effective date, some combination of paid personal leave at least equivalent to the amount of EPSL required (and, if the employer provides paid leave less than the EPSL required, the employer must make up the difference).*

(A copy of the Ordinance is available [here](#); the **Revised Ordinance is available [here](#)**; additional information and resources are available on the San Jose Labor Compliance department website [here](#).)

**CA: SAN MATEO COUNTY: Supplemental Paid Sick Leave. \*2021 Update: EXPIRED 6/30/21\*** On July 7, 2020, the San Mateo County Board of Supervisors adopted Ordinance No. 20-506, requiring covered employers—those with **500 or more employees nationwide**—to provide **supplemental paid sick leave (“SPSL”)** to eligible employees in the unincorporated areas of the County. The Ordinance is effective upon adoption (with SPSL obligations beginning July 8, 2020), and initially was set to expire on December 31, 2020 (now June 30, 2021). *[The San Mateo County Board of Supervisors extended the temporary COVID-19 paid sick leave ordinance through June 30, 2021 by [urgency ordinance](#).]*

- **Eligibility and Reasons for Leave.** Employees are eligible for SPSL if (a) they have performed any work within the geographic boundaries of unincorporated San Mateo County since January 1, 2020; and (b) they are employed by a covered employer on the effective date of the Ordinance (except that food sector workers as defined under CA Executive Order N-51-20 (see summary above) are excluded). Employers must provide SPSL beginning on **July 8, 2020**, upon **written (including email or text) request** to employees who are unable to work or telework for the following reasons:
  - A **healthcare provider** advised the employee to **self-quarantine or isolate** to prevent the spread of COVID-19; or
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis; or
  - The employee is **caring for someone** who: (a) has been advised by healthcare provider to self-quarantine, or (b) is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or (c) is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or
  - The employee is caring for an individual whose **senior care provider, school, or childcare provider is closed** or unavailable in response to a public health or other public official’s recommendation.
- **Leave Benefits and Duration.** Eligible employees are entitled to SPSL as follows:
  - **Full-time employees** (i.e., those normally scheduled to work 40 or more hours per week): may receive **80 hours of SPSL**.
  - **Part-time employees** (i.e., those normally scheduled to work fewer than 40 hours per week): may receive SPSL in an amount no greater than the number of hours the employee worked on average over **a 2-week period**, calculated over the period of January 1, 2020 through July 7, 2020.
  - **Maximum pay:** pay for SPSL is capped at **\$511 per day and \$5,110 in the aggregate** and is paid at the employee’s regular rate of pay. This maximum applies to **all reasons for leave** (i.e., there is no \$200 maximum for some reasons for leave; the \$511 maximum applies to all leaves under the Ordinance regardless of the reason).
- **Verification.** Employers may require documentation for the use of SPSL consistent with the federal FFCRA and related rules (see [here](#)), regulations or guidance issued by the U.S. DOL.
- **Employer Offset/Other Leave.** SPSL is in addition to any paid sick leave an employer provides under California’s statewide paid sick leave law, any preexisting time off provided prior to March 16, 2020, and any other form of leave (vacation, personal, sick, etc.) an employee may be entitled to under an employer’s policies. However, if an employee received any paid leave specifically for COVID-19-related reasons above and beyond an employee’s regular leaves between March 17 and June 30, 2020 (“Voluntary COVID-19 Leave”), that leave may be offset against the employer’s 80-hour requirement. Moreover, “[i]f an Employer provided Voluntary COVID-19 Leave to an Employee at a rate of pay or hourly accrual rate less than that provided in Section 4 [of the Ordinance], then such amounts or hours shall be offset against such rates and hours as the Employee would have received as set forth in Section 4.”

- Exemptions. Employers may provide more restricted SPSL if they are an employer of an employee who is a health care provider or an emergency responder (as defined in the FFCRA), or (in certain circumstances) an aviation security worker. Such employers may elect to limit these employees' use of SPSL to when an employee cannot work or telework because (a) the employee has been advised by a healthcare provider to isolate or self-quarantine, or (b) the employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis, and does not meet the CDC's guidance for return to work criteria for healthcare personnel with confirmed or suspected COVID-19.

(The San Mateo Supplemental Paid Sick Leave Ordinance can be found [here](#).)

**CA: SANTA ROSA: Emergency Paid Sick Leave.** On July 7, 2020, the Santa Rosa City Council adopted an Urgency Ordinance requiring covered employers to provide **emergency paid sick leave ("PSL")** benefits to eligible employees who perform **allowed or essential work** (see below) within the City. The Ordinance originally applied to employers with 500 or more employees nationwide (i.e., that are not covered by the emergency paid sick leave provisions of the FFCRA—see above) and to FFCRA-covered employers to the extent the Ordinance provides additional benefits. (See "Exemptions" section below.) It is effective immediately and initially sunset on December 31, 2020. [A new [ordinance](#) (eff. February 2, 2021) extended the emergency PSL ordinance through March 31, 2021 "or upon expiration of the applicable tax credits" (now 9/30/21). Differences from the original ordinance are noted below in red. Most notably, the **extended ordinance covers all employers** with employees in Santa Rosa - not just those that were not covered by the FFCRA.]

- Eligibility and Reasons for Leave. Employees are eligible for PSL if (a) they have worked at least 2 hours within the City of Santa Rosa for a covered employer, and (b) they perform "allowed or essential Work" (work activities and services as permitted in the Sonoma County Public Health Officer orders: see <https://srcity.org/3250/Health-Orders>). Eligible employees may use PSL for the following reasons (and if, effective February 2, 2021, they are **unable to work** for one of these reasons):
  - The employee is subject to **quarantine or isolation** by **federal, state or local** order, or is caring for someone who is quarantined or isolated, or otherwise unable to receive care due to COVID-19;
  - A **healthcare provider** advised the employee to **self-quarantine**, or the employee is caring for someone who has been advised to self-quarantine;
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis; or
  - The employee is caring for a minor child because a **school or daycare is closed** or the child care provider is not available due to COVID-19.
- Leave Benefits and Duration. Eligible employees are entitled to PSL as follows:
  - **Full-time employees:** may receive **80 hours of PSL**.
  - **Part-time employees:** may receive PSL hours equal to the number of hours the employee works on average over a **2-week period**. Similarly, an employee who works part of their hours within Santa Rosa city limits is entitled to PSL hours equal to the number of hours worked on average over a 2-week period in Santa Rosa.
  - **Maximum pay:** pay for PSL is capped at **\$511 per day and \$5,110 in the aggregate** and is paid at the employee's regular rate of pay.
    - **Effective February 2, 2021, when employees need leave to care for another person, including leave for school closures, they must be paid 2/3 of their regular rate, up to \$200 per day and \$2000 in the aggregate.**
  - Employees cannot carry over unused PSL between years. Unused PSL is not available after the Ordinance sunsets on December 31, 2020, and employers need not pay out unused PSL when employment ends.
- No Verification. Employees are not required to provide a written note from a healthcare provider to verify the need for PSL.
- Employer Notice. **Effective February 2, 2021, employers must give written notice to employees of their rights under the law. For new employees, notice must be provided within one week after commencing employment. The required poster is available [here](#).**

- Employer Offset/Other Leave. The Ordinance is intended to provide additional COVID-19-related PSL beyond what an employer normally provides. See below (“Exemptions”).
- Exemptions. The Ordinance does not apply to employers with fewer than 50 employees that would qualify for exemption under the FFCRA emergency paid sick leave provisions (see above summary); however, **this exemption applies only to employees who are caring for a child under the Ordinance**. Additionally, the Ordinance does not apply to an employer that has already provided employees, as of July 7, 2020, with some combination of paid personal leave at least equal to the PSL required by the Ordinance. An employer that provides a combination of PSL less than what is required by the Ordinance must comply with the Ordinance to the extent required to make up for such deficiency.

(The original Santa Rosa Temporary Paid Sick Leave Ordinance may be found [here](#); the February 2, 2021 extended ordinance is linked above.)

**CA: SONOMA COUNTY: Emergency Paid Sick Leave**. On August 18, 2020, the Sonoma County Board of Supervisors enacted an urgency paid sick leave ordinance (Ordinance 2020-0815), which is effective immediately and *initially* set to expire on December 31, 2020 (**now 6/30/21**). The Ordinance requires covered employers—*initially* those with 500 or more employees nationwide (**see below for current coverage**)—to provide supplemental paid sick leave (“SPSL”) to eligible employees in the *unincorporated* areas of the County (*Santa Rosa has its own ordinance; see summary above*). [**\*2021 update: A January 26, 2021 urgency ordinance extended the EPSL Ordinance through June 30, 2021. On June 8, 2021, the Ordinance was extended again by urgency ordinance through September 30, 2021. The first revised version of the urgency ordinance (approved on February 9, 2021) made additional changes, including expanding employer coverage to all employers in the unincorporated areas of the County. (See other changes below in red.)**]

- Eligibility and Reasons for Leave. Employees are eligible for SPSL if they have worked for more than two hours within the geographic boundaries of unincorporated Sonoma County. Employers must provide SPSL, upon written (including text or email) request, to eligible employees who are unable to work or telework for the following reasons:
  - A **healthcare provider** advised the employee to **self-quarantine or isolate** to prevent the spread of COVID-19; or
  - The employee is subject to **quarantine or isolation** by federal, state, or local **order** due to COVID-19; or
  - The employee is experiencing **symptoms of COVID-19** and is seeking a medical diagnosis; or
  - The employee is **caring for an individual** who: (a) has been advised by a healthcare provider to self-quarantine, or (b) is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or (c) is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or
  - The employee is caring for an **individual whose senior care provider, school, or childcare provider is closed** or unavailable in response to a public health or other public official’s recommendation.
    - An **“individual”** means the employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if quarantined or self-quarantined, or if their care provider or school is closed or unavailable.
- Leave Benefits and Duration. Eligible employees are entitled to SPSL as follows:
  - **Full-time employees** (i.e., those normally scheduled to work 40 or more hours per week): may receive **80 hours of SPSL**.
  - **Part-time employees** (i.e., those normally scheduled to work fewer than 40 hours per week): may receive SPSL in an amount no greater than the number of hours the employee worked on average over a **2-week period**, calculated over past 6 months.
  - **Maximum pay**: pay for SPSL is capped at **\$511 per day and \$5,110 in the aggregate** and is paid at the employee’s regular rate of pay. This maximum applies to **all reasons for leave**.
  - **The revised urgency ordinance confirm that employers are not required to provide a new bank of leave time; employees are entitled to SPSL benefits “to the extent they have not already exhausted their COVID-19 paid sick leave accruals during the pandemic.”**

- Verification and Employee Notice. Employers may take only reasonable measures to verify the reason for an employee's use of SPSL, consistent with the federal FFCRA and related rules (see [here](#)), regulations or guidance issued by the U.S. DOL. Employers may require employees to follow reasonable notification procedures for foreseeable absences only. Employers may require employees to identify the basis for which the employee is requesting leave, but may not require a doctor's note or other supporting documentation.
- Employer Notice. Employers must post a notice in English and Spanish notifying employees of their rights under the ordinance—either in the workplace, on any intranet or app-based platform, or by email. Employers should create the notice for their employees. **The revised urgency ordinance requires employers to provide, within 3 days of the publication of the ordinance, notice of employees' rights under the extended ordinance. The County has published a notice (available [here](#) in English and Spanish or on the County's SPSL website [here](#)) that employers may use to comply with these obligations.**
- Employer Offset/Other Leave. SPSL is *in addition to* any paid sick leave an employer provides under California's statewide paid sick leave law, any preexisting paid time off benefits (vacation, sick leave, and/or PTO) provided to employees before March 16, 2020. Employers may not require an employee to use any other available paid or unpaid leave before the employee uses SPSL. To the extent an employee has at least 80 hours of accrued paid sick leave benefits as of August 18, 2020, or at least 160 hours of a combination of paid sick leave, vacation, and PTO paid leave benefits, then an employer is not required to provide additional SPSL under this Ordinance. An employer may offset the 80-hour requirement (i.e., provide an amount of SPSL to make up the difference) if an employee's accrued paid sick leave is less than 80 hours, or accrued combined leave is less than 160 hours. **As noted above, the revised urgency ordinance confirms that an employer may credit the total COVID-19 paid sick leave hours already furnished to an employee under the FFCRA, AB 1867, Cal/OSHA regulations, and/or Ordinance No. 6320, or any substantially similar State or Federal COVID-19 paid sick leave legislation that may be enacted in the future, against the SPSL obligations required by this ordinance. Employers are not required to provide employees with a new accrual of SPSL hours.**
- Exemptions. Unlike the federal FFCRA and several other local emergency paid sick leave ordinances, there is **no exemption for employees who are health care providers or emergency responders**. However, when such an employee's need for leave is to care for an individual whose care provider or school is closed or unavailable (i.e., the fifth bullet point under "Reasons for Leave"), leave may be denied if granting such leave would create a staffing shortfall such that operational needs dictate denial of some or all of the employee's request for use of the leave.

(The original Sonoma County Urgency Paid Sick Leave Ordinance may be found [here](#); revised urgency ordinance is available at the link above.)

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**COLORADO: Emergency Paid Sick Leave.** Under a portion of the new Colorado **Healthy Families and Workplaces Act ("HWFA")**—which is separate from the HELP Rules described above, and creates both temporary (discussed here) *and permanent (starting 1/1/21) leave obligations* for employers—the emergency paid sick leave ("EPSL") provisions of the federal FFCRA (see *above summary*) are extended to all Colorado employers, regardless of size. The **COVID-19-specific EPSL provisions** of the HWFA (passed by the Colorado legislature on June 16 and signed by the Governor on July 14, 2020) are in effect from **July 15, 2020 through December 31, 2020**. **[\*2021 update: This temporary EPSL portion of the HWFA expired on 12/31/20; however, the HWFA's permanent paid sick leave provisions became effective on January 1, 2021 and, among other things, require employers to provide employees up to 80 hours of supplemental paid sick leave because of a public health emergency.** The Colorado Division of Labor Standards and Statistics adopted [Emergency Rules](#) on December 23, 2020, which clarify that an already-declared public health emergency (i.e., COVID-19) triggers the 80-hour public health emergency leave requirement as of January 1, 2021.]



As explained above, the federal FFCRA requires covered employers (those with 499 or fewer employees) to provide up to 80 hours of paid sick leave to eligible employees who are unable to work or telework for reasons related to COVID-19. (For more information, please see the U.S. DOL's FFCRA: Employee Paid Leave Rights website [here](#)). **The HWFA requires all Colorado employers to provide EPSL in the same amount and for the same purposes as required under the FFCRA.**

- **Eligibility and Reasons for Leave.** Employers must provide EPSL to an employee who:
  - Is having COVID-19 **symptoms** and seeking a medical **diagnosis**;
  - Is being ordered by a federal, state, or local government agent, or advised by a health care provider, to **quarantine or isolate** due to a risk of COVID-19; or
  - Is **taking care of someone else** due to COVID-19 precautions – specifically, someone ordered to quarantine or isolate, or a child whose school, place of care, or childcare is closed or unavailable.
- **Leave Benefits and Duration.** Eligible employees are entitled to EPSL as follows:
  - **Full-time employees:** may receive **80 hours of EPSL**.
  - **Part-time employees:** may receive EPSL hours equal to the number of hours the employee normally on in a **2-week period**. If the employee's hours vary, the employer must use the employee's average hours over the six months preceding the leave. If the employee has been employed less than six months, the employer must use (a) the number of hours the employee agreed to work when hired, or (b) if no such agreement, the daily hours the employee was scheduled to work over their entire employment.
  - **Pay:** Leave for the reasons listed in the first two bullet points above must be paid at the employee's regular rate of pay. Leave for the reason listed in the third bullet point above (i.e., leave to care for someone else) may be paid at 2/3 of the employee's regular rate of pay.
- **Verification.** Employers may require employees to provide reasonable documentation that the leave is for a HWFA-qualifying purpose (but may not require such documentation in order to actually take the paid sick leave). For additional information about the types of documentation allowed for EPSL, please see the Colorado Division of Labor Standards & Statistics (DLS) Interpretive Notice & Formal Opinion ("INFO") #6A [here](#).)
- **Employer Offset/Other Leave.** If an employee has already used paid leave in 2020 for any of the above COVID-19-related reasons, then the employer may offset that amount against its 80-hour requirement for 2020. However, if the prior paid leave was at less than the pay rate required by the HWFA/FFCRA, then the leave counts toward the HWFA requirement with a discount for the amount by which the pay was reduced. If an employer already provided paid leave for non-HWFA reasons, such as non-COVID-related sick leave or vacation), then that time does not count toward the required 80 hours.
- **Employer Notice.** Employers must (a) **notify employees in writing** of their rights to leave under the HWFA, and (b) **display a poster** in a conspicuous and accessible place in each establishment where employees work. Requirement (a) can be satisfied by providing employees the latest version of the DLS [INFO #6A](#) or the [DLS Paid Leave Poster](#), either on paper or electronically. Requirement (b) can be satisfied by posting the DLS Poster. The notices and posters must be provided in any language that is the first language spoken by at least 5% of the workforce (Spanish versions are currently available). For the latest INFO notices and posters, please see the DLS website [here](#) and [here](#).
- **Exemptions.** Employers that already provide, under a collective bargaining agreement, "equivalent or more" paid leave are exempt from other HWFA requirements, as long as employees' rights to equivalent paid leave are not diminished.

**The HWFA also creates additional, permanent paid sick leave obligations for employers, which became effective on January 1, 2021.** (The signed HWFA can be found [here](#); the DLS Guidance for the 2020 portion of the HWFA ("INFO #6A") can be found [here](#).)



**COLORADO: Health Emergency Leave with Pay (“HELP”) Rules.** \*PLEASE NOTE: The HELP rules were terminated as of July 14, 2020, when the CO Healthy Workplaces and Families Act (“HWFA”)—please see below—was signed. However, the HELP Rules still apply to employment situations that occurred during the four-month period when they were in effect, so we are retaining our summary here.

On March 11, 2020, Colorado’s Governor implemented the Colorado Health Emergency Leave with Pay (“Colorado HELP”) temporary rules (amended March 26, April 3, and April 27, 2020), which remained in place **through July 14, 2020**.

- Leave Benefits and Reasons for Leave. The Rules require employers in certain industries (listed below) to provide up to 2 weeks (80 hours) of leave, to an employee (a) with flu-like or respiratory illness symptoms, and (b) who is (i) being tested for COVID-19 or (ii) under instructions from a health care provider or authorized government official to quarantine or isolate due to a risk of having COVID-19.
  - Leave must be paid at 2/3 of the employee’s regular rate of pay, as defined by the COMPS Order Rule 1.8 (and no less than the minimum wage for tipped employees) and for the employee’s regularly worked hours.
  - If the employee receives a negative COVID-19 test result before the end of the 2 weeks, the paid leave ends once the employee has been fever-free for 72 hours, with other symptoms resolving as well – but not before the employee has been off from work for 7 calendar days (10 calendar days for health care workers covered by the Rules), and in no event more than 14 paid sick days.

(Prior versions of these Rules required employers to provide 4 calendar days of paid leave, at the employee’s full regular rate of pay, to an employee with flu-like symptoms who is being tested for COVID-19 or who is under instruction to quarantine or isolate.)

- Coverage. All employees and employers in the following jobs/industries are covered: leisure and hospitality; food service; child care; education (including transportation, food service, and related work at educational establishments); home health, if working with elderly, disabled, ill, or otherwise high-risk individuals; nursing homes; community living facilities; retail stores that sell groceries (as of March 26, 2020); food and beverage manufacturing (as of April 3, 2020); and, as of April 27, 2020: all other retail establishments; real estate sales and leasing; offices and office work; elective health services (including medical, dental, or other health services); and personal care services (defined as hair, beauty, spas, massage, tattoos, pet care, or substantially similar services).
- Correlation with Other Leave. If an employer already provides the paid leave necessary to meet these requirements, the employer does not need to provide additional leave. However, if an employer does not already provide enough paid sick leave to comply with these rules, it will have to provide additional paid sick leave to meet the requirements. Eligible employees are entitled to this leave regardless of whether they have already exhausted any paid leave provided by the employer.
- Verification. The Rules allow employers to request certain documentation from a health care provider or the COVID-19 test provider, consistent with what the federal FMLA allows; however, an employee may not be required to provide the documentation before returning from leave, and an employee may provide his/her own written statement, rather than documentation directly from a provider.
- Employee Notice. Unless an employee is too ill to communicate, employees must (a) give notice of their absence as soon as possible; (b) give notice of getting a COVID-19 test, or receiving instruction to quarantine or isolate, within 24 hours of being prescribed the test or instruction; and (c) provide any required documentation (consistent with above) by the sooner of (1) the end of their illness, or (2) their return to work.

(7 CCR 1103-10, Colorado Health Emergency Leave with Pay (“HELP”) Rules, as amended, may be accessed [here](#) or on the Colorado DOL’s website, along with FAQs, [here](#).)

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**DISTRICT OF COLUMBIA: Public Health Emergency Leave.** **\*2021 Update:** The CSEA is set to expire when the declared public health emergency ends. The May 21, 2021 [Mayor's Order 2021-069](#) extends the public health emergency "for so long as District of Columbia law extends the emergency." According to the **D.C. Office of Human Rights Public Health Emergency leave website** (last updated on June 8, 2021), the CSEA is **"currently set to expire once the declared public health emergency ends or approximately September 30, 2021"**. We will continue to monitor for any potentially clarifying developments and update this summary accordingly; however, employers should assume that the public health emergency leave obligations will remain in place until September 30, 2021.

The Coronavirus Support Emergency Amendment Act of 2020 and the Coronavirus Support Clarification Emergency Amendment Act of 2020 (collectively "CSEA") temporarily **expands the D.C. Accrued Sick and Safe Leave Act ("ASSLA")** and the D.C. Family and Medical Leave Act ("DCFMLA") to provide additional COVID-19-related leave benefits. The CSEA's amendments to ASSLA require employers with between 50 and 499 employees (that are not health care providers) to provide **public health emergency ("PHE") leave**. *These amendments replace prior versions of D.C.'s COVID-19-related leave laws.*

- **Eligibility and Reasons for Leave.** As of April 10, 2020 (i.e., the date the original ASSLA amendments were signed), employers must provide PHE leave for **any reason employees may use paid leave under the federal FFCRA**—including leave due to quarantine orders, self-quarantine, care for at-risk family members, and school/place of care closures (*see summary above, p. 2*)—**during the COVID-19 public emergency, which remains active through "approximately September 30, 2021" (see note above)**. Employees are eligible for PHE leave after they have worked for the employer at least 15 days prior to the leave request.
- **Leave Benefits and Duration.** Eligible employees are entitled to PHE leave equal to that offered under the FFCRA:
  - **Full-time employees:** may receive leave for **2 full weeks of work up to 80 hours**.
  - **Part-time employees:** may receive an amount equal to the usual number of **hours worked in a 2-week period**.
  - **Pay:** PHE leave must be paid at the employee's regular rate of pay (or a rate determined by dividing total gross earnings in the most recent 2-week period by the number of hours worked during that period), but in no case may the pay rate fall below the applicable minimum wage.
- **Verification.** Employers may require an employee to provide certification of the need for PHE leave only after the employee uses **3 or more consecutive working days** of paid leave. If such certification is required, the employer may not require the employee to provide it until one week *after* the employee's return to work. However, employers that do not contribute toward the employee's health insurance plan **may not** require certification for PHE leave.
- **Employee Notice.** Employers may not require employees to provide more than 48 hours' notice of the need to use PHE leave. In the event of an emergency, employees need only provide "reasonable notice" of the need to use PHE leave.
- **Employer Offset/Other Leave.** PHE leave may *only* be used concurrently with or after exhausting other paid leave benefits for covered reasons under the FFCRA or other applicable laws or the employer's leave policies.
  - If an employee chooses to use PHE leave concurrently with other paid leave, the employer may reduce the compensation for PHE leave by the amount the employee will receive for paid leave taken under other law or policy.
  - Similarly if an employee chooses to use PHE leave after exhausting other paid leave, the employer may reduce the number of hours of PHE leave by the number of hours taken under other law or policy.

- If an employee still needs leave after using all available PHE leave, the employer must inform the employee of any paid or unpaid leave to which the employee may be entitled under any other law or policy. Other ASSLA provisions apply.

(D.C. Code § 32.531.02a, as added and amended by the Coronavirus Support Emergency Amendment Act of 2020, D.C. Act 23-326 §105, available [here](#) or [here](#).)

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**MASSACHUSETTS: Emergency Paid Sick Leave.** On **May 28, 2021**, Governor Charlie Baker signed into law new COVID-19 emergency paid sick leave legislation ([House Bill 3702](#)), which requires all Massachusetts employers to provide employees with **emergency paid sick leave (“EPSL”)** beginning on **June 7, 2021**. The law is set to **expire on September 30, 2021** (unless the monetary funds in the newly established “COVID-19 Emergency Paid Sick Leave Fund” [the “Fund”]—which **reimburses employers** for providing employees with EPSL—are no longer available before September 30).

- Eligibility and Reasons for Leave. All Massachusetts employees are eligible for EPSL if they are absent from work and are unable to work for the following reasons:
  - An employee’s need to: (i) **self-isolate and care for oneself** because of the employee’s COVID-19 diagnosis; (ii) seek or obtain medical diagnosis, care or treatment for COVID-19 symptoms; or (iii) **obtain immunization** related to COVID-19 or the employee is recovering from an injury, disability, illness or condition related to such immunization;
  - An employee’s need to **care for a family member** who: (i) is self-isolating due to a COVID-19 diagnosis; or (ii) needs medical diagnosis, care or treatment for COVID-19 symptoms;
  - A **quarantine order**, or other determination by a public official, health authority, the employer, or a health care provider that the employee’s presence on the job or in the community would jeopardize the health of others because of the employee’s **exposure to COVID-19 or exhibiting of symptoms**, regardless of whether the employee has been diagnosed with COVID-19;
  - An employee’s need to **care for a family member due to a quarantine order**, or other determination as described in the above bullet point; or
  - An employee’s **inability to telework** because the employee has been **diagnosed with COVID-19** and the symptoms inhibit the ability of the employee to telework.
- Leave Benefits and Duration. Employees are entitled to EPSL as follows:
  - **Full-time employees** (i.e., those who 40 or more hours per week): may receive **40 hours of EPSL**.
  - **Part-time employees with regular schedule** (i.e., those who work fewer than 40 hours per week but maintain a regular schedule with consistent hours per week): may receive EPSL in an amount equal to the number of hours that the employee works per week, **on average over a 14-day period** of the regular schedule.
  - **Employees with variable schedule** (i.e., those whose schedule and weekly hours vary from week to week): may receive an amount of EPSL as follows:
    - equal to the average number of hours the employee was scheduled to work per week over the 6-month period prior to the date the EPSL is taken, including leave hours; or
    - equal to the reasonable expectation of the employee at the time of hiring of the average number of weekly hours the employee would normally be scheduled to work, if the employee did not work over the preceding 6-month period.
  - **Maximum pay:** Pay for EPSL (and reimbursement for an employer for an employee’s EPSL) is **capped at \$850 per week**.

- **Benefits:** During EPSL, employees must maintain the same employment benefits to which the employee is entitled as a term of employment.
- **Employer reimbursement:** Employers that pay an employee for EPSL may seek reimbursement from the newly established Fund up to the \$850 per week cap. However, employers that have chosen to obtain payroll tax credits through the extended federal FFCRA and the ARPA (*see summary above*) may not also seek reimbursement from the state.
- **Verification and Employee Notice.** Employees must provide notice of the need for EPSL as soon as practicable or foreseeable. After the first workday an employee received EPSL, the employer may require the employee to follow “reasonable notice procedures” in order to continue using EPSL. Employer reimbursement applications must include a **written request from the employee** for EPSL that contains: (i) the employee’s name; (ii) the date or dates for which leave is requested and taken; (iii) a statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and (iv) a statement that the employee is unable to work, including by means of telework, for such reason. If the EPSL is based on a quarantine order or self-quarantine advice, the statement from the employee shall also include: (i) the name of the governmental entity ordering quarantine or the name of the health care provider advising self-quarantine; and (ii) if the person subject to quarantine or advised to self-quarantine is not the employee, that person’s name and relation to the employee.
- **Employer Notice.** Employers must post a notice informing employees of their rights under this law in a conspicuous location accessible to employees in every establishment where they work, or if the employer does not maintain a physical workplace or an employee teleworks, notification must be sent electronically or posted conspicuously on a web-based platform. The Office of Labor and Workforce Development has prepared a “**Notice to Employees**” which is **available** [here](#) or on its website [here](#).
- **Increments of Use.** Employees may use EPSL in hourly increments and on an intermittent basis.
- **Employer Offset/Other Leave.** EPSL is *in addition to* all job protected time off, paid and unpaid, that the employer is required provide to employees under the statewide general paid sick leave law; any existing employer policy or program; a collective bargaining agreement; or federal law, to the extent permitted by that federal law, However, EPSL may be reduced if the aggregate amount an employee would receive would exceed the employee’s average weekly wage. EPSL also may be offset by the amount of wages or wage replacement that an employee receives for the same period under any government program or law. Employers may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the COVID-19 emergency paid sick leave, unless federal law requires otherwise.
- **Exemptions.** Employers that have a separate COVID-19 sick leave policy and make available an amount of COVID-19 sick leave sufficient to meet the requirements of this law, that may be used for the same purposes and under the same conditions EPSL under this law, are be required to provide additional COVID-19 EPSL.

(The Massachusetts Emergency Paid Sick Leave Act, House Bill 3702, can be found [here](#).)

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**MICHIGAN: Paid Medical Leave Act Expansion.** On August 27, 2020 Michigan Governor Gretchen Whitmer signed Executive Order (EO) 2020-172—superseding prior EOs 2020-36 (April 2020) and 2020-166 (August 2020)—which expands the protections of the state’s Paid Medical Leave Act (“PMLA”) until the end of the declared state of emergency (*which has now expired*) and prohibits retaliation against workers who are particularly at risk of infecting others in the workplace. [*\*2021 update: Executive Order 2020-172 has been rescinded according to Governor Whitmer’s Executive Order [website](#) and the state’s Coronavirus [resource page](#).*]

**Non-Retaliation.** *The EO prohibits employers from discharging, disciplining, or otherwise retaliating against an employee “for staying home when he or she is at particular risk of infecting others with COVID-19.” According to EO 2020-172, this means when the employee:*

- (a) tests positive for COVID-19;*
- (b) displays the “principal symptoms of COVID-19”—i.e., either (i) any one of the following if not explained by a known condition: fever, uncontrolled cough, or shortness of breath; or (ii) at least 2 of the following: loss of taste/smell, muscle aches, sore throat, severe headache, diarrhea, vomiting, or abdominal pain – if not explained by a known condition (this definition has been clarified/narrowed slightly in the most recent EO as compared with earlier versions of the EO);*
- (c) has had close contact with an individual who tests positive for COVID-19; or*
- (d) has had close contact with an individual who displays the “principal symptoms of COVID-19” (see definition above).*

**Protected Leave/PMLA Expansion.** *Employers must treat such an employee as if the employee were taking medical leave under the PMLA during the time the employee stays home in accordance with the EO. If the employee has no accrued paid leave available, the leave may be unpaid. The duration of the leave may extend beyond the time limits established by the PMLA (and must continue, whether paid or unpaid, for as long as the employee remains away from work within the time periods described in the EO—up to 14 days, depending on situation). Employers may debit the time off from the employee’s accrued PMLA leave bank. Employers may not order employees back to work upon receiving a negative COVID-19 test result.*

*The EO contains exceptions (e.g., an employer may discharge or discipline an employee who is allowed to return to work but declines to do so) and exemptions (e.g., health care professionals, first responders, home care facility workers, and others). (The Executive Order is available [here](#); the state also released a [chart](#) that helps explain when an employee may return to work.)*

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**NEW JERSEY: Earned Sick Leave Expansion.** On March 25, 2020, New Jersey Governor Phil Murphy signed Senate Bill 2304 (S2304) that, among other measures, **permanently** expands the state’s **Earned Sick Leave (“ESL”) law** to allow the use of leave under the statute for **additional reasons that could be triggered by COVID-19**. Generally, eligible employees may use accrued ESL for their own or a family member’s illness or health condition; closure of the employee’s workplace or a child’s school or place of care by order of a public official due to an epidemic or other public health emergency; or due to a public health authority’s determination that the employee’s or family member’s presence in the community could jeopardize the health of others (in addition to existing “safe leave” reasons and “school conference” leave). S2304 expands the reasons for use under the ESL law to also include time during which the employee is unable to work because of:

- Closure of the employee’s workplace or the employee’s child’s school or place of care *because of a state of emergency declared by the Governor;*
- The *declaration of a state of emergency by the Governor*, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the employee’s or family member’s presence in the community would jeopardize the health of others; or
- During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a health care provider or the Commission of Health or other public official, the *employee is isolated or quarantined, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease* and a finding by the provider or official that the employee or family member’s presence in the community would jeopardize the health of others.

(A copy of S2304 can be found [here](#); Information and FAQs about COVID-19 can be found on the Department of Labor & Industries website [here](#), including a [chart](#) outlining leave benefits for various COVID-19-related scenarios.)

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**NEW YORK: Statewide Emergency Paid Quarantine Leave.** On March 18, 2020, New York Governor Andrew Cuomo signed a new “**Emergency COVID-19 Paid Sick Leave**” law requiring employers to provide paid (with narrow exceptions) and job-protected sick leave to employees who are subject to mandatory or precautionary **orders of quarantine or isolation** due to COVID-19. A qualifying quarantine under the law must be a mandatory or precautionary quarantine order issued by a government agency or board of health. Employees who are quarantined but able to work from home are **not eligible** for these benefits. **The New York quarantine leave law has no expiration or sunset date; instead, it is tied to the issuance of COVID-19-related quarantine or isolation orders. Please note, also, that accrued paid leave benefits provided under the new general (permanent) New York State Sick Leave Law are available for employees to use as of January 1, 2021.**

**\*On January 20, 2021, Governor Cuomo issued updated "Guidance on Use of COVID-19 Sick Leave" (available [here](#)) that seeks to clarify the benefits available to employees under the NY COVID-19 sick/quarantine leave law. Relevant information is incorporated below in blue.**

- **Please note:** An April 19, 2020 Order issued by the City allows qualifying individuals who either live or work in **New York City** to **self-certify** their qualification for leave under this statewide quarantine leave law (as opposed to providing a qualifying quarantine or isolation order). Such employees must complete and sign one of three appendices (available at the end of the Order), depending upon the type of employee. The Order applies to those employees who (a) have tested positive for COVID-19; (b) have symptoms of COVID-19 *and* were in contact with someone who tested positive; or (c) meet another qualification or mandatory isolation by the NYC health department, the NY State health department, or the CDC. It does not apply to employees who must quarantine or isolate for other reasons. (Such employees may still qualify for quarantine leave but should request an individual quarantine order to obtain leave, per the Order.)

The quarantine leave available to an employee will depend on the size and income of the employer, as follows:

- **Employers with 100 or more employees (as of January 1, 2020) and public employers:** must provide employees at least **14 days of paid quarantine leave** (which, the Governor’s Office has stated, “should cover the period of mandatory or precautionary quarantine or order of isolation”).
- **Employers with (i) 10 or fewer employees (as of January 1, 2020) and net income of greater than \$1 million** in the previous tax year, or (ii) **between 11 and 99 employees** (as of January 1, 2020): must provide eligible employees (a) at least **5 days of paid quarantine leave**; and (b) **unpaid leave** for the remainder of the period of quarantine, with guaranteed access to New York State Paid Family Leave and short-disability benefits, including wage replacement for their salaries up to \$150,000.
- **Employers with 10 or fewer employees and a net income of less than \$1 million:** must provide employees **unpaid leave** for the period of quarantine, with guaranteed access to New York State Paid Family Leave and short-term disability benefits, including wage replacement for their salaries up to \$150,000.

The **January 20, 2021 Guidance** states that if an employer requires an employee who is not otherwise subject to a quarantine order to remain out of work due to COVID-19 exposure or potential exposure, **the employer must continue to pay the employee** at the regular rate of pay until the employer allows the employee to return to work or until the employee becomes subject to a quarantine order, at which time the employee would receive sick leave as required by the law.

The **January 20, 2021 Guidance** also notes that "in no event" may an employee qualify for sick leave under the COVID-19 sick leave law for more than 3 orders or quarantine or isolation. The second and third orders must be based on a positive COVID-19 test.



**Job Protection.** Quarantine leave is protected insofar as the law requires employees returning from such leave to be **restored** to the same position, pay, and terms and conditions of employment as prior to such leave.

Under the **January 20, 2021 Guidance**, other than nursing home staff, employees returning to work following a period of quarantine do not need to be tested for COVID-19 - but an employee who subsequently receives a positive test result may not report to work. If an employee continues to test positive after the end of a quarantine order, the employee is deemed to be subject to a **second mandatory isolation order** and is entitled to sick leave under the COVID-19 quarantine/sick leave law for the second period of isolation. However, unless the employer tested the employee, the employee must submit proof of the positive test.

**Waiting Period.** There is no waiting period for benefits claimed as a result of a mandatory or precautionary quarantine or order of isolation.

**Other Leave.** Employers may not require employees to use existing accrued paid sick leave or other accrued leave, such as PTO, for a COVID-19 quarantine order. This new law is effective immediately, but the leave is available retroactively for employees already under a qualifying mandatory or precautionary order of isolation.

**Exceptions.** Employees who are quarantined but are able to work remotely are not eligible for leave benefits under this statute.

(Information and FAQs about the New York Emergency COVID-19 Paid Sick Leave law can be accessed [here](#); **COVID-19 Paid Leave Employer Guidance** is available [here](#) and includes a COVID-19 Paid Leave [Fact Sheet](#) for employers.)

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**OREGON: School/Child Care Closure Leave.** Under a new **permanent** administrative order (BLI 7-2020), effective **September 14, 2020** (*initially temporary and effective March 18, 2020 through September 13, 2020*), employers must allow employees to use **protected “sick child leave” under the Oregon Family Leave Act (OFLA)** to care for their child whose **school or child care provider has been closed** in conjunction with a statewide public health emergency declared by a public health official (including, but not limited to, out of concerns related to COVID-19).

A child’s school/place of care closure previously was not a qualifying reason for leave under the OFLA (as it is under the Oregon sick leave law, as indicated in the below table). The order expanding OFLA employee rights means a longer absence for school/place of care closure is protected: under the OFLA, employees generally are eligible for **12 weeks of unpaid, job-protected leave** for a qualifying reason if they work for an employer with 25 or more employees, and if they have worked 180 days prior to the leave and at least 25 hours per week. OFLA leave is unpaid, but employees may elect to use any paid leave that they have available—including accrued paid sick leave. The OFLA’s job restoration requirements apply to employees returning from leave.

(Permanent Administrative Order BLI 7-2020 can be found [here](#); see OARD 839-009-0230, available [here](#); Oregon Sick Time FAQs, available [here](#).)

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**PA: PHILADELPHIA: Paid Sick Leave Expansion.** On March 16, 2020, Philadelphia’s generally applicable paid sick leave law, the “Promoting Healthy Families and Workplaces Act,” was expanded by **emergency regulation** “so that covered workers can use their paid sick leave for COVID-19 related issues and preventative care without fear of retaliation.” Specifically, **during the “COVID-19 health risk,”** covered employees can use their accrued paid sick time not only for illness and treatment of an illness of the employee or a family member, but also for (a) **mandated business closures**; (b) to care for a family member during **school or place of care closures**; and (c) **official quarantine or self-quarantine** of the employee or a family member. Additionally, during

the COVID-19 health risk, employers *may not require employees to provide verification* from a healthcare professional in order to use consecutive paid sick leave. (The Emergency Regulations can be accessed [here](#); additional guidance and FAQs can be found on the City's website [here](#).)

**PA: PHILADELPHIA: 2021 Public Health Emergency Leave. \*2021 Update: Expired June 2021\*** On **March 29, 2021**, Philadelphia Mayor Jim Kenney signed a new version of the City's **Public Health Emergency Leave** ordinance, which is effective immediately and **will remain effective for the duration of the statewide COVID-19 public health emergency declaration. The state legislature voted on June 10, 2021, to end the disaster emergency declaration; as such, 2021 PHEL obligations also expired.** The law requires **employers with 50 or more employees** to provide paid public health emergency leave ("2021 PHEL") to eligible employees for COVID-19-related reasons. For a summary of the City's 2020 PHEL ordinance, which expired on December 31, 2020, please see below.

- Eligibility and Reasons for Leave. Employees are eligible for 2021 PHEL if they have worked for the same employer for **90 or more days**, and (a) work within Philadelphia; or (b) normally work for an employer within the City of Philadelphia but are currently teleworking from any other location as a result of COVID-19; or (c) work for an employer from multiple (or mobile) locations, provided that 51% or more of the employee's work time is spent within the City. **Eligible employees may use 2021 PHEL—immediately, with no waiting period—when unable to work for one or more of the following reasons:**
  - A public official or public health authority, health care provider, or an employer has determined that the employee's presence on the job or in the community would jeopardize the health of others due to COVID-19 exposure or because the employee is exhibiting symptoms that might jeopardize the health of others, regardless of whether the employee has been diagnosed with COVID-19;
  - The employee needs to care for a family member due to a determination as described above;
  - The employee needs to:
    - self-isolate and care for oneself because of a COVID-19 diagnosis;
    - self-isolate and care for oneself because the employee is experiencing COVID-19 symptoms;
    - seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19;
  - The employee needs to care for a family member who is self-isolating or seeking a diagnosis as described in the bullet point above;
  - The employee needs to care for a child whose school or place of care has been closed, or whose childcare provider is unavailable, due to precautions taken in accordance with the public health emergency response;
  - The employee needs to obtain a **COVID-19 vaccination**; or
  - The employee needs to recover from an injury, disability, illness, or condition related to a COVID-19 vaccination.
- Verification. Employers may request only that an employee submit a "self-certified statement" confirming that the 2021 PHEL was used for a covered purpose.
- Employee Notice. Employees must notify employers of their need for foreseeable 2021 PHEL "as practicable and as soon as feasible." The ordinance does not discuss required notice for unforeseeable leave.
- Leave Benefits and Duration. Eligible employees are entitled to 2021 PHEL as follows:
  - **Full-time employees** (i.e., those who work 40 or more hours per week): may receive **80 hours of 2021 PHEL**. Exempt employees are presumed to work 40 hours per week unless their normal workweek is less than 40 hours.
  - **Other employees** (i.e., those who work fewer than 40 hours per week): may receive 2021 PHEL in an amount equal to the amount of time the employee is otherwise scheduled to work or actually works on average in a **14-day period**, whichever is greater.

- For employees whose schedule varies from week to week, the 14-day average is determined by the average number of daily hours that the employee was scheduled over the past 90 days of work, including hours for which the employee took any leave, multiplied by 14.
  - **Pay:** 2021 PHEL is paid at the employee's regular rate of pay, and with the same benefits (and in no case may be less than the minimum wage).
  - 2021 PHEL is available until **one week after the official termination** or suspension of the public health emergency.
- Increments of Leave. Individuals may use 2021 PHEL in the smaller of (a) hourly increments, or (b) the smallest increment that the employer/entity's payroll system uses for other absences or time off.
- Employer Offset/Other Leave. Generally, 2021 PHEL is in addition to all other paid leave benefits offered by an employer and may not be reduced by the amount of any paid leave an employee has previously received, including any PHEL provided in 2020. An employer may not require an employee to use other paid leave available before the employee is eligible to use 2021 PHEL, unless state or federal law requires otherwise.
  - Employers are not required to provide additional paid sick leave under the 2021 PHEL ordinance if they already have existing leave policies that provide **160 hours "or more of paid time off in 2021"** that is not specifically designated as sick leave, but can be used for the same purposes and under all of the same conditions" as required by this ordinance. [Emphasis added.]
  - Employers are not required to provide additional leave for **teleworking employees** if the employer's existing policy provides teleworking employees **at least 80 hours "of paid leave in 2021"** [that] can be used for the same purposes" as the reasons set forth in this ordinance.
  - Employers that adopted leave policies **on or after March 6, 2020**, that offer employees "additional paid time specifically for use during the COVID-19 pandemic in 2021 ... may substitute leave" under that policy for 2021 PHEL, to the extent they coincide. Employers are "required to provide additional 2021 public health emergency leave ... only to the extent that the [law's] requirements ... exceed the requirements of [their] own specific COVID-19 pandemic paid leave polic[ies] otherwise available to a particular employee on or after January 1, 2021."
- Employer Notice. Employers must provide employees **notice of their 2021 PHEL rights** within 15 days of the effective date—i.e., by **April 13, 2021**—by conspicuously displaying a poster in an accessible place in each workplace or, if the employer does not maintain a physical workplace or if an employee teleworks or works through a web-based platform, the notice may be provided electronically. **The City has prepared a model poster (available [here](#))** that satisfies these requirements.

(The 2021 Public Health Emergency Leave ordinance (Phila. Code § 9-4116; Bill No. 210122-A) can be found [here](#); additional information may be found on the City's "**COVID-19 pandemic paid sick leave resources**" page [here](#).)

**PA: PHILADELPHIA: Public Health Emergency Leave. \*Prior (2020) Version: Expired 12/31/20\*** On September 17, 2020, Philadelphia Mayor Jim Kenney signed an ordinance (Bill No. 200303) amending the "Promoting Healthy Families and Workplaces Act," requiring employers of all sizes and "hiring entities" to provide public health emergency leave ("PHEL") to eligible employees/individuals when a public health emergency ("PHE") is declared (or at hire during an existing PHE). The ordinance is effective immediately and is set to **expire on December 31, 2020**.

- Eligibility and Reasons for Leave. Employees/individuals are eligible for PHEL—provided they do not receive leave under the federal FFCRA—if they work at least 40 hours in Philadelphia in a year for one or more hiring entities, including (without regard to "employee" status) the following:

certain health care professionals; various domestic workers; individuals who work for a transportation network company or food delivery network; and agency homecare workers. Eligible individuals may use PHEL when unable to work (or reasonably telework under the circumstances) for one or more of the following reasons:

- Being subject to a federal, state, or local quarantine or isolation order related to the public health emergency;
  - Being advised by a health care provider to self-quarantine due to public health emergency concerns;
  - Experiencing symptoms related to the public health emergency and seeking a medical diagnosis;
  - Caring for an individual who is subject to a quarantine or isolation order, has been advised by a health care provider to self-quarantine as described in the first two bullet points above;
  - Caring for a child whose school or place of care has been closed or whose childcare provider is unavailable due to the public health emergency; or
  - Experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services.
- Verification. The City's "COVID-19 pandemic paid sick leave resources page" ([here](#)) states, "[a] note is not required in order to request public health emergency paid sick leave." Hiring entities may only request that an individual submit a "self-certified statement" confirming that the PHEL was for a covered purpose. A public official's public statement constitutes reasonable documentation for use of PHEL.
  - Employee Notice. Covered individuals must provide notice to the hiring entity of the foreseeable need for PHEL "as practicable and as soon as feasible." The ordinance does not discuss required notice for unforeseeable leave.
  - Leave Benefits and Duration. Eligible individuals are entitled to job-protected PHEL as follows:
    - Full-time employees (who work 40 or more hours per week): may receive 80 hours of PHEL or an amount equal to their average hours worked in a 14-day period, up to a maximum of 112 hours. Exempt employees are presumed to work 40 hours per week unless their normal workweek is less than 40 hours.
    - Other individuals (who work fewer than 40 hours per week): may receive PHEL in an amount equal to the employee's average number of hours in a 14-day period. The [ordinance](#) explains how to calculate the amount of leave for individuals whose hours vary from week to week and for individuals who work for multiple hiring entities.
    - Pay: PHEL is paid at the employee's regular rate of pay, and with the same benefits (and in no case may be less than the minimum wage).
    - PHEL is available each time a public official declares a new PHE based on a different emergency health concern, or each time a public official declares a second PHE for the same emergency health concern more than one month after the first PHE has ended.
    - Employees may use PHEL during the public health emergency and for one month following the conclusion of the emergency.
  - Increments of Leave. Individuals may use PHEL in the smaller of (a) hourly increments, or (b) the smallest increment that the employer/entity's payroll system uses for other absences or time off.
  - Reinstatement Period. If a covered individual is laid off or terminated from employment as a result of a public health emergency, but is reinstated within 6 months of separation by the same entity, the individual's remaining amount of PHEL must also be reinstated.
  - Employer Offset/Other Leave. If a federal or state law requires hiring entities to provide paid leave or paid sick time related to a PHE, a hiring entity may require such paid leave to run concurrently with PHEL under the ordinance. If a hiring entity already provides an amount of paid sick leave at least equal to the amount of PHEL required, and for the same reasons and under the same conditions as required by the ordinance, the hiring entity need not provide additional leave or change existing policies.

- Employer Notice. Hiring entities must provide individuals notice of their PHEL rights under the ordinance within 15 days of the effective date by either (a) providing individuals a notice with the required information, or (b) displaying a poster in an accessible place in each workplace. If the entity does not maintain a physical workplace or if an employee teleworks or works through a web-based platform, the notice may be provided electronically. The notice poster prepared by Philadelphia may be found [here](#) (English) or [here](#) (other languages).

(The PHEL ordinance can be accessed [here](#); additional information can be found on the City's website [here](#).)

**PA: PHILADELPHIA: Healthcare Employee Pandemic Benefits.** In September 2020, Mayor Kenney made signed a **permanent amendment to the Promoting Healthy Families and Workplaces Act**, requiring employers to provide **compensation and benefits to certain pool and healthcare employees if they contract a communicable disease** during a declared pandemic or epidemic affecting the City of Philadelphia.

- Eligibility and Reasons for Leave. Pool employees or healthcare employees, as defined in the statute, who have worked for their employer for at least **40 hours in the 3 months preceding the disease**, are entitled to compensation for lost wages and medical expenses if they contract a communicable disease during a pandemic or epidemic and are unable to work.
- Benefits. Eligible employees are entitled to the following:
  - Employees must be reimbursed for **lost wages** related to the disease (isolation, treatment, and recovery) when the employee is unable to work.
  - Additionally, employees must (a) be reimbursed for all **medical expenses** related to treatment for the communicable disease, or (b) the employer must provide **treatment / care at no cost** to the employee at its facility.
  - The employer must reimburse the employee for the number of days the employee is unable to work, at the employee's normal rate and equal to the average number of days worked per week during the 3 months prior to contracting the disease.

(The amendment, File No. 200306, is available [here](#); see the City's resource webpage [here](#).)

**PA: PITTSBURGH: 2021 Temporary Paid Sick Leave.** On **July 29, 2021**, Pittsburgh Mayor Bill Peduto signed a **NEW Temporary COVID-19 Paid Sick Leave Ordinance** (File No. 2021-1721; will become Section 626B of the City Code). It is almost identical to the **original** Temporary Paid Sick Leave Ordinance – *summarized below* – which was in effect from December 2020 through June 17, 2021, with a few differences that have been incorporated into the below summary. **This NEW (2021) Ordinance became effective July 29, 2021 and will remain in effect until at least July 29, 2022 (365 days).**

- Eligibility and Reasons for Leave. Employees are eligible for 2021 COVID-19 Sick Time if they (a) work for a covered employer in Pittsburgh after the effective date of the Ordinance; or (b) normally work for a covered employer within Pittsburgh but are currently teleworking from any other location as a result of COVID-19; or (c) work for a covered employer from multiple locations or from mobile locations, provided that 51% or more of the employee's time is spent within Pittsburgh. Eligible employees may use 2021 COVID-19 Sick Time when unable to work (or telework) for one or more of the following reasons:
  - A public official or public health authority, a health care provider, or an employer has determined that the **employee's—or the employee's family member's—presence on the job or in the community would jeopardize the health of others** because of the employee's exposure to COVID-19 (**which includes, in the 2021 Ordinance, any of its variants**) or because the individual is exhibiting symptoms that might jeopardize the health of others, regardless of whether the employee or employee's family member has been diagnosed with COVID-19;



- The employee has a need—or is caring for a family member who has a need—to (a) **self-isolate** after a COVID-19 diagnosis or after experiencing COVID-19 symptoms, or (b) **seek or obtain a medical diagnosis**, care, or treatment of symptoms of an illness related to COVID-19; or
- **(new in 2021 Ordinance)** The employee's need to **obtain a vaccine or vaccine booster for themselves or a family member**.

**\*\*Employees may use 2021 COVID-19 Sick Time if they have worked for the employer for the previous 90 days.** However, the Ordinance requires employers to make the “maximum amount” of paid sick time required under the **Pittsburgh Paid Sick Days Act** (the general, pre-COVID paid sick leave law)—i.e., 40 hours—to employees **immediately upon hiring**, if their otherwise covered requested use of leave “arises directly from COVID-19.” In other words, employers may not require accrual of sick leave under the Paid Sick Days Act for an employee's need to use leave arises directly from COVID-19. However, accrual may still be required for other use of leave under the Act.

- **Employee Notice.** Employees must provide notice to the employer of the need for COVID-19 Sick Time as soon as practicable.
- **Verification.** No requirements for documentation specified; however, the Ordinance conforms to “the requirements, procedures and regulations” of the Paid Sick Days Act, except where expressly different.
- **Leave Benefits and Duration.** Eligible individuals are entitled to 2021 COVID-19 Sick Time as follows. **Please note: Until the City issues guidance on this issue, it appears the 2021 Ordinance requires employers to provide a new bank of leave because it is a separate Ordinance rather than an amendment to or extension of the original Ordinance.**
  - **Full-time employees** (who work 40 or more hours per week): may receive **80 hours** of COVID-19 Sick Time.
  - **Other individuals** (who work fewer than 40 hours per week): may receive COVID-19 Sick Time in an amount equal to the employee's **average number of hours in a 14-day period**. The [Ordinance](#) explains how to calculate the amount of leave for individuals whose hours vary from week to week.
  - **Pay:** COVID-19 Sick Time is paid in the same manner and in the same rates as leave provided under the Paid Sick Days Act.
- **Increments of Leave.** Employees may use COVID-19 Sick Time in the smallest increment that the employer's payroll system uses for other absences or time off.
- **Employer Offset/Other Leave.** 2021 COVID-19 Sick Time is in addition to any paid leave or sick time provided by the employer or pursuant to the Paid Sick Days Act. Employees may choose to use COVID-19 Sick Time before using any sick time under the Paid Sick Days Act. Employers may not require employees to use any other available paid leave before the employee uses COVID-19 Paid Sick Time. However, to the extent that other federal or state laws require employers to provide paid time off related to COVID-19, employers may substitute leave under the federal or state law for its obligations under the Ordinance to the extent they coincide and such concurrent use is allowed. Similarly, to the extent the employer has adopted a COVID-19-related paid sick leave policy specifically for use during COVID-19, the employer may substitute leave under that policy for the leave required under the Ordinance to the extent they coincide. Employers must provide additional COVID-19 Sick Time under the Ordinance to the extent the requirements of the Ordinance exceed the requirements of a federal or state law or an employer policy that provides COVID-19 paid leave.
- **Employer Notice.** No requirements specified; however, the Ordinance conforms to “the requirements, procedures and regulations” of the Paid Sick Days Act, except where expressly different.

(The 2021 Temporary COVID-19 Paid Sick Leave Ordinance can be found [here](#) .)

**PA: PITTSBURGH: Temporary Paid Sick Leave. \*INITIAL VERSION – 2021 Update: Expired 6/17/21\*** On December 9, 2020, Pittsburgh Mayor Peduto signed a Temporary Emergency COVID-19 Paid Sick Leave Ordinance (File No. 2020-0927) allowing for “special conditions for the operation and use of Paid Sick leave under the Paid Sick Days Act” during, and as a result of, COVID-19 (“COVID-19 Sick Time”). The Ordinance covers employers with **50 or more employees** and will remain in effect **until the public health emergency officially ends**, although employees may **use COVID-19 Sick Time** until one week following the official end of the public health emergency. **The state legislature voted on June 10, 2021, to end the disaster emergency declaration; as such, Pittsburgh EPSL obligations also expired as of June 17, 2021.**

- Eligibility and Reasons for Leave. Employees are eligible for COVID-19 Sick Time if they (a) work for a covered employer in Pittsburgh after the effective date; or (b) normally work for a covered employer within Pittsburgh but are currently teleworking from any other location as a result of COVID-19; or (c) work for a covered employer from multiple locations or from mobile locations, provided that 51% or more of the employee’s time is spent within Pittsburgh. Eligible employees may use COVID-19 Sick Time when unable to work (or telework) for one or more of the following reasons:
  - A public official or public health authority, a health care provider, or an employer has determined that the **employee’s—or the employee’s family member’s—presence on the job or in the community would jeopardize the health of others** because of the employee’s exposure to COVID-19 or because the individual is exhibiting symptoms that might jeopardize the health of others, regardless of whether the employee or employee’s family member has been diagnosed with COVID-19; or
  - The employee has a need—or is caring for a family member who has a need—to (a) **self-isolate** after a COVID-19 diagnosis or after experiencing COVID-19 symptoms, or (b) **seek or obtain a medical diagnosis**, care, or treatment of symptoms of an illness related to COVID-19.

**\*\*Employees may use COVID-19 Sick Time if they have worked for the employer for the previous 90 days.** However, the Ordinance requires employers to make the “maximum amount” of paid sick time required under the **Pittsburgh Paid Sick Days Act** (the general paid sick leave law)—i.e., 40 hours—to employees **immediately upon hiring**, if their otherwise covered requested use of leave “arises directly from COVID-19.” In other words, employers may not require accrual of sick leave under the Paid Sick Days Act for an employee’s need to use leave arises directly from COVID-19. However, accrual may still be required for other use of leave under the Act.

- Employee Notice. Employees must provide notice to the employer of the need for COVID-19 Sick Time as soon as practicable.
- Verification. No requirements for documentation specified; however, the Ordinance conforms to “the requirements, procedures and regulations” of the Paid Sick Days Act, except where expressly different.
- Leave Benefits and Duration. Eligible individuals are entitled to COVID-19 Sick Time as follows:
  - **Full-time employees** (who work 40 or more hours per week): may receive **80 hours** of COVID-19 Sick Time.
  - **Other individuals** (who work fewer than 40 hours per week): may receive COVID-19 Sick Time in an amount equal to the employee’s **average number of hours in a 14-day period**. The Ordinance explains how to calculate the amount of leave for individuals whose hours vary from week to week.
  - **Pay:** COVID-19 Sick Time is paid in the same manner and in the same rates as leave provided under the Paid Sick Days Act.
- Increments of Leave. Employees may use COVID-19 Sick Time in the smallest increment that the employer’s payroll system uses for other absences or time off.

- Employer Offset/Other Leave. COVID-19 Sick Time is in addition to any paid leave or sick time provided by the employer or pursuant to the Paid Sick Days Act. Employees may choose to use COVID-19 Sick Time before using any sick time under the Paid Sick Days Act. Employers may not require employees to use any other available paid leave before the employee uses COVID-19 Paid Sick Time. However, to the extent that other federal or state laws require employers to provide paid time off related to COVID-19, employers may substitute leave under the federal or state law for its obligations under the Ordinance to the extent they coincide and such concurrent use is allowed. Similarly, to the extent the employer has adopted a COVID-19-related paid sick leave policy specifically for use during COVID-19, the employer may substitute leave under that policy for the leave required under the Ordinance to the extent they coincide. Employers must provide additional COVID-19 Sick Time under the Ordinance to the extent the requirements of the Ordinance exceed the requirements of a federal or state law or an employer policy that provides COVID-19 paid leave.
- Employer Notice. No requirements specified; however, the Ordinance conforms to “the requirements, procedures and regulations” of the Paid Sick Days Act, except where expressly different.

(The Ordinance can be accessed [here](#).)

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**WASHINGTON: Supplemental Paid Sick Leave for Food Production Workers.** Effective August 18, 2020, Washington State Governor Jay Inslee issued Proclamation 20-67, providing COVID-19-related **supplemental paid sick leave (“SPSL”) to food production workers**. The Proclamation prohibits such food production employers from operating between April 18 and November 13, 2020 unless they provide the leave required in the Proclamation. It also states that it will remain in effect **for the duration of the state of emergency** (i.e., until Proclamation 20-67 is terminated or the separate proclamation declaring a state of emergency expires; **both are still active**). The Proclamation applies to **food production employers** that operate orchards, fields, and dairies; fruit- and vegetable-packing warehouses; meat and seafood processors and packers; certain farm labor contractors; and other specified industries (but not tree farms, forestry services, and others expressly excluded).

- Eligibility and Reasons for Leave. Food production workers are eligible for SPSL if they work for a covered employer (described above), regardless of whether they are classified as an “employee,” but *not* those workers who are subject to and provided leave under the federal FFCRA (see *summary above*). These workers are entitled to SPSL if unable to work because the person:
  - Is subject to a federal, state, or local **quarantine or isolation order** related to COVID-19;
  - Is **advised by a health care provider** to self-quarantine or self-isolate due to COVID-19-related concerns or positive diagnosis; or
  - Is prohibited from working by the employer due to health concerns related to the **potential transmission** of COVID-19; or
  - Is experiencing COVID-19 **symptoms** and seeking a medical diagnosis.
- Leave Benefits and Duration. Eligible food production workers are entitled to SPSL as follows:
  - **Full-time workers** (i.e., those who are scheduled to work “full time” or scheduled to work at least 40 hours in the preceding two weeks): may receive **80 hours of SPSL**.
  - **Other workers** (i.e., those who do not meet the criteria above for full-time): may receive SPSL in an amount equal to the worker’s normally-scheduled number of hours during the preceding two-week period, or if the worker works a variable number of hours, 14 times the average daily hours.
  - **Pay:** SPSL is paid at a rate equal to \$430 for 40 hours, up to a **maximum of \$860 for 80 hours**.

- **Employer Offset/Other Leave.** Employers must substitute SPSL with any other paid sick leave provided, including leave required under Washington’s statewide pre-COVID paid sick leave, if such leave is immediately available under the same terms as the Proclamation.

(Washington Proclamation 20-67 can be found [here](#).)

**WA: SEATTLE: Amended Paid Sick & Safe Time.** The Seattle City Council has adopted an ordinance in response to the COVID-19 emergency, **permanently** amending portions of its **Paid Sick & Safe Time (“PSST”) law** to expand the reasons for use of PSST. Effective March 18, 2020, an eligible employee may use PSST if their **family member’s school or place of care has been closed**. (Under the prior version, employees could use PSST when a *child’s* school or place of care was closed *by a public health official for a health-related reason*.) Qualifying family members include not only a child, but also a parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. The law no longer requires that the closure be for a health-related reason or that a public health official order the closure. Additionally, eligible employees of businesses with 250 or more full-time employees worldwide now may use PSST when the employee’s **place of business has reduced operations or closed** for any health-related reason. (Seattle Mun. Code § 14.16.030, as amended by Ordinance No. 126056; see Seattle Office of Labor Standards (OLS) PSST website [here](#).)

**WA: SEATTLE: Emergency No-Verification Rule.** On April 8, 2020, the Seattle OLS adopted a temporary (**now expired**) Emergency Rule to clarify that employers may not require a doctor’s note or healthcare provider verification for use of paid sick time during the COVID-19 civil emergency. Employers must identify and provide alternative ways for the employee to meet the employer’s verification requirement, which may include the employee’s own statement or documentation from other individuals. This rule is effective immediately and remained in effect until June 7, 2020. (The “Paid Sick and Safe Time Emergency Rule” may be accessed on the OLS PSST website [here](#).)

**Table: Paid Sick Leave Laws—Reasons for Use Potentially Relevant to COVID-19**

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee’s own illness/health condition	Family member’s illness/health condition	Closure of workplace or child’s school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
FEDERAL	Nationwide			✓ Federal Emergency Paid Sick Leave Act (COVID-19-specific) <sup>1</sup>	✓ Federal Emergency Paid Sick Leave Act (COVID-19-specific) <sup>2</sup>

<sup>1</sup> Part of the federal **Families First Coronavirus Response Act**. See introductory section under “Federal Emergency Paid Sick Leave Act” (Reason for Leave no. 5).

<sup>2</sup> Part of the federal **Families First Coronavirus Response Act**. See introductory section under “Federal Emergency Paid Sick Leave Act” (Reasons for Leave).

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Arizona <sup>3</sup>	Statewide	✓	✓	✓	✓ Care for an <b>employee or family member</b> if public health authority determines that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).
California	Statewide	✓	✓		✓ <b>2021 Supplemental COVID-19 Paid Sick Leave<sup>4</sup></b> ✓ <b>CAL/OSHA Emergency Standard: Mandatory COVID-19 Paid Time Off<sup>5</sup></b> ✓ <b>[Expired]</b> AB 1867 (Labor Code §§ 248 and 248.1): Supplemental Paid Sick Leave for Food Sector Workers (LC 248) and Other Non-Food Sector Employees (LC 248.1) <sup>6</sup>

<sup>3</sup> The Industrial Commission of Arizona has issued FAQs about "COVID-19 and Earned Paid Sick Time," revised April 7, 2020, which can be found [here](#).

<sup>4</sup> Effective March 29, 2021, California's **2021 COVID-19 Supplemental Paid Sick Leave** law requires employers with 25 or more employees to provide up to 80 hours of supplemental paid sick leave to employees for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>5</sup> Cal/OSHA's emergency standard, adopted November 19, 2020 and submitted to the Office of Administrative Law, requires employers to provide paid time off to employees whom employers must exclude from the workplace because they are "COVID-19 cases" or employees with "COVID-19 exposure." *Please see introductory section for additional information.*

<sup>6</sup> **Expired 12/31/20.** Assembly Bill 1867, signed September 9, 2020, creates Labor Code sections 248 (applicable to food sector workers/codifying Executive Order N-51-20, signed April 16, 2020) and 248.1 (applicable to non-food sector employees), which requires covered "hiring entities" to provide eligible employees with up to 80 hours of supplemental paid sick leave for COVID-19-related reasons, including mandatory or recommended quarantine or isolation orders. *Please see introductory sections for additional information.*

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	Berkeley, CA	✓	✓		
	Emeryville, CA	✓	✓	✓ PLSO Guidance (COVID-19-specific) <sup>7</sup>	✓ PLSO Guidance (COVID-19-specific) <sup>8</sup>
	Long Beach, CA <sup>9</sup>	✓		✓ COVID-19 Supplemental Paid Sick Leave <sup>10</sup>	✓ COVID-19 Supplemental Paid Sick Leave <sup>11</sup>

<sup>7</sup> Under the City of Emeryville's COVID-19-related PLSO guidance, covered employers must allow eligible employees to use accrued sick leave when an employee takes time off work because: (a) the **employee's business or work location temporarily ceases operations** in response to a public health or other public official's recommendation; (b) the 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; (c) public health officials or healthcare providers require or recommend an employee **isolate or quarantine** to prevent the spread of disease; (d) the employee falls within the definition of a "**vulnerable population**" under State Guidance (i.e., a person 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); or (e) the employee needs to **care for a family member** who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine.

<sup>8</sup> See above footnote.

<sup>9</sup> Only certain hotel employees are eligible for leave under the pre-COVID-era Long Beach paid sick leave law.

<sup>10</sup> Effective May 19, 2020, the City of Long Beach COVID-19 Supplemental Paid Sick Leave Ordinance requires employers with 500 or more employees nationally to provide employees working within the City of Long Beach **up to 80 hours of supplemental paid sick leave** for COVID-19-related reasons, including school or place of care closures and employee or family member isolation or quarantine orders. *Please see introductory section for additional information.*

<sup>11</sup> See above footnote.



Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	Los Angeles, CA (City)	✓	✓	✓ COVID-19 Supplemental Paid Sick Leave Public Order <sup>12</sup>	✓ COVID-19 Supplemental Paid Sick Leave Public Order <sup>13</sup>
	Los Angeles, CA (County)			✓ COVID-19 Supplemental Paid Sick Leave <sup>14</sup>	✓ COVID-19 Supplemental Paid Sick Leave <sup>15</sup>
	Oakland, CA	✓	✓	✓ Emergency Paid Sick Leave (COVID-19-specific) <sup>16</sup>	✓ Emergency Paid Sick Leave (COVID-19-specific)
	Sacramento (City), CA <sup>17</sup>	✓ [Expired] Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)

<sup>12</sup> Under the new City of Los Angeles COVID-19 Supplemental Paid Sick Leave Public Order, large employers—i.e., those with either: (a) 500 or more employees within the City of Los Angeles; or (b) 2,000 or more employees nationally—are required to provide employees working in the City of Los Angeles **up to 80 hours of supplemental paid sick leave** for COVID-19-related reasons, including school, place of care, and senior care closures and isolation or quarantine reasons (not previously qualifying reasons under the City's existing sick leave ordinance). *Please see introductory section for additional information.*

<sup>13</sup> See above footnote.

<sup>14</sup> Effective April 28, 2020, Los Angeles County's Supplemental Paid Sick Leave Ordinance requires employers with 500 or more employers nationally to provide employees working within the County of Los Angeles **up to 80 hours of supplemental paid sick leave** for COVID-19-related reasons, including school, place of care, and senior care closures and employee or family member isolation or quarantine orders. *Please see introductory section for additional information.*

<sup>15</sup> See above footnote.

<sup>16</sup> Effective May 12, 2020, Oakland's **Emergency Paid Sick Leave Ordinance** requires all employers, unless exempted, to provide **up to 80 hours of emergency paid sick leave** to eligible employees for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>17</sup> **Expired 3/31/21.** *Please see introductory section for additional information.*

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	Sacramento (County), CA <sup>18</sup>	✓ [Expired] Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)
	San Diego, CA	✓	✓	✓	
	San Francisco, CA	✓	✓	✓ OLSE Guidance – PSLO & Coronavirus (COVID-19-specific) <sup>19</sup>  [Expired] Public Health Emergency Leave (COVID-19-specific) <sup>20</sup>	✓ OLSE Guidance – PSLO & Coronavirus (COVID-19-specific)  Public Health Emergency Leave (COVID-19-specific)

<sup>18</sup> Expired 3/31/21. Please see introductory section for additional information.

<sup>19</sup> Under the new temporary COVID-19-related **PSLO guidance**, covered employers must allow eligible employees to use accrued sick leave when an employee takes time off work because (a) the **employee's business or work location temporarily ceases operations** in response to a public health or other public official's recommendation; (b) the 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; (c) public health officials or healthcare providers require or recommend an employee **isolate or quarantine** to prevent the spread of disease; (d) the employee falls within the definition of a "**vulnerable population**" (i.e., a person 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); or (e) the employee needs to **care for a family member** who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine.

<sup>20</sup> Expired 4/12/21. Please see introductory section for additional information.

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	San Jose, CA <sup>21</sup>	✓ [Expired] Emergency Paid Sick Leave (COVID-19-specific)	✓ Emergency Paid Sick Leave (COVID-19-specific)	✓ Emergency Paid Sick Leave (COVID-19-specific)	✓ Emergency Paid Sick Leave (COVID-19-specific)
	San Mateo County, CA <sup>22</sup>	✓ [Expired] Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)
	Santa Monica, CA	✓	✓		
	Santa Rosa, CA <sup>23</sup>	✓ Temporary Paid Sick Leave (COVID-19-specific)	✓ Temporary Paid Sick Leave (COVID-19-specific)	✓ Temporary Paid Sick Leave (COVID-19-specific)	✓ Temporary Paid Sick Leave (COVID-19-specific)

<sup>21</sup> **Expired 6/30/21.** The San Jose COVID-19 Paid Sick Leave Ordinance, adopted April 7, 2020, requires employers *not* subject to the federal FFCRA to provide up to 80 hours of paid sick leave to **employees providing essential services** in the City for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>22</sup> **Expired 6/30/21.** The San Mateo County Supplemental Paid Sick Leave Ordinance, effective July 8, 2020, requires covered employers with **500 or more employees nationwide** to provide up to 80 hours of supplemental paid sick leave to eligible employees in the unincorporated areas of the County for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>23</sup> *Please see introductory section for additional information.*

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	Sonoma County, CA <sup>24</sup>	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)	✓ Supplemental Paid Sick Leave (COVID-19-specific)
Colorado	Statewide	✓ Healthy Workplaces & Families Act (HWFA) <sup>25</sup> ✓ Colorado "HELP" Temporary Rules (COVID-19-specific) <sup>26</sup>	✓ Healthy Workplaces & Families Act (HWFA)	✓ HWFA Emergency Paid Sick Leave (COVID-19-specific) <sup>27</sup>	✓ HWFA Emergency Paid Sick Leave (COVID-19-specific) ✓ Colorado "HELP" Temporary Rules (COVID-19-specific)
Connecticut <sup>28</sup>	Statewide	✓	✓		

<sup>24</sup> The Sonoma County Supplemental Paid Sick Leave Ordinance, effective August 18, 2020, requires covered employers with **500 or more employees nationwide** to provide up to 80 hours of supplemental paid sick leave to eligible employees in the unincorporated areas of the County for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>25</sup> The permanent general paid sick leave and paid public health emergency leave provisions of the HWFA will go into effect on **January 1, 2021**. The emergency paid sick leave provisions of the HWFA (*detailed above in the introductory section; see footnote 27 below*) are in effect from July 15 through December 31, 2020.

<sup>26</sup> *The Colorado Health Emergency Leave with Pay ("Colorado HELP") rules were in effect from March 11 to July 14, 2020. Please see introductory section for additional information.*

<sup>27</sup> *Under a portion of the newly passed (July 14, 2020) Colorado Healthy Families and Workplaces Act ("HWFA")—separate from and in place of the HELP Rules described above—the emergency paid sick leave ("EPSL") provisions of the federal FFCRA are extended to all Colorado employers, regardless of size. [Now expired.] Please see introductory section for additional information.*

<sup>28</sup> Only "service workers" (as statutorily identified) are eligible. Certain employers, including those with fewer than 50 employees in Connecticut, are exempt.

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
District of Columbia	Districtwide	✓	✓	✓ Public Health Emergency Leave (COVID-19-specific) <sup>29</sup>	✓ Public Health Emergency Leave (COVID-19-specific) <sup>30</sup>
Illinois	Chicago <sup>31</sup> / Cook County, IL	✓	✓	✓	
Maine <sup>32</sup>	Statewide	✓	✓	✓	✓ <sup>33</sup> Employer must provide <b>public emergency leave</b> where employee:

<sup>29</sup> The D.C. Coronavirus Support Emergency Amendment Act **temporarily expands D.C.'s Accrued Sick and Safe Leave Act** to require employers with between 50 and 499 employees (that are not health care providers) to provide **public health emergency leave** for any reason employees may use paid leave under the federal FFCRA during the COVID-19 emergency—including leave due to school/place of care closures, quarantine orders, self-quarantine, care for an at-risk family member, and other COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>30</sup> See above footnote.

<sup>31</sup> Chicago's Department of Business Affairs and Consumer Protection (BACP) has issued a **Notice of Rights and Frequently Asked Questions** about worker protections, including paid sick leave under Chicago's Paid Sick leave Ordinance, during the COVID-19 outbreak (available at: [https://www.chicago.gov/content/dam/city/depts/bacp/general/COVID-19/20200408\\_COVIDOLSWorkerProtectionFAQs.pdf](https://www.chicago.gov/content/dam/city/depts/bacp/general/COVID-19/20200408_COVIDOLSWorkerProtectionFAQs.pdf)). The FAQs repeatedly "encourage[e] all employers to be flexible with their sick leave policies during the COVID-19 outbreak" (see p. 4, 5). They also clarify that under Chicago's March 18 Public Health Order, residents with COVID-19 symptoms are required to stay home (even if they work at an essential business) and employers that require sick employees to work or discipline them for taking sick leave under the Public Order could be in violation of Chicago's Paid Sick Leave law (see p. 3).

<sup>32</sup> Maine's paid time off law will be effective *January 1, 2021*. The Maine statute is not technically a paid sick leave statute; it will provide paid leave for any purpose (including sick leave, vacation, or any other reason).

<sup>33</sup> Under Maine's existing **public emergency leave law** (*not part of a paid sick leave law*)—which preceded the COVID-19 emergency—employers must provide employees **unpaid leave** for certain reasons related to an extreme public health emergency, **for the duration of the extreme public health emergency** and for a reasonable and necessary time period after the emergency ends for diseases or conditions that are contracted, or for exposures that occurred during the emergency. "Extreme public health emergency" means the occurrence or imminent threat of widespread exposure to a highly infectious or toxic agent that poses an imminent threat of substantial harm to the population of the state. Benefits must be retained. Employer may request and receive documentation from a public health official or physician upon employee's return to work. Exceptions exist if employee does not give reasonable notice of need for leave or if granting leave would cause an undue hardship on employer. Me. Rev. Stat. tit. 26, § 875; tit. 22, § 801.

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
					<p>(a) is under individual public health investigation, supervision or treatment related to an extreme public health emergency;</p> <p>(b) is acting in accordance with an extreme public health emergency order;</p> <p>(c) is in quarantine or isolation or other control measure due to public health emergency information or directions issued to the public or individuals;</p> <p>(d) is unable to work because employer has given direction in response to concern that employee may expose others in the workplace to extreme public health emergency threat; or</p> <p>(e) needs to provide care for a qualifying family member for reasons related to an extreme public health emergency.</p> <p><i>See Footnote 33 for additional information.</i></p>
Maryland	Statewide	✓	✓		
	Montgomery County, MD	✓	✓	✓	<p>✓</p> <p>Care of an employee's <b>family member</b> when determined by health authorities or care provider that the family member's presence in the community would jeopardize the health of others due to exposure to a communicable disease.</p> <p>May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).</p>



Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Massachusetts	Statewide	✓ <b>(General Earned Sick Time Law)</b> ✓ <b>Emergency Paid Sick Leave (COVID-19-specific)<sup>34</sup></b>	✓ <b>(General Earned Sick Time Law)</b> ✓ <b>Emergency Paid Sick Leave (COVID-19-specific)</b>		✓ Fair Labor Division's COVID-19 FAQs <sup>35</sup> ✓ <b>Emergency Paid Sick Leave (COVID-19-specific)</b>
Michigan <sup>36</sup>	Statewide	✓	✓	✓	✓ Care for an <b>employee or family member</b> if public health authority determines that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).

<sup>34</sup> Effective **June 7, 2021**, Massachusetts' **Emergency Paid Sick Leave Act** requires all employers to provide **up to 40 hours of emergency paid sick leave** to eligible employees for qualifying COVID-19-related reasons. *Please see introductory section for additional information.*

<sup>35</sup> The Attorney General's Fair Labor Division has issued "Frequently Asked Questions about COVID-19: Employee Rights and Employer Obligations" (available [here](#)), which clarify that employees may use earned sick time ("EST") under the Massachusetts EST statute when public health officials or healthcare providers **require or recommend that an employee or a family member quarantine** due to COVID-19 (though not specified in the statute as written). The FAQs further "encourage" employers to allow use of EST, accrued vacation, or PTO when an employee misses work because their child's school is closed due to an order from a state or local authority related to COVID-19.

<sup>36</sup> **[Expired]** Under Michigan's Executive Order 2020-172, employers must treat certain employees who are particularly at risk of infecting others in the workplace with COVID-19 **as if they were taking medical leave under the statewide paid sick leave law (the Paid Medical Leave Act ("PMLA"))**. If the employee has no paid leave available, the leave may be unpaid. The leave may extend beyond the time limits established by the PMLA (until the time periods described in the EO have lapsed—up to 14 days, depending on situation). *Please see introductory section for additional information.*

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Minnesota	Duluth, MN	✓	✓	✓ <sup>37</sup>	✓ Earned Sick and Safe Time and COVID-19 FAQs <sup>38</sup>
	Minneapolis, MN	✓	✓	✓ <sup>39</sup>	✓ Minneapolis Department of Civil Rights COVID-19 and Sick and Safe Time FAQs <sup>40</sup>
	St. Paul, MN	✓	✓	✓ <sup>41</sup>	
Nevada <sup>42</sup>	Statewide	✓	✓	✓	✓

<sup>37</sup> Effective **August 19, 2021**, includes lost work hours due to closure of the employee's place of employment for public health reasons.

<sup>38</sup> The City of Duluth has issued "Earned Sick and Safe Time and COVID-19 Frequently Asked Questions" (available [here](#)), which notes that the following are protected activities (i.e., qualifying reasons for leave) under the Duluth Earned Sick and Safe Time (ESST) ordinance: (a) **Coronavirus screening**; (b) **providing or receiving care** due to Coronavirus symptoms or infection; and (c) **testing or quarantine** following close personal contact with a Coronavirus infected person.

<sup>39</sup> Includes closure of employee's place of business or family member's school or place of care by order of a public official "to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency," or when a family member's school or place of care is closed unexpectedly.

<sup>40</sup> The Department of Civil Rights has issued "COVID-19 and the Sick and Safe Time Ordinance Frequently Asked Questions" (available [here](#)), which clarifies that the City's Sick and Safe Time ("SST") ordinance protection includes, but is not limited to, the following: (a) **Coronavirus screening**; (b) **care or quarantine** due to Coronavirus symptoms or infection; (c) **testing or quarantine** following close personal contact with a Coronavirus infected or symptomatic person; (d) a covered **family member's school or place of care closure** due to Coronavirus; and (e) **workplace closure** by order of a public official due to Coronavirus.

<sup>41</sup> Includes closure of employee's place of business or family member's school or place of care by order of a public official "to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency," or when a family member's school or place of care is closed unexpectedly.

<sup>42</sup> The Nevada statute is not technically a paid sick leave statute; it provides paid leave for any purpose (including sick leave, vacation, or any other reason).

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
New Jersey <sup>43</sup>	Statewide	✓	✓	✓ <sup>44</sup>	✓ <sup>45</sup> Care for an <b>employee or family member</b> if public health authority <b>or health care provider or the Commissioner of Health</b> determines that the employee's or family member's presence in the community may jeopardize the health of others; Quarantine order or recommendation as a result of <b>suspected exposure</b> to communicable disease. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).
New Mexico	Statewide <sup>46</sup>	✓	✓		

<sup>43</sup> Effective March 20, 2020, a New Jersey **COVID-19 emergency non-retaliation rule** (AB 3848, available [here](#)) **prohibits employers from terminating, penalizing, or refusing to reinstate** an employee for requesting or taking time off work based on a medical professional's recommendation that the employee take the time off because the employee has, or is likely to have, an infectious disease that may infect others at the workplace. The Act will remain in place during the COVID-19 pandemic and declared state of emergency.

<sup>44</sup> Under the **newly expanded Earned Sick Leave law** (S2304, signed March 25, 2020), this category now includes closure of the employee's workplace or the employee's child's school or place of care **because of a state of emergency declared by the Governor** (in addition to closures by order of a public official due to an epidemic or other public health emergency). *Please see introductory section for additional information.*

<sup>45</sup> Under the **newly expanded Earned Sick Leave law** (S2304, signed March 25, 2020), the following additional reasons for use are also permitted: (a) the **declaration of a state of emergency by the Governor**, or the issuance by a **health care provider or the Commissioner of Health** or other public health authority of a determination that the employee's or family member's presence in the community would jeopardize the health of others; and (b) during a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a health care provider or the Commission of Health or other public official, the **employee is isolated or quarantined, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease** and a finding by the provider or official that the employee or family member's presence in the community would jeopardize the health of others. *Please see introductory section for additional information.*

<sup>46</sup> **Healthy Workplaces Act, effective July 1, 2022.**

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
	Bernalillo County, NM <sup>47</sup>	✓	✓	✓	✓
New York	Statewide <sup>48</sup>	✓	✓	✓	✓ Emergency Paid Quarantine Leave (COVID-19-specific) <sup>49</sup>
	New York, NY	✓	✓	✓	
	Westchester County, NY <sup>50</sup>	✓	✓	✓	✓

<sup>47</sup> Effective October 1, 2020. The Bernalillo County, NM ordinance is not technically a paid sick leave law; it provides paid leave for any purpose (including sick leave, vacation, or any other reason).

<sup>48</sup> Separate from the recent NY emergency paid quarantine leave law, which is currently in place (see footnote below): On April 3, 2020, New York Governor Andrew Cuomo signed a **new statewide Paid Sick Leave Law** ("PSLL"), which will allow employees to begin accruing sick leave on September 30, 2020 and to start using sick leave as of January 1, 2021.

<sup>49</sup> As of March 18, 2020, the New York State **Emergency COVID-19 Paid Sick Leave law** requires employers to provide paid (with narrow exceptions) and job-protected sick leave to **employees who are subject to mandatory or precautionary orders of quarantine or isolation due to COVID-19**. A qualifying quarantine under the law must be a mandatory or precautionary quarantine order issued by a government agency or board of health. *Please see introductory section for additional information.*

<sup>50</sup> In light of the new statewide paid sick leave law (see above), Westchester County has updated its Earned Sick Time webpage to indicate that **the statewide sick leave law now governs sick leave in Westchester County**. Accordingly, employers previously covered by the Westchester County sick leave law need only comply with the *statewide* sick leave law going forward (but must still comply with the County's separate Safe Time Leave Law, which allows an *additional* 40 hours of paid "safe time leave" that is not accrued, but is available as needed for victims of domestic violence and human trafficking for qualifying reasons).

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Oregon	Statewide	✓	✓	✓ ✓ <b>Permanent Administrative Order BLI 7-2020</b> (COVID-19-specific) <sup>51</sup>	✓ (a) Care for an <b>employee or family member</b> if public health authority or care provider determines that the employee's or family member's presence in the community may jeopardize the health of others; (b) Exclusion of the employee from the workplace under applicable law or rule due to health reasons. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).
Pennsylvania	Philadelphia, PA	✓ <b>2021 Public Health Emergency Leave</b> (COVID-19-specific) <sup>52</sup>	✓ <b>2021 Public Health Emergency Leave</b> (COVID-19-specific)	✓ <b>[Expired] 2021 Public Health Emergency Leave</b> (COVID-19-specific) ✓ <b>Emergency Sick Leave Regulations</b> (COVID-19) <sup>53</sup> ✓ <b>[Expired] 2020 Public Health Emergency Leave</b> (COVID-19-specific) <sup>54</sup>	✓ <b>[Expired] 2021 Public Health Emergency Leave</b> (COVID-19-specific) ✓ <b>Emergency Sick Leave Regulations</b> (COVID-19-specific) ✓ <b>[Expired] 2020 Public Health Emergency Leave</b> (COVID-19-specific)

<sup>51</sup> Separate from the up to 40 hours of sick leave provided under Oregon's existing (non-COVID-related) sick leave statute—which includes leave due to school or child care closures—Oregon has issued a **permanent administrative order (BLI 7-2020)**, effective **September 14, 2020** (*initially temporary and effective March 18, 2020 through September 13, 2020*), that allows employees to use “**sick child leave**” under the **Oregon Family Leave Act (OFLA)**—which provides up to **12 weeks of unpaid, job-protected leave**—to care for their child whose **school or child care provider has been closed in conjunction with a statewide public health emergency**. Please see introductory section for additional information.

<sup>52</sup> Effective March 29, 2021, Philadelphia's **2021 Public Health Emergency Leave** ordinance requires employers with 50 or more employees to provide up to 80 hours of supplemental paid sick leave to employees for qualifying COVID-19-related reasons. Please see introductory section for additional information

<sup>53</sup> Philadelphia's preexisting sick leave ordinance has been expanded by **emergency regulation** “so that covered workers can use their available paid sick leave for COVID-19 preventative care without fear of retaliation.” Please see introductory section for additional information.

<sup>54</sup> Expired 12/31/20. Please see introductory section for additional information.

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
					✓ <b>Healthcare Employee Pandemic Benefits</b> (permanent amendment) <sup>55</sup>
	Pittsburgh, PA	✓	✓	✓	✓ Care of an employee's <b>family member</b> when determined by health authorities or care provider that the family member's presence in the community would jeopardize the health of others due to exposure to a communicable disease. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).  ✓ <b>2021 Temporary COVID-19 Paid Sick Leave Ordinance</b> (COVID-19-specific) <sup>56</sup>

<sup>55</sup> A **permanent** amendment to the Promoting Healthy Families and Workplaces Act allows eligible pool and healthcare employees to be compensated / reimbursed if they **contract a communicable disease during a declared pandemic** or epidemic. *Please see introductory section for additional information.*

<sup>56</sup> Effective **July 29, 2021**, Pittsburgh's 2021 Temporary Emergency COVID-19 Paid Sick Leave Ordinance requires employers with 50 or more employees to provide **up to 80 hours of paid "COVID-19 Sick Time"** to eligible employees for qualifying COVID-19-related reasons. The original version of the Ordinance was in effect from December 9, 2020 through June 17, 2021. The new (2021) version of the Ordinance is almost identical to the original, with a few differences. *Please see introductory section for additional information.*



Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Rhode Island	Statewide	✓	✓	✓	✓ Care for an <b>employee or family member</b> if public health authority or care provider determines that the employee's or family member's presence in the community may jeopardize the health of others due to exposure to a communicable disease. May include an asymptomatic employee who has had close contact with a COVID-19-positive individual, and is excluded from the workplace for a 14-day quarantine period (based on CDC guidance).
Texas	(Austin, TX) <sup>57</sup>	✓	✓		
	(Dallas, TX) <sup>58</sup>	✓	✓		
	(San Antonio, TX) <sup>59</sup>	✓	✓		
Vermont	Statewide	✓	✓	✓ <sup>60</sup>	

<sup>57</sup> *Not currently effective* (blocked on November 16, 2018 by a state appellate court).

<sup>58</sup> *Not effective* (**permanently enjoined** on March 31, 2021 by a federal appellate court).

<sup>59</sup> *Not currently effective* (preliminary injunction **upheld** by a state appellate court on **March 11, 2021**).

<sup>60</sup> Only covers closure of **family member's** place of business, school, or care facility for public health or safety reasons and employee's need to care for such family member during the employee's workday.

Federal / State	Jurisdiction	REASONS FOR LEAVE UNDER PAID SICK LEAVE LAWS			
		Employee's own illness/health condition	Family member's illness/health condition	Closure of workplace or child's school/place of care by order of public official due to public health emergency	Other reason (relevant to COVID-19)
Washington	Statewide	✓	✓	✓	✓ <b>Proclamation 20-67: Supplemental Paid Sick Leave for Food Production Workers</b> (COVID-19-specific) <sup>61</sup>
	SeaTac, WA <sup>62</sup>	✓	✓	✓ <sup>63</sup>	
	Seattle, WA	✓	✓	✓ <sup>64</sup>	✓ <sup>65</sup>
	Tacoma, WA	✓	✓	✓	

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<sup>61</sup> Effective August 18, 2020, Washington State Proclamation 20-67 requires covered food production employers to provide **up to 80 hours** of supplemental paid sick leave ("SPSL") to eligible **food production workers** for COVID-19-related reasons, including mandatory or recommended quarantine or isolation orders. *Please see introductory section for additional information.*

<sup>62</sup> Applicable only to certain "hospitality employers" and "transportation employers," as statutorily defined.

<sup>63</sup> Includes closure of employee's place of business or child's school or place of care by order of a public official "to limit exposure to an infectious agent, biological toxin or hazardous material."

<sup>64</sup> Effective March 18, 2020, under Seattle's amended Paid Sick & Safe Time ("PSST") ordinance, eligible employees may use PSST if their **family member's school or place of care has been closed**. The provision is no longer limited to an employee's *child's* school or place of care, and no longer requires that the closure be for a health-related reason by order of a public health official. Additionally, eligible employees of businesses with 250 or more full-time employees worldwide now may use PSST when the **employee's place of business has reduced operations or closed for any health-related reason**. As in the prior version of the ordinance, employees still may use PSST when the employee's workplace has been closed by a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material. *Please see introductory section for additional information.*

<sup>65</sup> Please note that, although not expressly specified in the Seattle PSST ordinance (including the amended version—*see introductory section*), Seattle's "PSST COVID-19 Q&A" indicates that employees may use PSST "[w]hen employees are recommended by public health officials to self-quarantine." (Please see PSST COVID-19 Q&A, available here: <https://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time>.)