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 May 28, 2020 – 6 p.m. Eastern

- To go right to the 50-state and major locality table below, click [here](#).
- To learn more about **OD Comply: State Leave Laws**, 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 new 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 have been recently passed in response to the COVID-19 public health emergency. **Please note:** many 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). This table 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 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).

**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** has recently 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. Additionally, in **California**, an employer may not mandate the use of California paid sick leave by an asymptomatic employee who is quarantined because of close contact with a COVID-19-positive individual—because that situation is not covered by California paid sick leave (see absence of any notation in “Other reason” column below on California state row.)

**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.
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 will be effective from April 1, 2020 until December 31, 2020.

• Summary. 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 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;
  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.

• 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:
  o 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.
  o 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).

- **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 Department of Labor (DOL) Wage and Hour Division’s “COVID-19 and the American Workplace” website [here](#) (under “Posters”).

- **Employee Notice.** There is no specific requirement in the Act; however, after the first workday (or portion thereof) for which an employee receives paid sick leave, the employer may require an employee to follow “reasonable notice procedures” (as yet undefined) to continue to receive pay.

- **Exemptions.** Employers of employees who are healthcare providers (as defined by the current FMLA) 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.

**Emergency Paid Sick Leave Act, H.R. 6201, §§ 5101-5111.**

**CALIFORNIA: Supplemental Paid Leave for Food Sector Workers.** On April 16, 2020, California Governor Gavin Newsome issued Executive Order 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). The Order will remain in effect for the duration of any statewide stay-at-home orders, and covers “hiring entities” with 500 or more employees in the United States.

- **Eligibility and Reasons for Leave.** The Order applies to “Food Sector Workers”—which means person 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 through an employer—who are exempt from any statewide stay-at-home order and 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 the Order]).

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.

- 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 the Order if they already provide, as of April 16, supplemental paid leave for COVID-19-related reasons in an amount at least equal to SPSL.

- Employer Notice. The Labor Commissioner has published a model notice for hiring entities to post to notify workers of their SPSL entitlement. Employers are not required to provide additional paid leave under the Order if they already provide, as of April 16, supplemental paid leave for COVID-19-related reasons in an amount at least equal to SPSL.

(Executive Order N-51-20 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 5 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 its continuation will be reviewed every 90 days) and 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.
o **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).

o **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:
  o Employees able to work from home;
  o Health care providers (i.e., individuals capable of providing health care services necessary to combat the COVID-19 public health care emergency);
  o 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);
  o Government employees; and
  o 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](#).)

**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.

- **Eligibility and Reasons for Leave**. Employees working in the City of Los Angeles who have been continuously employed by the same employer 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:
  o 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;
  o 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;
  o 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; or
o 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.

- No Verification. Employers 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:
  o 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 period from February 3 through March 4, 2020.
  o 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 from February 3 through March 4, 2020.
  o 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. 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 Public Order can be found [here](#).)

**CA: LOS ANGELES (COUNTY): Supplemental Paid Sick Leave.** On April 28, 2020, the Los Angeles County Board of Supervisors enacted an interim urgency ordinance 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 expires December 31, 2020.

- Eligibility and Reasons for Leave. Employees working in the County of Los Angeles—other than “food sector workers,” as defined in California Executive Order N-51-20 (see above summary)—who are employed on the effective date (April 28, 2020) are eligible for SPSL, upon written request (which includes email and text message requests), if they are unable to work or telework because:
  o A public health official or health care provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19;
  o 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 a doctor’s note or other documentation for the use of SPSL.

**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).

**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 (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 Ordinance can be found [here](#).

**CA: OAKLAND: Emergency Paid Sick Leave.** On May 12, 2020, the Oakland City Council passed the Emergency Paid Sick Leave Ordinance—effective immediately and until December 31, 2020—requiring all private employers (unless exempted) to provide up to 80 hours of emergency paid sick leave (“EPSL”) for COVID-19-related reasons.

- **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, VA 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 February 3, 2020 and March 4, 2020 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 February 3, 2020 to March 4, 2020—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 March 4, 2020.
  - **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.

- **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.

- **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 will prepare and publish on its website a notice for employers to post so that it reaches 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 within 3 days after the City publishes it, in all languages spoken by more than 10% of employees.
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 ESPL Ordinance is available here.)

**CA: SAN DIEGO: Sick Leave Verification Rule.** On March 27, 2020, in response to the COVID-19 pandemic, the County of San Diego’s Health and Human Services Agency issued an Order of the Health Officer and Emergency Regulations, which—in relevant part—prohibits all businesses from “requiring doctor verification for sick or other leave approval.” Any policies requiring such verification must be suspended. The Order is effective as of March 29, 2020 and will continue until further notice. (The Order may be accessed here (see section 1(e).)

**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 16 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.** On April 17, 2020, San Francisco Mayor London Breed signed the Public Health Emergency Leave Ordinance (“PHELO”) (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 will expire after 60 days or when the public health emergency ends.
• **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:
  
  o 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;
  
  o Has been advised by a health care provider to **self-quarantine**;
  
  o Is experiencing **symptoms associated with COVID-19** and seeking a medical diagnosis;
  
  o 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;
  
  o 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
  
  o 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:

  o has been advised by a health care provider to **self-quarantine**, or
  
  o 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:

  o **Full-time employees as of February 25, 2020:** may receive **80 hours** of PHEL.
  
  o **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.
  
  o **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).

• **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](#).

**CA: SAN JOSE: Emergency Paid Sick Leave.** On April 7, 2020, the San Jose City Council adopted the new COVID-19 Paid Sick Leave Ordinance, effective immediately upon adoption (and until December 31, 2020), which requires covered employers to provide emergency paid sick leave ("EPSL") to employees providing essential services within the City. Employers are covered if they are not already covered by the federal FFCRA (see summary above) and are subject to the San Jose Business License Tax or maintain a facility within the City.

- **Eligibility and Reasons for Leave.** Employees are eligible for EPSL if they have worked at least 2 hours within the City and leave their residence to perform Essential Work (as defined by the March 16, 2020 Santa Clara County Health Officer Order—available [here](#)). 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 a child under the age of 18 because a school or daycare is 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.

- **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.

(A copy of the Ordinance is available [here](#) or on the San Jose Labor Compliance department website [here](#).)

**COLORADO: Health Emergency Leave with Pay.** 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 will remain in place for 30 days, or for up to 120 days if the state of emergency as declared by the Governor continues.
• **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.
  
  o 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.
  
  o 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](https://doh.state.co.us-health/docs/Health-Emergency-Leave-FAQs.pdf) or on the Colorado DOL’s website, along with FAQs, [here](https://doh.state.co.us-health/docs/Health-Emergency-Leave-FAQs.pdf).)

**DISTRICT OF COLUMBIA: Declaration of Emergency Sick Leave.** On April 10, 2020, D.C. Mayor Muriel Bowser signed a Supplemental Emergency Amendment Act, which temporarily expands the District’s **Accrued Sick and Safe Leave Act** ("ASSLA") and requires employers with between 50 and 499 employees (that are not health care providers) to provide **declaration of emergency ("DOE") leave** for any reason employees may use paid leave under the federal FFCRA (see summary above, p. 2) during the COVID-19 emergency (including leave due to quarantine orders, self-quarantine, care for at-risk family members, and school/place of care closures). The amount of DOE leave available is equal to that offered under the FFCRA (i.e., **up to 80 hours**
for full-time employees; an amount equal to the average number of hours worked in a 2-week period for part-time employees) and 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). Employers covered by the FFCRA must offer employees both FFCRA and DOE leave; however, employers may require that employees exhaust any available leave under federal or D.C. law, or the employer’s policies, prior to using DOE leave. If an employee still needs leave after using all available DOE 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. Employees are eligible for DOE leave after they have worked for the employer at least 15 days prior to the leave request. Other ASSLA provisions apply. This new Act is effective immediately and until July 9, 2020. (D.C. Code § 32.531.02a, as added by D.C. Act 23-286 §103, available here (or the full Act may be found here).)

**MICHIGAN: Paid Medical Leave Act Expansion.** On April 3, 2020, Michigan’s Governor signed Executive Order (EO) 2020-36, which expands the protections of the state’s Paid Medical Leave Act (“PMLA”) until the end of the declared state of emergency and prohibits retaliation against workers who are particularly at risk of infecting others with COVID-19—i.e., if the employee (a) tests positive for COVID-19; (b) displays one or more of the three principal symptoms of COVID-19 (fever, atypical cough, atypical shortness of breath); (c) had close contact with an individual who tests positive for COVID-19; or (d) had close contact with an individual who displays one or more COVID-19 symptom(s).

Employers must treat such an employee as if the employee were taking medical leave under the PMLA. If the employee has no paid leave available, the leave may be unpaid and 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). Employers may debit the time off from the employee’s accrued leave bank. 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). (The Executive Order is available here; the state also released a chart along with the EO, which helps explain when an employee may return to work.)

**NEW JERSEY: Earned Sick Leave Expansion.** On March 25, 2020, New Jersey Governor Phil Murphy signed Senate Bill 2304 (S2304) that, among other measures, expands the state’s Earned Sick Leave (“ESL”) law to allow the use of leave under the statute for additional COVID-19-related reasons. 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.)

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.

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 here), 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.

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. 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.
(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.)

**OREGON: Emergency School Closure Leave.** Oregon has issued a new temporary administrative order, effective March 18, 2020 through September 13, 2020, that allows employees to use protected leave under the Oregon Family Leave Act (OFLA) to care for their child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official (including 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 Oregon’s sick leave law, as indicated in the below table). The new 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. (See OARD 839-009-0230, available here; Oregon Sick Time FAQs, available here.)

**PA: PHILADELPHIA: Sick Leave Expansion.** On March 16, 2020, Philadelphia’s “Promoting Healthy Families and Workplaces Act” was expanded by emergency regulation “so that covered workers can use their paid sick leave for COVID-19 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; Philadelphia’s COVID-19 sick leave updates are described on the City’s website here.)

**WA: SEATTLE: Amended Paid Sick & Safe Time.** The Seattle City Council has adopted an ordinance in response to the COVID-19 emergency, 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 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 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 will remain in effect through June 7, 2020. (The “Paid Sick and Safe Time Emergency Rule” may be accessed on the OLS PSST website here.)

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<tr>
<th><strong>Federal / State</strong></th>
<th>Jurisdiction</th>
<th><strong>Employee’s own illness/health condition</strong></th>
<th><strong>Family member’s illness/health condition</strong></th>
<th><strong>Closure of workplace or child’s school/place of care by order of public official due to public health emergency</strong></th>
<th><strong>Other reason (relevant to COVID-19)</strong></th>
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<td>Care for an employee or family member 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).</td>
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¹ Part of the federal Families First Coronavirus Response Act. See introductory section under “Federal Emergency Paid Sick Leave Act” (Reason for Leave no. 5).
³ The Industrial Commission of Arizona has issued FAQs about “COVID-19 and Earned Paid Sick Time,” which can be found here.
⁴ California Executive Order N-51-20, signed April 16, 2020, requires covered “hiring entities” with 500 or more employees to provide eligible Food Sector Workers 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 section for additional information.
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⁵ 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.

⁶ See above footnote.

⁷ Only certain hotel employees are eligible for leave under the pre-COVID-era Long Beach paid sick leave law.

⁸ Effective May 19, 2020, the City of Long Beach COVID-19 Supplemental Paid Sick Leave Ordinance requires employers with 500 or more employers 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.

⁹ See above footnote.

¹⁰ 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.

¹¹ See above footnote.
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¹² 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.*

¹³ See above footnote.

¹⁴ 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.*

¹⁵ Please note: Under the COVID-19-related Order of Health Officer, effective March 29, 2020, employers may not require a doctor’s verification for use of sick or other leave. *Please see introductory section for additional information.*
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|                 |                    | OLSE Guidance – PSLO & Coronavirus (COVID-19-specific)
Public Health Emergency Leave (COVID-19-specific)¹⁶ |
|                 |                    | OLSE Guidance – PSLO & Coronavirus (COVID-19-specific)                                                   |
|                 |                    | Public Health Emergency Leave (COVID-19-specific)                                                        |
| San Jose, CA¹⁸  | ✓                  | ✓                                                                         | ✓          | ✓                      |
|                 | Emergency Paid Sick Leave (COVID-19-specific)                                                             |
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|                 |                    | Emergency Paid Sick Leave (COVID-19-specific)                                                             |
| Santa Monica, CA| ✓                  | ✓                                                                         |            |                        |

¹⁶ 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.

¹⁷ Effective April 17, 2020, the San Francisco Public Health Emergency Leave Ordinance requires employers with 500 or more employees worldwide to provide up to 80 hours of public health emergency leave to all employees working in San Francisco for qualifying COVID-19-related reasons. Please see introductory section for additional information.

¹⁸ 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.
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</tbody>
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19 Under the Colorado Health Emergency Leave with Pay ("Colorado HELP") rules, employers in several industries must provide up to 2 weeks (80 hours) of paid 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. Please see introductory section for additional information.

20 See above footnote.

21 Only “service workers” (as statutorily identified) are eligible. Certain employers, including those with fewer than 50 employees in Connecticut, are exempt.

22 Effective April 10, 2020, a Supplemental 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 declaration of emergency ("DOE") 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.

23 See above footnote.
<table>
<thead>
<tr>
<th>State</th>
<th>Area</th>
<th>Paid Leave</th>
<th>Public Health Emergency Leave</th>
<th>Employer Must Provide</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Chicago24 / Cook County, IL</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Maine25</td>
<td>Statewide</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓26</td>
</tr>
</tbody>
</table>

Employer must provide **public emergency leave** where employee:
(a) is under individual public health investigation, supervision or treatment related to an extreme public health emergency;
(b) is acting in accordance with an extreme public health emergency order;
(c) is in quarantine or isolation or other control measure due to public health emergency information or directions issued to the public or individuals;
(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
(e) needs to provide care for a qualifying family member for reasons related to an extreme public health emergency.

See Footnote 26 for additional information.

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24 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).

25 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).

26 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.
<table>
<thead>
<tr>
<th>Location</th>
<th>Coverage</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery County, MD</td>
<td></td>
<td>Care of an employee’s family member 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).</td>
</tr>
<tr>
<td>Massachusetts Statewide</td>
<td></td>
<td>Fair Labor Division’s COVID-19 FAQs[^27]</td>
</tr>
<tr>
<td>Michigan Statewide</td>
<td></td>
<td>Care for an employee or family member 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).</td>
</tr>
<tr>
<td>Minnesota Duluth, MN</td>
<td></td>
<td>Earned Sick and Safe Time and COVID-19 FAQs[^29]</td>
</tr>
</tbody>
</table>

[^27]: 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.

[^28]: Under Michigan’s Executive Order 2020-36, signed on April 3, 2020, 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 Paid Medical Leave Act. If the employee has no paid leave available, the leave may be unpaid and 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). Employers may debit the time off from the employee’s accrued leave bank. Please see introductory section for additional information.

[^29]: 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.
<table>
<thead>
<tr>
<th>State</th>
<th>Region</th>
<th>Reason</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minneapolis, MN</td>
<td></td>
<td>Care for an employee or family member if public health authority or health care provider or the <a href="#">Commissioner of Health</a> 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 suspected exposure 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).</td>
<td></td>
</tr>
<tr>
<td>St. Paul, MN</td>
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</tr>
<tr>
<td>Nevada</td>
<td>Statewide</td>
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<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>Statewide</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

30 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.

31 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.

32 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.

33 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).

34 Under the newly expanded [Earned Sick Leave law](#) ($2304, 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.

35 Under the newly expanded [Earned Sick Leave law](#) ($2304, 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.
<table>
<thead>
<tr>
<th>Location</th>
<th>Jurisdiction</th>
<th>Sick Leave</th>
<th>Quarantine</th>
<th>Other Reasons</th>
<th>Paid Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Bernalillo County, NM</td>
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<td>New York</td>
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<tr>
<td>New York, NY</td>
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<td>Westchester County, NY</td>
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</table>

*Care for an employee or family member 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).*

<table>
<thead>
<tr>
<th>Location</th>
<th>Jurisdiction</th>
<th>Sick Leave</th>
<th>Quarantine</th>
<th>Other Reasons</th>
<th>Paid Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>Statewide</td>
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<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

*Care for an employee or family member 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).*

36 Effective July 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).

37 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 or about September 30, 2020 and to start using sick leave as of January 1, 2021.

38 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.*

39 Separate from the sick leave provided under Oregon’s statute (up to 40 hours per year, which must be paid for most employers), Oregon has issued a new temporary administrative order, effective March 18, 2020 through September 13, 2020, that allows employees to extend the duration of protected leave due
<table>
<thead>
<tr>
<th>State</th>
<th>City (Location)</th>
<th>Sick Leave</th>
<th>Care of Family Member</th>
<th>Emergency Sick Leave Regulations (COVID-19-specific)</th>
<th>Emergency Sick Leave Regulations (COVID-19-specific)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia, PA</td>
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<td>Texas</td>
<td>(Austin, TX)</td>
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<td></td>
</tr>
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</table>

Care of an employee’s family member 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).

Care for an employee or family member 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).

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40 Philadelphia’s sick leave ordinance has been expanded by emergency regulation “so that covered workers can use their paid sick leave for COVID-19 preventative care without fear of retaliation.” Specifically, during the COVID-19 risk, covered employees can use their accrued paid sick time not only for illness/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/place of care closures; and (c) official quarantine or self-quarantine of the employee or a family member. See introductory section for additional information.

41 See above footnote.

42 Effective March 15, 2020.

43 Not currently effective (blocked on November 16, 2018 by a state appellate court).
<table>
<thead>
<tr>
<th>Location</th>
<th>Statewide</th>
<th>44</th>
<th>45</th>
<th>46</th>
<th>47</th>
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<tr>
<td>SeaTac, WA(^{47})</td>
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<td></td>
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<td>Seattle, WA</td>
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<td>✓</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{44}\) Not currently effective (blocked on March 30, 2020 by a federal district court).

\(^{45}\) Not currently effective (blocked on November 22, 2019 by a district court).

\(^{46}\) Only covers closure of family members' 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.

\(^{47}\) Applicable only to certain “hospitality employers” and “transportation employers,” as statutorily defined.

\(^{48}\) 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.”

\(^{49}\) 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 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.

\(^{50}\) 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](https://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time).)