

California State and City Paid Sick Leave Laws

Updated January 2024

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	California Paid Sick Leave ¹	Berkeley Paid Sick Leave ²	Emeryville Paid Sick Leave ³	Los Angeles City Paid Sick Leave ⁴	Oakland Paid Sick Leave ⁵	San Diego City Paid Sick Leave ⁶	San Francisco Paid Sick Leave ⁷	Santa Monica Paid Sick Leave ⁸	West Hollywood Sick Leave ⁹
1. Summary	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours or ten days at any one time <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• 40 hours or 5 days <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked; OR• Adopt an “alternative accrual” method by requiring employees to accrue at least 24 hours or three days of paid sick leave or paid time off by the 120th calendar day of employment, each calendar year or in each 12-month period, and at least 40 hours or five days of paid sick leave or paid time off by the 200th calendar day of employment, each calendar year, or in each 12-month period. This new provision essentially allows employers in CA to provide the frontloaded amount in a piecemeal fashion rather than provide an entire lump sum at one time.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• Small employers may limit use to 48 hours per calendar year. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Front load annual accrual cap;• Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• 48 hours <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Front load 48 hours at the start of each year.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• 40 hours <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Front load 40 hours at the start of each year. Employer may elect lump sum or accrual method	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Any lump sum at the start of the year, with accrual at one hour for every 30 worked after lump sum has been earned.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• 80 hours per California law <p><u>Annual Use Cap:</u></p> <ul style="list-style-type: none">• Not permitted. <p><u>Accrual Methods:</u></p> <ul style="list-style-type: none">• Accrue one PSL hour per 30 hours worked in the City;• Front load annual accrual cap.	<p><u>Accrual Cap:</u></p> <ul style="list-style-type: none">• Full-time employee: must accrue 96/52 hours of paid leave/week with accrual based on working up to, but not exceeding, 40 hours weekly (1.85 hours if work 40 or more hours/week)-must accrue at least 80/52 hours of unpaid leave/week-part-time employee accrues paid time off in increments proportional to a full-time employeeUnpaid leave: accrual stops when leave bank contains 80 hoursPaid leave:Continue to accrue until paid leave bank contains 192 hours (or higher if employer sets)-once accumulate 192 paid leave hours, “different-from-most-laws” requirement kicks in: employer must provide cash payment once every 30 days for accrued leave that exceeds “cap,” paid at rate employee is paid at

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									time of cash-out (Note: employer can offer cash-out option even before 192 paid leave hours are accumulated but they can't make employee cash out leave)
2. Interaction of Laws		Employers subject to state and local paid sick leave laws must follow the stricter standard or the law that is most beneficial to the employee when there are conflicting requirements in the laws. SB 616 partially (if not entirely) preempts local California paid sick leave ordinances that have different requirement on the following topics: leave advances; balance notification requirements; employee notice requirements for unforeseeable and foreseeable leave; rate of pay for sick leave; timing of such pay; and reinstatement of leave upon rehire. SB 616 provides that certain provisions shall preempt any local ordinance to the contrary. ¹⁰ Bill Text SB-616 Sick days: paid sick days accrual and use. (ca.gov)							
3. Effective Date	January 1, 2024	October 1, 2017	July 2, 2015	July 1, 2017	March 2, 2015	July 11, 2016	February 5, 2007	January 1, 2017	January 1, 2022, for "hotel employers" and "hotel workers", other entities, July 1, 2022 was the start date
4. Covered Employers	All employers regardless of size.								

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5. Covered Employees	<p>Employees who work at least 30 days in California for the employer.</p> <p>Includes:</p> <ul style="list-style-type: none">• Employees who are exempt from overtime requirements.• In-home supportive service providers (IHSS) will increase their paid sick leave accrual to five days/40 hours in each year of employment• Employees subject to a collective bargaining agreement and otherwise excluded under HWHFA, will be entitled to certain protections under Labor Code section 246.5 (e.g., not being required to find a replacement when taking sick leave and protection against discrimination and retaliation <p>Excludes:</p> <p>Individuals employed by an air carrier as a flight deck or cabin crewmember, if they receive compensated time off at least equivalent to the requirements of the paid sick leave law.</p> <p>Retired annuitants working for governmental entities.</p> <p>Employees of railroads.</p> <p>Employees in the construction industry covered by a collective bargaining agreement with</p>	<p>Employees who:</p> <ul style="list-style-type: none">• In a calendar week work at least 2 hours in the City; and• Are entitled to be paid a minimum wage. <p>Excludes:</p> <ul style="list-style-type: none">• Union workers who explicitly waive the ordinance's benefits in their union contract.	<p>Employees who:</p> <ul style="list-style-type: none">• In a calendar week work at least 2 hours in the City; and• Are entitled to be paid a minimum wage. <p>Includes:</p> <ul style="list-style-type: none">• Employees who are exempt from overtime requirements.• Learners as defined by the California Industrial Welfare Commission. <p>Excludes:</p> <ul style="list-style-type: none">• Union workers who explicitly waive the city ordinance's benefits in their union contract.	<p>Employees who:</p> <ul style="list-style-type: none">• In a particular week work at least 2 hours in the City;• Are entitled to be paid a minimum wage; and• On or after July 1, 2016, work in the City for the same employer for at least 30 days within a year from the start of employment. <p>Excludes:</p> <ul style="list-style-type: none">• Employees who are exempt from the state minimum wage; and• Government employees.	<p>Employees who:</p> <ul style="list-style-type: none">• In a particular week work at least 2 hours in the City; and• Are entitled to be paid a minimum wage. <p>Excludes:</p> <ul style="list-style-type: none">• Union workers who explicitly waive the city's benefits in their union contract.	<p>Employees who:</p> <ul style="list-style-type: none">• In one or more calendar weeks, work at least 2 hours in the City; and• Are entitled to be paid a minimum wage, or participate in a state Welfare-to-Work Program. <p>Excludes:</p> <ul style="list-style-type: none">• Employees who are exempt from the California minimum wage;• Those paid a subminimum wage under a specific license;• Employees of publicly subsidized summer or short term youth employment programs;• Student employees, camp counselors and program counselors at an organized camp as defined in Cal. Labor Code § 1182.4.	<p>Employees who work in the City.</p> <p>Includes:</p> <ul style="list-style-type: none">• Participants in Welfare-to-Work Programs who are engaged in work activity that would be considered "employment" under federal law. <p>Excludes:</p> <ul style="list-style-type: none">• Union workers who explicitly waive the city ordinance's benefits in their union contract;• Those who work in the City on an occasional basis not exceeding 55 hours in a calendar year.	<p>Employees who:</p> <ul style="list-style-type: none">• In a particular week, work at least 2 hours in the City; and• Are entitled to be paid a minimum wage. <p>Excludes:</p> <ul style="list-style-type: none">• Employees who are exempt from the California minimum wage; and• Government employees.	<p>The Ordinance defines "employee" as any person who in a particular week performs at least two hours of work within the geographic boundaries of West Hollywood for an employer and is entitled to minimum wage (i.e., is nonexempt) under the California Labor Code and associated wage orders (i.e., is nonexempt).</p> <p>Excludes: Employees who are exempt from the California minimum wage.</p>

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	<p>specified provisions.</p> <p>Partially exempt:</p> <p>Employees outside the construction industry covered by a collective bargaining agreement (CBA) with specified provisions.</p> <p>NOTE: these workers are still entitled to some paid sick leave under their CBA. In addition, as of January 1, 2024, these employees must be allowed to take sick leave for all the purposes specified in the paid sick leave law and cannot be required to find a replacement as a condition for taking paid sick leave. These employees are also protected by the law's anti-retaliation provisions.</p>								
6. Permitted Uses	<ul style="list-style-type: none"> Medical need (diagnosis, care, or treatment of an existing health condition of, or preventative care for) the employee or the employee's family member Purposes related to domestic violence, sexual assault or stalking suffered by the employee 	<ul style="list-style-type: none"> Medical need of employee or employee's family member 	<ul style="list-style-type: none"> Medical need of employee or employee's family member The medical care, treatment or diagnosis of illness or injury of a designated person in lieu of spouse or domestic partner (with relationships including those from adoption, step relationships, and foster care) 	Same as California law.	<ul style="list-style-type: none"> Medical need of employee or employee's family member Leave may be used for the medical care, treatment, or diagnosis of illness or injury of an employee or employee's child (including biological, adopted, step, and foster child, child of domestic partner and <i>in</i> 	<p>Same as California law, plus:</p> <ul style="list-style-type: none"> Public health emergencies resulting in the closure of the employee's worksite, childcare provider, or child's school. 	<ul style="list-style-type: none"> Medical need of employee or family member or designated person Purposes related to domestic violence, sexual assault or stalking suffered by the employee Bone marrow or organ donation 	Same as California law.	<p>Paid time off may be used for sick (undefined), vacation or personal necessity (undefined).</p> <p>The 80 hours of unpaid time off for sick leave may be used for the illness of the employee or a member of their immediate family when the employee has exhausted their</p>

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			<p>relationships). Employees have 30 days after beginning to accrue sick leave to designate a person in lieu of a spouse or domestic partner, and by January 31 each year thereafter (with a 14-day window) to make such a designation.</p> <ul style="list-style-type: none"> To provide care for a guide dog, signal dog or service dog of the employee or family member 		<i>loco parentis</i> relationship), parent, legal guardian or ward, sibling, grandparent, grandchild and spouse, registered domestic partner under any state or local law, or designated person in lieu of spouse or domestic partner (with relationships including those from adoption, step, and foster care relationships).				paid time off for that year
7. Covered Family Members	Children (biological, adopted, or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis), parents (biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), spouse, registered domestic partner, grandparents, grandchildren, siblings, a designated person, which means a person identified by the employee at the time the employee requests paid sick days. Employer can limit an employee to one designated person per 12-month period	Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner. And the child, parent, sibling, grandparent, or grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships.	Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner.	Same as California law, plus those related to the employee by blood or affinity equivalent to a family relationship.	Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner.	Same as California law.	Same as California law, plus a designated person if the employee does not have a spouse or registered domestic partner.	Same as California law.	Undefined.

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	(anyone designated by the employee within a 12-month period)								
8. First Day PSL Can Be Used	On the 90th calendar day of employment.	Same as California law.	Same as California law.	Same as California law.	Same as California law.	On the 91st calendar day of employment.	Same as California law.	Same as California law.	After first six months of employment or date set per company policy, if earlier. However, employers must allow use at 90 days under the CA state PSL.
9. Start of Accrual	First day of work.								
10. Accrual Methods	<u>Option 1:</u> One PSL hour for every 30 worked. <u>Option 2:</u> “alternate accrual” method that meets minimum standards employees to accrue at least 24 hours or three days of paid sick leave or paid time off by the 120th calendar day of employment, each calendar year or in each 12-month period, and at least 40 hours or five days of paid sick leave or paid time off by the 200th calendar day of employment, each calendar year, or in each 12-month period. <u>Option 3:</u> “front loading” method –	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> Front load any sum of PSL at the start of each year, so long as the employee can accrue additional PSL after working enough hours to have accrued the amount allocated upfront.	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> At the start of each year, front load a PSL amount equal to the applicable accrual cap (see Row 11). <u>Option 3:</u> A combination of Options 1 and 2.	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> Front load 48 PSL hours at the start of each year, but employers who frontload still must carryover.	One hour of PSL for every 30 hours worked in the City.	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> Front load 40 PSL hours at the start of the year.	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> Front load any sum of PSL at the start of each year, so long as the employee can accrue additional PSL after working enough hours to have accrued the amount allocated upfront.	<u>Option 1:</u> One hour of PSL for every 30 hours worked in the City. <u>Option 2:</u> At the start of each year, front load 72 hours of PSL	Full-time employees must accrue 96/52 hours of paid leave/week with accrual based on working up to, but not exceeding, 40 hours weekly (1.85 hours if work 40 or more hours/week) -Full-time employees must accrue at least 80/52 hours of unpaid leave/week -Part-time employee accrues paid time off in increments proportional to a full-time employee

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	at least five days or 40 hours of paid sick leave or paid time off per year. Under the “up front” method, no accrual or carry over of the sick leave is required because the full amount of leave is received at the beginning of each year. For initial hires, the employer is still permitted to require the employee to wait until the 90th day of employment to begin being entitled to <i>use</i> the sick leave or time off. *For grandfathered” PSL/PTO policies in effect prior to Jan. 1, 2015, to be compliant without modification, employees must be eligible to accrue at least five days or 40 hours of PSL within six months of employment (among other requirements) (<i>rather than three days/24 hours within nine months</i>)								
11. Accrual Caps	The greater of 80 hours or ten days at any one time. This new rolling cap will now apply to all local ordinances, unless the local ordinance provides greater coverage.	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	Employers may cap an employee’s total PSL accrual at no less than 80 hours.	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	Increase accrual cap to the greater of 10 days or 80 hours under SB 616 effective Jan. 1, 2024	96 hours paid leave (but employees continue to accrue until paid leave bank contains 192 hours or higher amount if employer sets) 80 hours unpaid leave Employers can choose to forgo the accrual method and grant a single lump sum but because this

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									is essentially PTO, would be paid out upon separation of employment
12. Carry Over	Accrued, unused PSL that can be carried over to the new year will increase to 80 hours Note: no accrual or carryover is required if the employer provides five days or 40 hours (whichever is greater) of paid sick leave upfront each year of employment, calendar year, or 12- month period that is available to use by their 90 th calendar day of employment, and then at the beginning of each subsequent benefit year	Accrued, unused PSL carries over into the next year but is limited by the employer's accrual cap per above.	Accrued, unused PSL carries over into the next year but is limited by the employer's accrual cap, if any. If PSL is provided up front, roll over is not required.	Accrued, unused PSL (including unused frontloaded PSL) carries over year to year, but may be capped at no less than 80 hours.	Accrued, unused PSL carries over into the next year but is limited by the employer's rolling accrual cap	Accrued, unused PSL carries over year to year. If PSL is provided up front, roll over is not required.	Accrued, unused PSL carries over into the next year but is limited by the employer's rolling accrual cap.	Accrued, unused PSL carries over year to year but is limited to the employer's accrual cap. If PSL is provided up front, roll over is not required.	Unused paid and unpaid leave carries over each year Unused accrued paid time off will carry over until the paid time off reaches a maximum of 192 hours unless employer's policy is more generous Unused accrued unpaid time off will carry over until the time off reaches a maximum of 80 hours unless the employer's policy is more generous
13. Use Caps	PSL use may be limited to five days or 40 hours per year.	Employers with 24 or fewer employees may limit PSL use to 48 hours per calendar year. Employers with 25 or more employees cannot limit PSL use; employees may use any PSL in their banks. PSL banks are limited by the accrual cap. See Row 11.	Use caps are not permitted. Employees can use any amount of PSL they have accrued. However, employers may set accrual caps or use the frontload method to limit PSL banks. See Rows 10-12.	Annual use of PSL may be limited to 48 hours per year.	Use caps are not permitted. Employees may use the PSL they have in their PSL banks. However, employers may set accrual caps to limit PSL banks. See Row 11.	PSL use may be limited to no less than 40 hours per year.	Use caps are not permitted. Employees may use the PSL they have in their PSL banks. However, employers may set accrual caps to limit PSL banks. See Row 11.	Use caps are not permitted. Employees can use any amount of PSL they have accrued. However, employers may set accrual caps or use the frontload method to limit PSL banks. See Row 11.	Use Cap: Paid leave: 96-hour annual use cap for full-time employees Unpaid leave – after exhaust all paid leave for that year, full-time employees can take up to an additional 80 hours of accrued unpaid leave if they or immediate family



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									member is ill
14. Use Increments	Employers cannot require that PSL be used in increments larger than 2 hours.	Employers cannot require use increments larger than 2 hours and 15 minutes thereafter.	Employers cannot require that PSL be used in increments larger than 2 hours.	Employers cannot require that PSL be used in increments larger than 2 hours.	Employers cannot require that PSL be used in increments larger than 1 hour.	Employers cannot require that PSL be used in increments larger than 2 hours.	Employers cannot require that PSL be used in increments larger than 1 hour.	Not addressed.	Not addressed.
15. When PSL Pay Is Due	On the payday for the next regular payroll period after PSL is taken.	On the payday for the next regular payroll period after PSL is taken.	On the payday for the next regular payroll period after PSL is taken.	Not addressed.	On the payday for the next regular payroll period after PSL is taken.	Not addressed.	On the payday for the next regular payroll period after PSL is taken.	Not addressed.	Not addressed.
16. Cash Out of PSL	An employer is not required to cash out PSL or pay for accrued or unused PSL upon termination, resignation, retirement, or other separation from employment.								Employers are required to pay out any accrued paid time off every 30 days once employee reaches the 192 hour accrual cap.

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17. Paid Time Off Policies	<p>No additional benefits are required if, as of 1/1/2015, the employer already had an existing paid leave or paid time off policy meeting the following requirements:</p> <ul style="list-style-type: none">• Made available paid leave that could be used for at least as many paid sick days and under the same conditions required by the state PSL law; or• Had conditions more favorable to employees (e.g., more sick days or a more favorable accrual rate than required under the state PSL law).	<p>No additional benefits are required if the paid time off can be used for the same purposes required by the ordinance, and the policy meets the City's use and accrual requirements.</p>	<p>If an employer has a paid leave policy, such as a paid time off or vacation policy, that makes available paid time off that may be used for the same purposes specified in the ordinance, and the policy is sufficient to meet the ordinance's requirements for making PSL available, then an employer is not required to provide additional PSL.</p>	<p>No additional benefits are required if the policy provides at least 48 hours of paid time off.</p> <p>Where the policy does not meet all requirements of the ordinance, the City may still determine that additional benefits are not required if the policy is overall more generous to employees.</p>	<p>No additional benefits are required if the paid time off can be used for the same purposes and meets the minimum accrual requirements of the ordinance.</p>	<p>No additional benefits are required if the paid time off can be used for the same purposes and meets the minimum accrual requirements of the ordinance.</p> <p>Nor are additional benefits needed if the paid time off policy provides an enhanced benefit in at least one of the following categories and otherwise meets the minimum requirements for the remaining two:</p> <ul style="list-style-type: none">• Accrual rate;• Rate of pay; or• Allowable purposes for PSL use.	<p>No additional benefits are required if the paid time off can be used for the same purposes and meets the minimum accrual requirements of the ordinance.</p>	<p>Other paid time off plans (such as paid leave in the form of vacation time, or paid leave that employees may use for either vacation or sick leave) will <u>not</u> satisfy the ordinance's PSL requirement.</p>	<p>Employers may provide compensated leave for sick, vacation, or personal necessity leave separately, as long as at least 50% of the time is either vacation or personal necessity leave. If an employer already provides compensated leave, the employer is only required to provide additional leave up to 96 hours for full-time employees.</p> <p>Any PSL component will need to comply with both CA State PSL and West Hollywood standards, and any personal time or vacation time will need to be treated as vacation time under CA law (and paid out upon termination).</p> <p>If an Employee is rehired by the Employer within one (1) year of the date of separation from employment, any previously accrued and unused Compensated Leave, classified as paid sick leave, must be reinstated.</p>

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18. Rate of Pay	<p>When used, PSL must be paid by one of following methods:</p> <p><u>Non-exempt employees:</u></p> <ul style="list-style-type: none">• Regular rate of pay for the workweek in which PSL is used, whether or not the employee actually works overtime in that work week; or• Divide total wages (excluding overtime premiums) by total hours worked in full pay periods of prior 90 days. <p><u>Exempt employees:</u></p> <ul style="list-style-type: none">• PSL is paid using the same method as any other form of paid leave provided by the employer.⁹	<p>When used, PSL must be paid at the hourly wage rate.</p> <p>But if an employee in the 90 days of employment before taking PSL, (i) had different hourly pay rates, (ii) was paid by piece rate or commission, or (iii) was a non-exempt salaried employee:</p> <ul style="list-style-type: none">• Divide total wages (excluding overtime premiums) by total hours worked in full pay periods of prior 90 days.	<p>Same as California law.</p>	<p>When used, PSL must be paid by one of following methods:</p> <ul style="list-style-type: none">• The regular hourly rate of pay for the workweek in which PSL is used; or• Divide total wages (excluding overtime premiums) by total hours worked in full pay periods of prior 90 days.	<p>PSL is paid at the regular hourly rate of pay for the time PSL is taken.</p> <p>For salaried employees, divide the annual salary by 52 weeks, then divide by 40 hours or by the actual hours worked during a regular workweek if less than 40 hours.</p>	<p>PSL is paid at the regular hourly rate of pay for the workweek in which PSL is used.</p> <p>If an employee has more than one pay rate, PSL is paid at the rate equal to the scheduled pay rate(s) for the job during which PSL is taken.</p>	<p>When used, PSL must be paid by one of following methods:</p> <p><u>Non-exempt employees:</u></p> <ul style="list-style-type: none">• Regular rate of pay for the workweek in which PSL is used. <p><u>Exempt employees:</u></p> <ul style="list-style-type: none">• Same as any other paid leave provided by the employer; or• Divide annual salary by 52 weeks, then divide by the actual hours worked during a regular workweek.	<p>Not addressed.</p>	<p>Unlike CA's state-wide PSL West Hollywood Ordinance's rate of paid time off is based solely upon the base rate of pay. Employers who seek to have WeHo paid sick leave comply with both state and local requirements must tread carefully and ensure employees are paid at the highest applicable rate.</p>
19. Requiring Advance Notice from Employees of PSL Use	<p><u>Foreseeable PSL use:</u> Employee must provide reasonable advance notice.</p> <p><u>Unforeseeable PSL use:</u> Employee must provide notice as soon as practicable.</p>	<p>Same as California law.</p>	<p>Employers may require reasonable notice of PSL use so long as:</p> <ul style="list-style-type: none">• Requirement does not deter valid use of PSL• Employer has a procedure for employees to communicate absences.	<p><u>Foreseeable PSL use:</u> Employees must give advance notice.</p> <p><u>Unforeseeable PSL use:</u> Employee must provide notice as soon as practicable.</p>	<p>Employers may require no more than two hours' notice before the start of shift, but greater flexibility is necessary for emergencies or sudden illnesses.</p> <p>If reasonable notice is required, the employer must have a procedure for employees to communicate absences.</p>	<p><u>Foreseeable PSL use:</u> If need for PSL is foreseeable, an employer may require reasonable advance notice not to exceed seven days.</p> <p><u>Unforeseeable PSL use:</u> Employee must provide notice as soon as practicable.</p> <p>Guidance: Employers may follow state law regarding reasonable advance notice when use is foreseeable, but local law regarding not</p>	<p>For unforeseeable PSL absences, policies requiring no more than two hours' notice prior to the start of the shift are presumptively reasonable, but greater flexibility is necessary for emergencies or sudden illnesses. Policies requiring more than two hours' notice are presumptively unreasonable.</p>	<p>Same as California law.</p>	<p>Employers must make leave available upon employee's request and cannot unreasonably deny a request.</p>

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						requiring employees to provide notice more than 7 days in advance.			
20. Requiring Documentation to Verify PSL Use	Requiring documentation is not permitted under the California Labor Commissioner’s interpretation of the law.	An employer may only take reasonable measures to verify or document that PSL use is lawful and cannot require employees to incur expenses in excess of \$15 in order to show their eligibility for PSL.&	Employers may adopt a policy of verifying and/or documenting that employees’ use of accrued PSL is lawful. If the employer adopts such a policy, it need not pay PSL for the time in question until the employee complies with the verification requirement.&	Employers may request reasonable documentation. What is reasonable depends on the situation, but a requirement should never be so difficult that it deters legitimate PSL. Documentation may be required after more than three consecutive days of PSL use.&	It is presumptively reasonable to require documentation for PSL use exceeding three consecutive work days, or to verify a subsequent absence if abuse is reasonably suspected.& Employers cannot require employees to incur expenses in excess of \$5 to obtain required documentation.	Requiring documentation is permitted for absences exceeding three consecutive work days.&	It is presumptively reasonable to require documentation in the following circumstances: <ul style="list-style-type: none">• PSL absences exceeding three consecutive work days;• Medical appointments; or• Where there is a pattern or clear instance of PSL abuse.&	The ordinance is silent as to the type of documentation that an employer may request to verify PSL use. Employers should follow applicable state and federal law.	

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21. Effect of Rehiring	If the employee is rehired within one year from the date of separation, any previously accrued and unused PSL must be reinstated and can be used immediately upon rehire. However, if the employee is compensated for accrued, unused PSL upon separation, the employer is not required to reinstate the paid out PSL if the employee is subsequently reinstated.	If the employee is rehired within 12 months from the date of separation, any previously accrued and unused PSL must be reinstated.	Same as California law.	Same as California law.	Same as California law.	If the employee is rehired within six months from the date of separation, any previously accrued and unused PSL must be reinstated and can be used immediately upon rehire. Guidance: Employers should follow state law, which is more generous to employees, and reinstate paid sick leave hours if an employee is rehired within one year.	Same as California law.	Not addressed.	Following termination, if an employee is rehired within one (1) year of separation date, any previously accrued and unused uncompensated leave must be reinstated.
& Caution: On this issue, the city ordinance is inconsistent with the California Labor Commissioner’s interpretation of the California law.									

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22. Employers’ Posting and Notice Obligations	<p>Employers must:</p> <ul style="list-style-type: none">• Display state’s official <u>poster</u> in a conspicuous place at the worksite;• Include PSL information on nonexempt employees’ Labor Code § 2810.5 <u>wage notices</u>; and• Include amount of available PSL in <u>wage statements</u>. <p>Employers must update their new hire packages to include an updated Notice to Employee required by Labor Code section 2810.5 and post the required DLSE Paid Sick Leave Poster. Both found here:</p> <p><u>NOTICE TO EMPLOYEE (ca.gov)</u></p> <p><u>HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014 PAID SICK LEAVE (ca.gov)</u></p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace in all languages spoken by at least 5% of workers at the worksite;• Include amount of PSL hours accrued to date in <u>wage statements</u>;• At the time of hire, provide employees <u>written notice</u> of the employer’s name, address, and telephone number.	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace;• <u>Provide a copy</u> of the City’s official notice of rights to current and new employees; and• At the time of hire, provide covered employees <u>written notice</u> of employer’s name, address, and telephone number. <p>Notices must be provided in all languages spoken by 10% or more of employees.</p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace; and• At the time of hire, provide covered employees <u>written notice</u> of the employer’s name, address, and telephone number. <p>Notices must be provided in English and any other language spoken by at least 5% of covered employees at the workplace or job site.</p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace;• <u>Provide a copy</u> of the City’s official notice of rights to current and new employees; and• At the time of hire, provide covered employees <u>written notice</u> of employer’s name, address, and telephone number. <p>Notices must be provided in all languages spoken by 10% or more of employees.</p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace;• At the time of hire, provide <u>written notice</u> of the employer’s legal name and any fictitious business name, address, telephone number, and information on how the employer complies with the ordinance. <p>Notices must be provided in all languages spoken by 5% or more of employees.</p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace;• Include amount of available PSL hours in <u>wage statements</u>. <p>Notice must be posted in English, Spanish, Chinese, and any other language spoken by at least 5% of employees at the workplace.</p>	<p>In addition to notice requirements under the state law, employers must:</p> <ul style="list-style-type: none">• <u>Display</u> the City’s official notice of rights in a prominent location in the workplace in English, Spanish, Chinese and any other language spoken by 5% or more of the employer’s workforce; and• At the time of hire, provide covered employees <u>written notice</u> of employer’s name, address, and telephone number.	<p>Employers must conspicuously post, at any workplace or job site where any employee works, the city bulletin concerning the minimum wage rate(s) and employee rights under the ordinance, in English, Spanish, and any other language spoken by five percent of employees.</p>

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23. Retaliation Prohibited	Employers cannot retaliate against employees for exercising rights under the law. There is a rebuttable presumption of retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following: • Filing a complaint by the employee with the Labor Commissioner; • Cooperating by the employee with an investigation or prosecution of an alleged violation; • Opposing by the employee a policy, practice or act that is prohibited.	Same as California law.	Employers cannot retaliate against employees for exercising rights under the law. Absent clear and convincing evidence of just cause, it is unlawful to discharge an employee within 120 days of learning that the employee engaged in protected activity.	Same as California law.	Same as Emeryville.	Same as California law.	Same as California law.	Same as California law.	As with similar ordinances, employers are prohibited from reducing hours or benefits in order to pay wages less than the established minimum wage, and they are prohibited from retaliating against employees for exercising their rights under the Ordinance.

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24. Record Retention	Employers must retain for three years records showing each employee's hours worked, and PSL accrual and use.	Employers must retain for four years records showing employees' hours worked in the City, and PSL accrual and use. Failure to maintain or retain adequate records documenting accrued PSL creates a presumption that the employee's account of PSL owed is accurate, absent clear and convincing evidence otherwise.	Employers must retain for four years records showing employees' hours worked in the City, pay rates, and PSL accrual and use. Employers must provide employees copies of these records upon their reasonable request.	Employers must retain for four years records showing employees' hours worked in the City, and PSL accrual and use.	Employers must retain records for three years showing employees' names, hours worked, pay rates, and PSL accrual and usage. A copy of the records must be provided to an employee upon reasonable request.	Employers must retain for three years records showing employees' wages paid, hours worked in the City, and PSL accrual. Or retain adequate records documenting accrued PSL creates a presumption that the employer has violated the ordinance and the City may rely on an employee's reasonable estimate of PSL earned and used.	Employers must retain for four years records showing employees' hours worked in the City, and PSL accrual and use.	Employers must retain for three years records showing employees' hours worked in the City, and PSL accrual and use. Failure to maintain or retain adequate records documenting hours worked and PSL taken by the employee creates a presumption the employer violated the ordinance absent clear and convincing evidence otherwise.	Not Addressed
25. Enforcement	The law does not directly permit a private right of action by an aggrieved employee. It remains unclear, however, if an aggrieved employee can file suit under the California Private Attorney General Act of 2004 (PAGA).	The City is authorized to investigate potential violations, and to impose penalties and fines. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City is authorized to investigate potential violations, and award the same relief in its proceedings as a court of law. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City is authorized to investigate potential violations, and to award the same relief in its proceedings as a court of law. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City is authorized to investigate potential violations, settle complaints, and impose fines and penalties. The City or an aggrieved employee can bring a civil action in court to enforce the ordinance.	The City contracts with Los Angeles County to process and investigate claims. Violations can result in fines, penalties and criminal liability. Employees have the right to file civil claims, and employers violating the law can be subject to administrative or criminal penalties.	The Ordinance provides for administrative penalties and creates a private right of action for aggrieved employees. Employers who fail to comply with West Hollywood's leave provisions (and minimum wage ordinance) may be subject to administrative citations, penalties and civil actions.
26. Los Angeles and Long Beach Hotel Workers	This chart does not include two ordinances applicable to hotel workers only. The Los Angeles Citywide Hotel Worker Minimum Wage Ordinance (Ord. No. 183241) became effective July 1, 2015, and requires hotels with 150 or more guest rooms to pay their employees a minimum wage and provide 96 compensated hours of time off and at least 80 additional hours of uncompensated time off per year. (L.A. Mun. Code §§ 186.01.A and 186.02.) See http://www.foxrothschild.com/content/uploads/2015/05/Citywide-Hotel-Worker-Minimum-Wage-Ordinance.pdf . See also (effective Aug. 12, 2022), expanding coverage to apply to hotels with 60 or more guest rooms) (L.A. Muni. Code § 186.01(D)) The Long Beach Hotel Workers Initiative Ordinance (Measure N) became effective January 2012, and requires hotel employers to pay their employees a minimum wage and provide at least five days of paid sick leave. (Long Beach Mun. Code § 5.48.020.) See https://foxrothschild.gjassets.com/content/uploads/2015/05/Citywide-Hotel-Worker-Minimum-Wage-Ordinance.pdf .								



- ¹ See the California Department of Industrial Relations’ Healthy Workplace Healthy Family Act of 2014 (AB 1522) website, www.dir.ca.gov/dlse/ab1522.html, and Frequently Asked Questions at www.dir.ca.gov/dlse/paid_sick_leave.htm.
- ² See <https://berkeley.municipal.codes>, ch13.100.120. The Berkeley Municipal Code is current through Ordinance 7882-NS, passed July 25, 2023. City website <http://www.berkeleyca.gov>
- ³ See Emeryville’s Minimum Wage and Paid Sick Leave Ordinance website, www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance/. Information on Emeryville’s geographical boundaries can be found here: www.ci.emeryville.ca.us/DocumentCenter/Home/View/678.
[Final-Signed-Regulations \(emeryville.ca.us\)](http://www.ci.emeryville.ca.us/DocumentCenter/Home/View/678)
- ⁴ See the City of Los Angeles’s Minimum Wage and Paid Sick Leave website, <https://wagesla.lacity.org> Information on City of Los Angeles’ geographical boundaries can be found here: www.zimas.lacity.org/; www.laalmanac.com/LA/lamap2.htm; and www.neighborhoodinfo.lacity.org.
- ⁵ See the City of Oakland’s Minimum Wage and Paid Sick website, [City of Oakland | Labor Standards Division \(oaklandca.gov\)](http://CityofOakland.com/LaborStandardsDivision) and [Measure FF English Poster Set 2024.pdf \(amazonaws.com\)](https://www.amazonaws.com). Information on Oakland’s geographical boundaries can be found here: [www.zipmap.net/California/Alameda County/Oakland.htm](http://www.zipmap.net/California/AlamedaCounty/Oakland.htm).
- ⁶ See the City of San Diego’s Paid Sick Leave and Minimum Wage website, <https://www.sandiego.gov/com> and [sb-616-olse-notice.pdf \(sandiego.gov\)](https://www.sandiego.gov/sb-616-olse-notice.pdf) which addresses differences between CA Labor Code and San Diego Municipal Code (SDMC). Information on the City of San Diego’s geographical boundaries can be found here, <http://gis.sandag.org/boundary/viewer.htm>, and <https://www.sandiego.gov/sites/default/files/legacy//planning/programs/mapsua/pdf/cplancd2.pdf>.
- ⁷ See San Francisco’s Paid Sick Leave Ordinance website, <http://sfgov.org/olse/paid-sick-leave-ordinance-pslo>. Information on San Francisco’s geographical boundaries can be found here: [http://www.zipmap.net/California/San Francisco County.htm](http://www.zipmap.net/California/SanFranciscoCounty.htm).
- ⁸ See the City of Santa Monica’s Paid Sick Leave and Minimum Wage website, https://www.santamonica.gov/media/minimum_wage/paidsickleavetips-employees.pdf
- ⁹ See the City of West Hollywood’s Paid Sick Leave, Vacation, or Personal Necessity website, https://library.qcode.us/lib/west_hollywood_ca/pub/municipal_code/item/title_5-article_5-chapter_5_130-5_130_030
- ¹⁰ See California Department of Labor Standards Enforcement, Opinion Letter 2016.10.11, “Calculating Payment of Paid Sick Leave,” <http://www.dir.ca.gov/dlse/opinions/2016-10-11.pdf>. See also [Bill Text SB-616 Sick days: paid sick days accrual and use. \(ca.gov\)](#)

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