



Overview of Paid Sick Time Laws in the United States

Updated on October 7, 2019

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	<p>California</p>
<p>Who is covered?</p>	<p>Workers employed in California for 30 or more days a year after commencement of employment are covered. Flight deck/cabin crews subject to Railway Labor Act with comparable paid time off are exempted. Workers who provide in-home supportive care are exempted until July 1, 2018, at which point they will be able to accrue paid sick time (subject to specific usage and carryover provisions).²</p>
<p>Can sick time be used to care for loved ones?</p>	<p>Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; and siblings</p>
<p>How is "child" defined?</p>	<p>Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child</p>
<p>Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</p>	<p>Yes, but only when the worker is the victim</p>
<p>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.</p>	<p>No</p>
<p>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</p>	<p>No.</p>
<p>Rate at which workers earn paid sick time?</p>	<p>1 hour for every 30 hours worked</p>
<p>Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?</p>	<p>No</p>
<p>Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)</p>	<p>Employers may cap the amount of paid sick time a worker earns at 48 hours or 6 days. Employers may also cap the amount of paid sick time a worker can use each year at 24 hours or 3 days.</p>

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<p>When do workers begin to earn paid sick time?</p>	<p>At the commencement of employment, but workers aren't entitled to use paid sick time until the 90th day of employment. As noted earlier, the law covers a worker when the worker works in California for more than 30 days within a year from the commencement of employment.</p>
<p>Does unused sick time carry forward to the subsequent year?</p>	<p>Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours (or three days) of paid sick time per year. Carry forward is not required if the full amount of paid sick time (24 hours, or three days) is provided at the beginning of each year.</p>
<p>Private Right of Action to go to Court?</p>	<p>The State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article. The law does not explicitly address whether a worker may bring a civil action in Court.</p>
<p>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?</p>	<p>The law doesn't apply to workers covered by a CBA if the CBA expressly provides for paid time off and certain wage and hour working conditions. Construction industry workers are not covered if the CBA, in addition to expressly providing for paid time off and certain wage and hour working conditions, also waives the law's provisions in clear and unambiguous terms.</p>
<p>What Agency or Official Enforces the Law?</p>	<p>The California Labor Commissioner's Office, also known as the California Division of Labor Standards Enforcement (DLSE)</p>
<p>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</p>	<p>Yes. The CA law does not preempt or limit other laws/policies that provide greater earning or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, San Diego, Emeryville, Santa Monica, Los Angeles, and Berkeley paid sick time laws will still apply to workers covered by those laws, and other cities in CA may continue to pass broader paid sick time laws.</p>
<p>Statutory Citation(s)</p>	<p>Cal. Lab. Code § 245 et seq.</p>



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California

Additional Notes

California's statewide paid sick time law took effect in July 2015. On April 4, 2016, the Governor signed into law minimum wage legislation that also expanded the existing paid sick time law to cover providers of in-home supportive care, beginning July 1, 2018. For these newly covered domestic workers, paid sick time usage and carry forward will differ from what is described in this chart, and the law directs a workgroup to issue guidance in 2017; officials are also likely to issue related regulations prior to July 1, 2018. The California statewide law explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for more favorable paid sick time rights to workers. Therefore, the more expansive San Francisco, Oakland, Emeryville, Santa Monica, Los Angeles, San Diego, and Berkeley paid sick time laws will still apply to workers covered by those laws, and other cities or counties in California may continue to pass broader paid sick time laws. For more information, see <http://www.dir.ca.gov/DLSE/ab1522.html>. In November 2012, the voters of Long Beach, California approved a measure to guarantee a living wage and paid sick time to certain hotel workers in the city. Under the law, hotels with 100 or more rooms are required to pay workers a minimum of \$13 an hour (adjusted for increases in the federal minimum wage or cost of living) and allow workers to earn a minimum of 5 paid sick days a year.