


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>	Berkeley
Who is covered?	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Berkeley and who are either entitled to minimum wage under California law.
Can sick time be used to care for loved ones?	Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of worker's choice
How is "child" defined?	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child
Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?	No, not beyond what is provided under the State's paid sick time law.
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.	No
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?	No.
Rate at which workers earn paid sick time?	1 hour for every 30 hours worked
Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?	Yes. Workers in businesses with 25 or more workers can earn up to 72 hours of paid sick time per year. Workers in businesses with fewer than 25 workers can earn up to 48 hours of paid sick time per year.
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.)	Workers in businesses with 25 or more workers: up to 72 hours. Workers in businesses with fewer than 25 workers: up to 48 hours



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Berkeley

When do workers begin to earn paid sick time?

On the first day of employment, but workers aren't entitled to use paid sick time until 90 calendar days after commencement of employment.

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward unused paid sick time. However, employers with fewer than 25 workers may limit use of paid sick time to 48 hours per year; larger employers may not limit the use of paid sick time (only the accrual, or amount earned, as described earlier).

Private Right of Action to go to Court?

Yes

Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?

All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms.

What Agency or Official Enforces the Law?

No particular agency specified in the law (although the separate minimum wage law passed at the same time will be enforced by the Berkeley Department of Finance or other city department/agency as designated by the City by resolution).

For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?

N/A

Statutory Citation(s)

Berkeley Code § 13.100.010 et seq.

Additional Notes

On August 31, 2016, the Berkeley City Council unanimously passed a paid sick time ordinance, which was signed by the Mayor the following day. As described in greater detail in the chart, workers will begin earning paid sick time under the Berkeley law beginning on October 1, 2017.