

# Overview of Paid Sick Time Laws in the United States

Updated on October 13, 2020

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 (<a href="http://abetterbalance.org">abetterbalance.org</a>)</p>	<p>Emeryville</p>
<p>Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.</p>	<p>Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Emeryville and who are entitled to minimum wage under California law are covered.</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 registered domestic partner; siblings; and, if a worker has no spouse/registered domestic partner, a designated person of the worker's choice. Paid sick time can also be used to care for a guide dog, signal dog, or service dog of the worker or worker's family member or designated partner.</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>Pursuant to regulations, 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>Yes. Workers in businesses with more than 55 workers can earn up to 72 hours of paid sick time. Workers in businesses with 55 or fewer workers can earn up to 48 hours of paid sick time. Note: The enforcing agency has interpreted the law to cap how much paid sick time can be earned—but not on an annual basis. Once a worker reaches his or her earnings cap (i.e., banks the maximum amount of earned sick time as indicated in the chart) and uses paid sick time, the worker once again begins to earn paid sick time back up to this same cap.</p>



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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 more than 55 workers: up to 72 hours. Workers in businesses with 55 or fewer workers: up to 48 hours. Note: The enforcing agency has interpreted the law to cap how much paid sick time can be earned—but not on an annual basis. Once a worker reaches his or her earnings cap (i.e., banks the maximum amount of earned sick time as indicated in the chart) and uses paid sick time, the worker once again begins to earn paid sick time back up to this same cap.

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 the 90th day of employment.

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with more than 55 workers) or 48 hours of unused paid sick time (in businesses with 55 or fewer workers), but employers are not required to allow workers to earn more than these 72-hour or 48-hour caps.

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 portion 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 showing that the parties intend the waiver.

What Agency or Official Enforces the Law?

No specific agency authorized. The City itself has authority under the law to issue rules and regulations, as well as to enforce the law through administrative citations and/or remedies.

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)

Emeryville Code § 5-37.01 et seq.

Additional Notes

For more information, see <http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance>.