

Overview of Paid Sick Time Laws in the United States

Updated on October 26, 2018

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>	Oakland
Who is covered?	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Oakland and who are entitled to minimum wage under California law are covered.
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' rights differ based on whether or not an employer has 10 or more workers, as described below.
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 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours*



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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 after 90 calendar days 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 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-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)?

Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms.

What Agency or Official Enforces the Law?

No particular agency specified in the law. The Contracts and Compliance Division of the City Administrator's Office has been authorized to take complaints.

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)

Oakland Code § 5.92.010 et seq.

Additional Notes

For more information, see <http://www2.oaklandnet.com/government/o/CityAdministration/d/MinimumWage/index.htm>.