


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.

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|  <p>For more information visit A Better Balance (abetterbalance.org)</p> | <p>San Diego</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 at least one calendar week of the year, perform at least 2 hours of work within San Diego are covered. Independent contractors, certain workers authorized under State law to be paid less than the minimum wage, certain providers of in-home supportive services under State law, workers employed under a publicly subsidized summer or short-term youth employment program, or any student employee, camp or program counselor of an organized camp under State law are exempted.</p> |
| <p>Can sick time be used to care for loved ones?</p> | <p>Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners (registered under state/local law or with the internal registry of at least one partner's employer); parents of a spouse or registered domestic partner; and siblings.</p> |
| <p>How is "child" defined?</p> | <p>Biological, adopted, or foster child; stepchild; child of a registered domestic partner; 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, when the worker or the worker's family member 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>Yes.</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> |



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San Diego

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.)

Employers may cap the amount of paid sick time a worker earns at 80 hours. Employers may also cap the amount of paid sick time a worker can use each year at 40 hours.

When do workers begin to earn paid sick time?

At the commencement of employment, but workers aren't entitled to use paid sick time until 90 calendar days following the commencement of employment.

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward unused paid sick time. An employer may satisfy the law's carry-over provisions if the employer provides a worker with at least 40 hours of paid sick time at the beginning of each benefit year, regardless of whether the employee is full-time, part-time, or temporary.

Private Right of Action to go to Court?

Yes

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

No specific language regarding waivers or exemptions for workers covered by a CBA.

What Agency or Official Enforces the Law?

San Diego's Office of the City Treasurer (although the Mayor may designate another office/department under the Mayor's authority)

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)

San Diego Code § 39.0101 et seq.

Additional Notes

For more information about San Diego's sick time law, see <https://www.sandiego.gov/treasurer/minimum-wage-program>.