



Overview of Paid Sick Time Laws in the United States

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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|  For more information visit A Better Balance (abetterbalance.org) | San Francisco |
| 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. | Workers employed within the geographic boundaries of San Francisco are covered. |
| Can sick time be used to care for loved ones? | Yes: children; parents; legal guardian or ward; grandchildren; grandparents; spouses; registered domestic partners; siblings; and if a worker has no spouse/registered domestic partner, a designated person of the worker's choice. As of January 1, 2017, the parents of a spouse or registered domestic partner will also be covered. |
| 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)? | Yes, but only as of January 1, 2017, and only when the worker is the victim. |
| 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. |

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| <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>San Francisco's Office of Labor Standards Enforcement released administrative guidance connected to the local COVID-19 public health emergency clarifying that general sick time can be used when a worker's business or work location temporarily ceases operations in response to a public health official's or other public official's recommendation, or to care for a family member whose school, childcare provider, senior care provider, or work temporarily ceases operations in response to a public health official's or other public official's recommendation. As of October 1, 2022, workers are also covered by San Francisco's separate public health emergency leave law, which includes leave to care for a family member if the school or place of care of the family member has been closed, or the care provider is unavailable, due to the public health emergency. Among other purposes, covered employees can also take public health emergency leave for their own health protection during an air quality emergency if the employee is a member of a vulnerable population (diagnosed with a heart or lung disease, has respiratory problems, is pregnant, or is age 60 or older) and primarily works outdoors. San Francisco's Public Health Emergency Leave Ordinance is a separate law and covers employees who are employed within the geographic boundaries of San Francisco of employers with 100 or more employees worldwide. Employees of certain non-profit organizations are not covered. For more about the separate public health emergency leave law, see http://sfgov.org/olse/public-health-emergency-leave-ordinance or https://www.abetterbalance.org/resources/know-your-rights-san-francisco-paid-sick-time/</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 10 or more workers can earn up to 72 hours of paid sick time. Workers in businesses with fewer than 10 workers can earn up to 40 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> |
| <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>Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 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.</p> |
| <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.</p> |

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| 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)? | 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? | San Francisco Office of Labor Standards Enforcement |
| 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 Francisco Code Chapter 12W (For the public health emergency leave law, see San Francisco Police Code Article 33P). |
| Additional Notes | <p>For more information on San Francisco's general paid sick leave law, see http://sfgov.org/olse/paid-sick-leave-ordinance-pslo. For more on the separate public health emergency leave ordinance, see http://sfgov.org/olse/public-health-emergency-leave-ordinance. More information is also available at https://www.abetterbalance.org/resources/know-your-rights-san-francisco-paid-sick-time/.</p> |