


# 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>Santa Monica</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 Santa Monica and who are entitled to minimum wage under California law are covered. Government and school district employees 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; parents of a spouse or registered domestic partner; and siblings.</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>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. As of January 1, 2018, workers in businesses with 26 or more workers can earn up to 72 hours of paid sick time per year. Workers in businesses with 25 or fewer workers can earn up to 40 hours of paid sick time per year.</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>As of January 1, 2018, workers in businesses with 26 or more workers: up to 72 hours a year. Workers in businesses with 25 or fewer workers: up to 40 hours a year.</p>



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Santa Monica

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 after the first 90 days of employment (or sooner if provided for in the employer's policies).

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward unused paid sick time to the following year, until their paid sick time reaches the annual caps described in the chart on the prior page (depending on business size and year). Carry forward is not required if the full amount of paid sick time required by the law is received by the worker at the beginning of each year (calendar year, fiscal year, or year of employment).

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?

The Santa Monica Finance Director is authorized to adopt administrative regulations consistent with the law.

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)

Santa Monica Code § 4.62 et seq.

Additional Notes

For more information, see <https://beta.smgov.net/strategic-goals/inclusive-diverse-community/minimum-wage-ordinance>.