

## KNOW YOUR RIGHTS: Los Angeles, CA Paid Sick Time

*This fact sheet covers Los Angeles's citywide paid sick time law. Los Angeles County has passed its own ordinance, which provides COVID-19 supplemental paid sick leave for workers in unincorporated areas of the county. For more information on the Los Angeles County ordinance, click [here](#).*

### 1) What does the Los Angeles Paid Sick Time law do?

Los Angeles's permanent paid sick time law gives workers up to 48 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; or to address needs that may arise if the worker is a victim of domestic violence, a sexual offense, or stalking. Additionally, on March 18, 2020, the Los Angeles Office of Wage Standards clarified that sick time under the permanent paid sick time law can also be used when workers take time off work because:

- Public health officials or health care providers require or recommend that the workers isolate or quarantine to prevent the spread of disease;
- They are 65 or older *or* have a serious chronic medical condition as described by the Centers for Disease Control;
- Their business or place of work temporarily ceases operations in response to a public health or other public official's recommendation or mandate—this also covers the worker's loss of regular or scheduled work hours in the case of such a recommended/mandated work closure;
- They need to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine; or
- They need to care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official's recommendation or mandate that is made to prevent the spread of disease.

On April 7, 2020, Mayor Garcetti issued an emergency Public Order that provides workers with supplemental paid sick time when they are unable to work or telework due to:

- A COVID-19 infection;
- A health public health official or healthcare provider requires or recommends that the worker isolate or self-quarantine to prevent the spread of COVID-19;
- The worker is at least 65 years old *or* has a health condition (such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system);
- The worker needs to care for a family member who is not sick but who public health official or healthcare providers have required or recommended isolation or self-quarantine; or

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- If no other reasonable alternative caregiver is available, the worker needs to care for a family member whose senior care provider or whose school or child care provider (caring for a child under the age of 18) temporarily ceases operations in response to a public health or other public official's recommendation.

The public order went into effect immediately and remains in effect until 2 calendar weeks after the COVID-19 local emergency period expires. Note that the Mayor's order suspended and superseded earlier emergency leave legislation passed by the City Council.

## 2) Am I covered?

Under Los Angeles's permanent paid sick time law: if you work as an employee in Los Angeles for at least **2 hours** in a particular week and work for the same employer for at least **30 days** in a year, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal and state employees and a few other narrow groups.

Under the COVID-19 Public Order: if you have performed any work (including telework) within the geographic boundaries of the City for your employer, you have worked for the same employer from February 3, 2020 through March 4, 2020, *and* your employer has **500 or more employees within Los Angeles** or **2,000 or more employees in the U.S.**, you are probably covered whether you are a **full-time, part-time, or temporary** worker. However, the order does not cover government employees, certain emergency and health services personnel, critical parcel delivery workers, employees of certain new businesses, or employees of businesses or organizations that were closed or not operating for a period of 14 or more days (any time on or after March 4, 2020) because of a city official's emergency order in relation to COVID-19. In addition, an employee who receives a minimum of 160 hours of paid leave annually (including but not limited to paid vacation, paid sick time, and paid time off but *not* including paid holidays and paid bereavement time) through an employer's paid leave or paid time off policy is exempted from the Order's supplemental paid sick time rights.

## 3) How much paid sick time can I earn under Los Angeles's permanent paid sick time law and receive under the COVID-19 Public Order?

Under Los Angeles's permanent paid sick time law: you earn **1 hour** of paid sick time for **every 30 hours worked**, up to a maximum of **48 hours** per year.

Under the COVID-19 Public Order: workers who work at least 40 hours per week or who are classified as full time can take supplemental paid sick time for **up to 80 hours**. Other workers can calculate the number of hours of supplemental paid sick time that they are entitled to by adding the number of hours worked in four consecutive weeks during the period of February 3, 2020 through March 4, 2020, and dividing that total by 2. Unlike paid sick time under Los Angeles's permanent paid sick time law, workers do not have to earn—based on hours worked—this supplemental paid time for COVID-19.

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Under both the permanent paid sick time law and the COVID-19 public order, all covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

**4) What if my work or my child’s school or daycare is closed for a health emergency?**

According to March 18, 2020 guidance from the Los Angeles Office of Wage Standards, you can use your sick time under Los Angeles’s permanent paid sick time law if your place of work or a family member’s school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official’s recommendation or mandate.

Additionally, if no other reasonable alternative caregiver is available, you can use supplemental paid sick time under the Public Order to care for a family member whose senior care provider or whose school or child care provider (caring for a child under the age of 18) temporarily ceases operations in response to a public health or other public official’s recommendation regarding COVID-19.

**5) Which of my family members are covered by the law?**

Under Los Angeles’s permanent paid sick time law: you can take sick time to care for yourself or a child, spouse, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandchild, grandparent, sibling, or for any individual related by blood or affinity whose close association with you is the equivalent of a family relationship (such as a close friend who is like family, a significant other, etc.).

The COVID-19 Public Order does not specify which family members you can take supplemental paid sick time to care for, nor do current rules and regulations regarding the Public Order.

**6) What if I already have paid leave or paid time off?**

Under Los Angeles’s permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time **and** it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the COVID-19 Public Order: if, on or after March 4, 2020, you were given paid leave—*not* including previously accrued sick leave hours—that you could use for the COVID-19-related purposes explained above (under Question #1) or because you are unable to work in relation to COVID-19, your employer may reduce the amount of supplemental paid sick time you are eligible for based on each hour of leave that was provided after March 4, 2020 for those reasons. Also, as mentioned earlier in this fact sheet, if you have 160 hours or more of paid leave per year, this order does **not** give you any additional supplemental paid sick time.

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**7) When can I begin using my sick time?**

Under Los Angeles’s permanent paid sick time law, you start earning sick time immediately but cannot use it until 90 days after the start of your employment.

Under the COVID-19 Public Order, however, if you are a covered worker, you may take supplemental paid sick time immediately.

**8) Do I need a doctor’s note?**

Under Los Angeles’s permanent paid sick time law: depending on the circumstances, your employer may require a doctor’s note.

Under the COVID-19 Public Order: you do not have to provide a doctor’s note or any other documentation for the use of supplemental paid sick time, and an employer cannot require a description or explanation of the illness or condition related to the leave. However, your employer can require for recordkeeping purposes that you provide the reason for taking leave (such as: child care, quarantine, vulnerable medical condition, caring for a family member) as long as it’s not so difficult that it deters you from taking your supplemental paid sick time.

*The Los Angeles Office of Wage Standards is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time or supplemental paid sick time.** If you have a problem—or want more information—call A Better Balance’s **free** legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law and Public Order described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.*