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KNOW YOUR RIGHTS: San Francisco Paid Sick Time

1) What does the San Francisco Paid Sick Time law do?

San Francisco's permanent paid sick time law gives workers sick time that 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; for purposes related to bone marrow or organ donation when the worker or a family member is donating bone marrow or an organ; or to address needs that may arise if the worker is a victim of domestic violence, a sexual offense, or stalking. Additionally, the San Francisco Office of Labor Standards Enforcement released [administrative guidance](#) clarifying that sick time can also be used for certain COVID-19 related reasons, including when a worker takes off work because:

- Public health officials or healthcare providers require or recommend the worker isolate or quarantine to prevent the spread of disease;
- The worker falls within the definition of a “vulnerable population” under the San Francisco Department of Public Health’s March 6, 2020 guidelines or any subsequent updates—the definition currently includes persons who are 60 years old or older and persons with a health condition such as heart disease, lung disease, diabetes, kidney disease, or weakened immune system;
- The worker’s business or work location temporarily ceases operations in response to a public health official’s or other public official’s recommendation;
- The worker needs to provide 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
- The worker needs to provide care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health official’s or other public official’s recommendation.

On April 17, 2020, the Public Health Emergency Leave law became effective in San Francisco. The law gives covered workers (as described in Question #2) additional emergency paid leave specific to COVID-19 if the worker is unable to work or telework because they are:

- Subject to an individual or general federal, state, or local quarantine or isolation order, including a shelter-in-place order, related to COVID-19 (this also includes members of a vulnerable or high-risk population who are unable to work due to restrictions or recommendations from the state or local government for such vulnerable/high-risk individuals);
- Advised by a health care provider to self-quarantine;
- Experiencing symptoms associated with COVID-19 and seeking a medical diagnosis;
- Caring for a family member who: 1) is subject to an individual or general federal, state, or local quarantine or isolation order related to COVID-19 as described above; 2) has

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been advised by a health care provider to self-quarantine; or 3) is experiencing symptoms associated with COVID-19 and seeking a diagnosis;

- Caring for a family member whose school or place of care has been closed (or whose care provider is unavailable) due to the local emergency proclaimed by the Mayor on February 25, 2020; or
- Experiencing any other substantially similar condition specified by the Local Health Officer or the United States Secretary of Health and Human Services in accordance with the federal Families First Coronavirus Response Act.

The emergency law remains in effect until August 16, 2020 (and may be extended) or upon the termination of the local emergency order proclaimed by Mayor Breed on February 25, 2020, whichever occurs first.

2) Am I covered?

Under San Francisco's permanent paid sick time law: if you work as an employee in San Francisco, 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.

Under the emergency leave law: if you work as an employee in San Francisco *and* your employer has **500 or more employees**, you are probably covered, whether you are a full-time, part-time, or temporary worker. Workers are covered regardless of immigration status. However, the law does not cover government employees. An employer with 500 or more employees who is a health care provider or emergency responder can choose to limit the allowable purposes for which an employee can use public health emergency leave, but at a minimum they must allow employees to use their emergency leave when unable to work or telework because: 1) they have been advised by a health care provider to self-quarantine; or 2) they are experiencing COVID-19 symptoms, seeking a medical diagnosis, and do not meet the U.S. Centers for Disease Control and Prevention's guidance for when healthcare personnel with confirmed or suspected COVID-19 can return to work.

3) How much paid sick time can I earn under San Francisco's permanent paid sick time law and receive under the emergency leave law?

Under San Francisco's permanent paid sick time law: you earn **1 hour** of sick time for **every 30 hours worked**. If your workplace has **10 or more workers**, you can earn up to **72 hours** of paid sick time. If your workplace has **fewer than 10 workers**, you can earn up to **40 hours** of paid sick time. Once you have earned the maximum hours of paid sick time, you cannot earn more paid sick time until you have used some.

Under the emergency leave law: if you were a full-time worker as of February 25, 2020, you can take up to 80 hours of emergency paid leave. If you were a part-time worker as of February 25,

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2020, you are entitled to an amount of emergency paid leave based on the average number of hours that you were scheduled to work in a 2-week period (this 2-week average is determined by your schedule during the 6-month period prior to February 25, 2020). If you were hired after February 25, 2020, you can take up to the average number of hours that you worked over a 2-week period between the date you were hired and the date your leave starts. Unlike paid sick time under San Francisco's permanent paid sick time law, you do not have to earn—based on hours workers—this emergency paid leave.

Under both the permanent paid sick time law and the emergency leave law, 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?

As mentioned above (under Question #1), the San Francisco Office of Labor Standards Enforcement released administrative guidance that clarifies that you can use your sick time when your 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.

Additionally, you can use emergency paid leave under the emergency leave law because you are caring for a family member whose school or place of care has been closed (or whose care provider is unavailable) due to the local emergency proclaimed by the Mayor on February 25, 2020.

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

Under both the permanent paid sick time law and the emergency paid leave law, you can take sick time to care for yourself or a child, spouse, legal guardian or ward, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandchild, grandparent, sibling, or, if you don't have a spouse or registered domestic partner, a designated person of your choice.

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

Under San Francisco'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 emergency paid leave law: emergency paid leave is in addition to paid sick time under San Francisco's paid sick time law, and you cannot be required to use any paid or unpaid leave, paid time off or vacation time before or instead of using emergency paid leave. However, if

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on or after February 25, 2020, you were given paid leave or paid time off that you could use for the COVID-19-related purposes explained above (under Question #1)—not including previously accrued hours—the hours of emergency paid sick time available to you may be reduced by that amount of time. The emergency paid leave law also prohibits employers from changing any paid time off policies after April 17, 2020, except to provide additional leave.

7) When can I begin using my sick time?

Under San Francisco’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 emergency paid leave law, however, you may take leave immediately.

8) Do I need a doctor’s note?

Under San Francisco’s permanent paid sick time law: only after more than 3 consecutive days of absence (and the note does not have to specify your illness). However, under a temporary rule in effect from March 24, 2020 until the date the local health emergency regarding COVID-19 ends, you cannot be required to provide a doctor’s note to your employer, even if you’ve been absent from work for more than 3 consecutive days.

Under the emergency paid leave law: your employer may require that you identify why you’re requesting emergency paid leave, but you cannot be required to disclose health information or provide documentation (like a doctor’s note).

The San Francisco Office of Labor Standards Enforcement 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 emergency leave. 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 emergency paid leave law 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.