

## KNOW YOUR RIGHTS: Oakland, CA Paid Sick Time

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

It gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; or to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care.

*Between May 12, 2020 and December 31, 2020, a COVID-19 Emergency Paid Sick Leave Ordinance may have provided certain workers with additional paid leave in relation to COVID-19. For more information, see an FAQ from the City of Oakland [here](#).*

### 2) Am I covered?

If you work as an employee in Oakland for at least **2 hours** in a particular week, 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.

### 3) How much paid sick time can I earn?

You earn **1 hour** of paid 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.

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?

You cannot use your sick time under the law because your work or your child's school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

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

You can take sick time to care for yourself or a child, spouse, registered domestic partner, parent, legal guardian or ward, 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?

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.

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

You start earning sick time immediately but cannot use it until 90 days after the start of your employment.

**8) Do I need a doctor's note?**

Depending on the circumstances, your employer may require a doctor's note.

*Suspected violations of the paid sick time law can be reported to the **Department of Workplace and Employment Standards**.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe 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 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.*