

Comparing Paid Sick Leave (PSL) Requirements: California, Oakland, and San Francisco

With the Healthy Workplaces, Healthy Families Act of 2014 going into effect July 1st, 2015, all California employers will be required to provide paid sick days to certain employees. For employers in Oakland, they must comply with the California Healthy Workplaces, Healthy Families Act of 2014, as well as the Oakland and San Francisco PSL Ordinance. Read further about the similarities and differences between the California Healthy Workplaces, Health Families Act of 2014, the Oakland, and the San Francisco PSL Ordinance.

HRI recommends employers start reviewing their current PSL and PTO policies to remain compliant as the new law goes into effect. HRI specializes in providing human resources and safety services tailored to meet the needs of our clients. Contact us at info@hrideas.com or at **925.556.4404** if you have any questions about the new California Paid Sick Leave Law or for more information on our solutions and service packages.

	California Healthy Workplaces, Healthy Families Act of 2014	San Francisco Paid Sick Leave Ordinance (Effective 2/5/2007)	Oakland Paid Sick Leave Ordinance (Effective
Covered Employers	All Employers		
Covered Employees	Any employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment. This includes temporary, part-time, and seasonal employees.	All employees who perform work in SF including on a part-time or temporary basis regardless of the number of hours worked or where the employer is located.	All employees who work at least 2 hours per week in Oakland, and are covered by California minimum wage requirements.
Excluded Employees	<ul style="list-style-type: none"> Covered by collective bargaining agreement (subject to specific provision requirements). Provider of in-home supportive services under certain sections of the California welfare and Institutions Code Employees of air carrier working as a flight deck or cabin crew member. 	<ul style="list-style-type: none"> Covered by collective bargaining agreement expressly waiving benefit Employees in SF solely to conferences for fewer than 56 hours within a calendar year. 	<ul style="list-style-type: none"> Covered by collective bargaining agreement expressly waiving benefit
Required Notice of Benefits to Employee	Notice must be posted in workplace <ul style="list-style-type: none"> The Wage Notice must be provided to non-exempt employees by July 7, 2015 or at the time of hire. In addition, on each pay day, the employee must be provided the amount of Paid Sick Leave available. This can be included either in the wage statement or in a separate writing. 	Notice must be posted in workplace.	Notice must be posted in workplace.
Reasonable Notice Requirement Permitted?	Yes. If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.	Yes. An employer may require employees to give reasonable notification of an absence from work for which paid sick leave is or will be used.	Yes. An employer may require employees to give reasonable notification of an absence from work for which paid sick leave is or will be used.
Can Employer Require a Doctor's Note?	Not addressed by the law.	Employer can require a doctor's note if the employee uses paid sick leave for more than three consecutive work days .	Employer can require a doctor's note if the employee uses paid sick leave for more than three consecutive work days . The maximum out of pocket cost to employee is \$5.00.
How Long Must Employer Retain Records?	3 years	4 years	4 years

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<i>Accrual and Use</i>	California Healthy Workplaces, Healthy Families Act of 2014	San Francisco Paid Sick Leave Ordinance (Effective 2/5/2007)	Oakland Paid Sick Leave Ordinance (Effective 3/2/2015)
Accrual Date	Accrual begins on first day of work or 7/1/2015, whichever is later.	Accrual begins after 90 calendar days of employment.	Accrual begins on first day of work or 3/2/2015, whichever is later.
Accrual Rate	Provide 24 hours upfront or 1 hour for every 30 hours worked	1 hour for every 30 hours worked	
Accrual Caps	Not Less than 48 hours or 6 days.	Depends on size of employer: <ul style="list-style-type: none"> • 10 or fewer employee: not less than 40 hours • Over 10 employees: not less than 72 hours The size of employer is based on the total number of employees within the company.	Depends on size of employer: <ul style="list-style-type: none"> • 10 or fewer employee: not less than 40 hours • Over 10 employees: not less than 72 hours The size of employer is based on the total number of employees within the company.
Use Date	Can be used 90 calendar days after start of employment.	Can be used immediately upon accrual.	<ul style="list-style-type: none"> • For current employees: can be used immediately upon accrual. • For employees hired after 3/2/2015: Can be used 90 calendar days after start of employment.
Use Limits	Employers may limit use of PSL to 24 hours or three days in each year of employment.	Employer may not limit the amount of accrued PSL an employee may take in a given year.	Employer may not limit the amount of accrued PSL an employee may take in a given year.
Use Requests	An Employer is prohibited from retaliating or discriminating against an employee who requests paid sick days. Asking for sick leave makes the employee a protected class.		
Minimum Use Increments	Employer can require that PSL is used in two- hour increments or less	Employer can require that PSL is used in one-hour increments or less.	Employer can require that PSL is used in one-hour increments or less.
Leave Pay Out at Separation	An Employer is not required to pay out any unused, but accrued paid sick leave to an employee upon retirement, termination, or other separation.		
Rate of Pay	An employee's regular hourly wage.		
When Payment is Due	No later than payday for next regular payroll after sick leave is taken.	No later than payday for next regular payroll after sick leave is taken. But if the employer has a reasonable verification requirement, PSL can be paid after employee complies.	No later than payday for next regular payroll after sick leave is taken. But if the employer has a reasonable verification requirement, PSL can be paid after employee complies.
Effect of Interruption of Employment	If rehired within one year from date of separation, the employer must reinstate previously accrued and unused paid sick days , and employee can use accrued unused PSL immediately upon rehire.	<ul style="list-style-type: none"> • If employee separates <i>before</i> becoming eligible to accrue PSL, and is rehired within one year of separation, the prior period of employment counts towards the 90-day eligibility period. • If employee separates <i>after</i> becoming eligible to accrue PSL, and is rehired within one year of separation, the employee is not subject to the 90-day eligibility period. However, the employer is not required to reinstate previously accrued PSL hours. • If the employee is transferred to work outside SF, use of accrued PSL can be prohibited, but accrued hours remain in the bank for four years. 	Not Applicable

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<i>Permitted Uses and Covered Family Members</i>	California Healthy Workplaces, Healthy Families Act of 2014 (Effective 7/1/2015)	San Francisco Paid Sick Leave Ordinance (Effective 2/5/2007)	Oakland Paid Sick Leave Ordinance (Effective 3/2/2015)
Employee's Medical Need	Diagnosis, care or treatment of existing health condition, or preventative care	Ill or injured or for the purpose of receiving medical care, treatment, or diagnosis	Ill or injured or for the purpose of receiving medical care, treatment, or diagnosis
Family Members Medical Need	Diagnosis, care or treatment of existing health condition, or preventative care	To aid or care for family member when they are ill or injured or receiving medical care, treatment, or diagnosis	To aid or care for family member when they are ill or injured or receiving medical care, treatment, or diagnosis
Victims of Domestic Violence, Sexual Assault, and Stalking	Employee who is a victim of domestic violence, sexual assault or stalking may use PSL for purposes set forth in Labor Code §§ 330(c) and 230.1(a).	Not Covered	Not Covered
Children	<ul style="list-style-type: none"> • Biological • Adopted • Step • Foster • Domestic Partner's Child/Children • In Loco Parentis 		
Spouse/Domestic Partners	<ul style="list-style-type: none"> • Spouse • Registered Domestic Partner 	<ul style="list-style-type: none"> • Spouse • Registered Domestic Partner • Designated person: if employee has no spouse or registered domestic partner 	<ul style="list-style-type: none"> • Spouse • Registered Domestic Partner • Designated person: if employee has no spouse or registered domestic partner
Legal Guardians & Wards	<ul style="list-style-type: none"> • Legal Guardian • Ward 		
Parents	<ul style="list-style-type: none"> • Biological • Adoptive • Step • Foster care • In Loco Parentis 	<ul style="list-style-type: none"> • Biological • Adoptive • Step • Foster Care 	<ul style="list-style-type: none"> • Biological • Adoptive • Step • Foster Care
Siblings	<ul style="list-style-type: none"> • Biological 	<ul style="list-style-type: none"> • Biological • Adoptive • Step • Foster Care 	<ul style="list-style-type: none"> • Biological • Adoptive • Step • Foster Care