

EMPLOYMENT LAW UPDATE

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Local Ordinance

***Effective February 5, 2007, San Francisco employers are required to offer paid sick leave to their employees.***

By Jason A. Geller and Kevin D. Whittaker

On February 5, 2007, San Francisco implemented an ordinance requiring employers to offer paid sick leave to all, including full-time, part-time, and temporary employees who are “employed within the geographic boundaries of the city.” The ordinance is codified as Chapter 12w to San Francisco’s Administrative Code and applies to all employees within the boundaries of the city, regardless of where the employer is situated. For example, a Los Angeles based employer who has employees working in San Francisco must offer those employees paid sick leave at an accrual rate of one hour for every 30 hours worked.

Accrual of the leave began on February 5, 2007 for those employees who started work for their employer on or before that date. For those hired after February 5, 2007, accrual begins 90 days after the start of employment. Accrual is capped at 72 hours for large businesses (those with 10 or more employees) and at 40 hours for small businesses (those with fewer than 10 employees). The paid leave does not expire annually and carries over each year, but the cap is definite. Employers are not required to

pay employees for unused time; however, once acquired, the employee can use the time with respect to his/her illness, the illness of a family member (broadly defined to include grandparents, grandchildren, and domestic partners), or a “designated person” selected by unmarried employees.

To comply with the ordinance, employers must post a notice informing employees of their right to accrual in a location where employees can read it easily. Employees who have existing policies that are more generous need not provide additional paid sick leave.

The Office of Labor Standards Enforcement (“OLSE”) provides notice of the ordinance through the city’s annual business registration mailing and a downloadable version is available on the OLSE’s website: [www.sfgov.org/olse](http://www.sfgov.org/olse).

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