

SAN FRANCISCO'S NEW "PUBLIC HEALTH EMERGENCY LEAVE" ORDINANCE TAKES EFFECT OCTOBER 1, 2022

San Francisco's new Public Health Emergency Leave Ordinance, which voters approved last June, takes effect on October 1, 2022. The ordinance requires San Francisco employers with more than 100 employees worldwide to provide paid leave to employees for "public health emergencies." The paid leave required by the ordinance will be in addition to any existing employer-provided paid leave, such as paid sick leave.

The leave requirement applies to all employees of covered employers who perform work within San Francisco. Such employees may use Public Health Emergency Leave during a public health emergency if they are unable to work due to any of the following:

- The recommendations or requirements of an individual or general federal, state, or local health order;
- The employee has been advised by a health care provider to isolate or quarantine;
- The employee is experiencing symptoms of, and is seeking a medical diagnosis or has received a positive medical diagnosis for, a possible infectious, contagious or communicable disease associated with the public health emergency;
- The employee is caring for a family member if the school or place of care of the family member has been closed or is unavailable due to the public health emergency;
- There is an air quality emergency, and the employee is a member of a vulnerable population and primarily works outdoors.

Starting on October 1, 2022, and thereafter at the start of each year, employers must provide up to 80 hours of paid Public Health Emergency leave. Specifically, employees on a fixed schedule are entitled to an amount of leave equal to the hours they regularly work in a two-week period. Employees on a variable schedule are entitled to an amount of leave calculated by one of two methods: (1) the average number of hours the employee worked in a two-week period during the previous calendar year, or (2) the average number of hours the employee worked in a two-week period since the employee's start date if they started after the beginning of the previous calendar year.

Employers will be required to post a notice that will be made available by the San Francisco Office of Labor Standards Enforcement.