

Coronavirus “COVID-19” Statewide, Local & City Leave Law Updates

Updated 6.29.20

CALIFORNIA

Long Beach	“COVID-19” Supplemental Paid Sick Leave
What is it?	<p>Employees may take time off for the following:</p> <ul style="list-style-type: none"> • Employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19, or is caring for someone who is quarantined or isolated due to COVID-19; • Employee is advised by a health-care provider to self-quarantine due to COVID-19 or is caring for someone who is so advised by a health-care provider; • Employee experiences symptoms of COVID-19 and is seeking medical diagnosis; • Employee is caring for a minor child because the child's school, daycare, or childcare provider is closed or unavailable because of COVID-19 and the employee is unable to secure a reasonable alternative caregiver. <p>Employees must provide reasonable notice for foreseeable leaves, but no documentation is required.</p>
Employer Eligibility	<p>Employers with more than 500 employees nationally.</p> <ul style="list-style-type: none"> • Excludes employers who must provide paid sick leave benefits under EPSLA • Excludes employers who provide 160 or more hours of paid leave
Employee Eligibility	<p>Any employee, as defined by “AB 5” who was employed by the covered employer and performs work in Long Beach.</p>
What do employees receive?	<p>Full-time employees receive 80 hours of Supplemental Paid Sick Leave. Employees who work fewer than 40 hours/week (and are not classified as full-time) will receive Supplemental Paid Sick Leave in the amount no greater than the employee's average hours worked over a two-week period.</p> <p>Employee's receive their regular rate of pay for their own sickness and two-thirds of their regular rate to care for another. The maximum value of "personal use" leave is \$511 per day (\$5,100 overall), and \$200 per day (\$2,000 overall) for "caregiver" leave.</p> <p>Any paid leave time off provided by the employer, excluding previously accrued hours, on or after March 4th due to covid-19 related reasons may be offset from the time an employee can receive under the ordinance.</p>

Los Angeles	COVID-19 Supplemental Paid Sick Leave
What is it?	<p>Leave must be granted upon request (oral or written) and no documentation is required. Employees may take time off for the following:</p> <ul style="list-style-type: none"> - A healthcare provider requires or recommends the employee to isolate or self-quarantine - The employee is age 65 or older or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or a weakened immune system - To care for a family member who is not sick but public health officials or healthcare providers have required or recommended isolation or self-quarantine - To provide care for a family member whose senior care provider or school or childcare provider (for children under 18) closes in response to a public health or other public official's recommendation
Employer Eligibility	Employers with more than 500 employees in Los Angeles or employers with more than 2,000 employees in the US, based on the previous calendar year.
Employee Eligibility	Employees who were employed from January 1, 2020 to April 28, 2020.
What do employees receive?	Full-time employees receive 80 hours of Supplemental Paid Sick Leave. Employees who work fewer than 40 hours/week (and are not classified as full-time) will receive Supplemental Paid Sick Leave in the amount no greater than the employee's average two-week pay over the period of January 1, 2020 through April 28, 2020. Max \$511/day. Supplemental Paid Sick Leave is reduced for any hour an employer has already provided an employee paid sick leave for any of the reasons above.
Los Angeles County	Interim Urgency Ordinance for Supplemental Paid Sick Leave
What is it?	<p>Employees can use SPSL if they cannot work or telework because:</p> <ul style="list-style-type: none"> • A public health official or healthcare provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19; • The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19. • The employee needs to care for a family member (<i>i.e.</i>, an employee's child, parent, or spouse) who is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine related to COVID-19; or • The employee needs to provide care for a family member whose senior care provider or whose school or childcare provider ceases

	operations in response to a public health or other public official's recommendation.
Employer Eligibility	Private employers with more than 500 employees nationally.
Employee Eligibility	Employees who were employed on and after April 28, 2020. *Food sector workers, emergency responders, and health care providers are excluded.
What do employees receive?	Full-time employees-working 40 hours per week- receive 80 hours of SPSL. Employees who work fewer than 40 hours/week (and are not classified as full-time) will receive SPSL in the amount no greater than the employee's average two-week pay over the period of January 1, 2020 through April 28, 2020. Max \$511/day. Supplemental Paid Sick Leave is reduced for any hour an employer has already provided an employee paid sick leave for any of the reasons under the ordinance.
Other	This leave is in addition to any paid sick leave provided under non-COVID-19 paid sick leave law or the Healthy Workplace Healthy Family act of 2014. Employers may not require employees to use other paid or unpaid leave, PTO, or vacation in lieu of or before SPSL.
Oakland	“COVID-19” Supplemental Paid Sick Leave
What is it?	<p>Employees may take time off for the following:</p> <ol style="list-style-type: none"> 1. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19; 2. Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; 3. Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; 4. Employee is caring for an individual who is subject to a federal, state, or local quarantine or isolation order or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; 5. Employee is caring for their son or daughter if the school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions; 6. Employee is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the Secretary of Labor and Secretary of the Treasury; 7. Employee needs to care for a family member who has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19; or 8. Employee: a) Is at least 65 years old; b) Has a health condition such as heart disease, asthma, lung disease, diabetes, kidney

	<p>disease, or weakened immune system; c) Has any condition identified by an Alameda County, California or federal public health official as putting the public at heightened risk of serious illness or death if exposed to COVID-19; or d) Has any condition certified by a healthcare professional as putting the employee at a heightened risk of serious illness or death if exposed to COVID-19.</p>
Employer Eligibility	<p>All private employers, included those covered by the FFCRA</p> <ul style="list-style-type: none"> Employers who employed fewer than 50 employees between February 3, 2020 through March 4, 2020 are exempt from the ordinance
Employee Eligibility	<p>Employees (as defined under “AB 5”) who were employed from February 3, 2020 to March 4, 2020.</p>
What do employees receive?	<p>Employers must provide 80 hours of COVID-19 emergency paid sick leave (ESPL) to employees who worked at least 40 hours per week (or who the employer classifies as full-time) between February 3, 2020 through March 4, 2020 or at any point thereafter. Other employees must receive an amount of leave equal to the average number of hours they worked in Oakland over 14 days during the period of February 3, 2020 through March 4, 2020. The 14 days must be the 14 days with the highest number of hours worked in Oakland.</p> <p>FFCRA-covered employers may, however, offset their Oakland leave obligation by FFCRA sick leave hours they provide.</p> <p>Employees may elect to use COVID-19 EPSL before using any other leave the employer provides voluntarily or per the pre-existing Oakland paid sick leave ordinance. However, employers cannot require employees to use other leave before they use COVID-19 EPSL.</p>
San Diego County	
What is it?	<p>Effective March 29, 2020, all small businesses shall suspend any policy or procedure <i>requiring</i> doctor verification for sick or other leave approval. The standard process of requesting certification should continue, but per the Health Officer's order will not require certification.</p>
San Francisco	Public Health Emergency Leave Ordinance (PHELO)
What is it?	<p>Effective 4/17/2020, PHELO requires employers with 500 or more employees worldwide to provide 80 hours of paid public health emergency leave to each employee who performs work in San Francisco during the COVID-19 public health emergency.</p>

Duration	June 17, 2020 or at the end of the public health emergency
Employee Eligibility	Employees must have performed 56 or more hours of work in San Francisco during the 365 days immediately preceding the law's effective date.
What do employees receive?	Full-time employees are entitled to 80 hours of leave. Part-time employees are entitled to a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.
Other	This leave is in addition to any other leave employers were required to provide employees (e.g. SF Paid Sick Leave and/or leave for a non COVID-19 reason). Employees can use this leave before using other accrued time off or may voluntarily choose to use other employer-provided accrued paid time off before using this leave (employers may not require this). Employers may not change any paid time off policies on or after the ordinance's effective date, unless they are providing additional paid leave. Leave is available to employees who have been furloughed and have experienced a qualifying event.
San Jose	San Jose COVID-19 Paid Sick Leave Ordinance
What is it?	Requires employers with 1) more than 500 employees or 2) less than 50 employees to provide 80 hours of paid leave to employees providing essential services to the City.
Duration	Effective immediately until December 31, 2020.
Employee Eligibility	The benefit is only available to employees who leave their residence to perform essential work. No length of service requirement.
What do employees receive?	Full-time employees receive 80 hours. Part-time employees receive the average number of hours worked over a 2-week period
Other	IMPORTANT: if an employer already provides employees with paid personal leave equivalent to the paid sick time required by the Ordinance, they do not need to provide additional paid sick leave.

COLORADO

Health Emergency Leave with Pay (HELP)	
What is it?	Health Emergency Leave with Pay (HELP) Rules require certain employers to provide employees up to 4 paid sick leave days for a covered COVID-19 reason.
Certain Employers/Covered Employees	<p>Employees under a HCP's instructions to quarantine/isolate due to a risk of having COVID-19.</p> <p>Employees with flu-like symptoms who are being tested for COVID-19.</p> <p>Employees at retail establishments that sell groceries, food services, hospitality, childcare, education at all levels, home healthcare, nursing homes, or community living facilities.</p>
Duration	Paid Sick Leave ends if an employee tests negative for COVID-19.

NEW JERSEY

What is it?	New Jersey's Earned Sick and Safe Leave Law, Family Leave Act, and Temporary Disability Benefits have been expanded to protect employees who cannot work due to circumstances caused by COVID-19.
NJ Earned Sick and Safe Leave Law: covered employees can accrue up to 40 hours	<p>Employers must now allow employees to use their earned leave when they cannot work due to:</p> <ul style="list-style-type: none"> - School, childcare, or workplace closure - Declaration of State of Emergency by the governor or issuance by a HCP or public health authority that the employee's presence in the community (or a family member needing care) would jeopardize the health of others - Recommendation or direction/order of a HCP or authorized public official that the employee undergoes isolation/quarantine or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease <p>Individuals who are subject to quarantine, even if they do not have COVID-19, are entitled to use earned sick and safe time.</p>

<p>NJ Family Leave Act (NJFLA): allows qualifying employees of covered employers to take 12 weeks of unpaid family leave in a 24-month period for the birth or adoption of a child or to care for a family member with a SHC</p>	<p>The definition of a SHC is now expanded during a governor-declared state of emergency or similar health crisis. A SHC includes an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease, which requires in-home care or treatment of a family member of the employee due to:</p> <ul style="list-style-type: none"> - Issuance by a HCP or the commissioner or other public health authority of a determination that the presence of the family member may jeopardize the health of others - Recommendation, direction, or order that the family member be isolated/quarantined because of suspected exposure to a communicable disease
<p>NJ Temporary Disability Benefits Law (NJTDBL): provides wage replacement for qualifying employees</p>	<p>Amendments made:</p> <ul style="list-style-type: none"> -Definition of SHC is now more in line with NJFLA definition which expands the definition during a governor-declared state of emergency or similar health crisis - Amends definition of “compensable disability” to now include leave to care for a family member suffering from accident or sickness - Eliminates 7-day waiting period when benefits are sought related to an employee’s own SHC only if it falls within the newly expanded definition <p>These are <u>permanent</u> amendments to this law. Employers should update their policies and notices to ensure compliance.</p>

NEW YORK

	Leave Entitlements	Other Benefits Available
<p>What is it?</p>	<p>New York provides employees, who are subject to a COVID-19 mandatory or precautionary isolation/quarantine order, with immediate paid or unpaid time off specific to the current crisis.</p>	<p>Possibly NY PFL and DBL.</p>
<p>Employers with less than 10 employees and a net income of equal to or less than \$1 million</p>	<p>Unpaid protection for duration of mandatory isolation/quarantine order.</p>	<p>NY PFL and DBL for the entire period.</p>
<p>Employers with less than 10 employees and a net income of more than \$1 million OR employers with 11-99 employees</p>	<p>At least 5 days of paid sick leave (the rest unpaid) and job protection for duration of mandatory isolation/quarantine order.</p>	<p>NY PFL and DBL after the 5 days paid sick leave.</p>

Employers with 100+ employees	At least 14 days of paid sick leave (the rest unpaid) and job protection for duration of mandatory isolation/quarantine order.	Unknown.
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New York Statewide Sick Leave Law

What is it?	Employers are required to provide paid or unpaid sick leave to all employees. In effect September 30, 2020. Employees may not use accrued sick leave until January 1, 2021.	
Employers with 4 or fewer employees in any calendar year and a net income of less than \$1 million in the previous tax year	At least 40 hours of unpaid sick leave in each calendar year.	
Employers with 4 or fewer employees in any calendar year and a net income of greater than \$1 million in the previous tax year	At least 40 hours of paid sick leave in each calendar year.	
Between 5 and 99 employees in any calendar year	At least 40 hours of paid sick leave in each calendar year.	
100 or more employees in any calendar year	At least 56 hours of paid sick leave in each calendar year.	

OREGON

	Oregon Family Leave Act (OFLA)	
What is it?	Like FMLA, employees are entitled to 12 weeks of job-protected leave. OFLA has an expanded list of family members compared to FMLA.	Allows employees to utilize OFLA to care for their child whose school or place of care has been closed due to COVID-19.
Employer Eligibility	Employers with 25+ employees.	Standard OFLA eligibility requirements.
Employee Eligibility	Must be employed at least 180 days and also work at least an average of 25 hours/week during the 180 days before leave begins (this is for all leaves except parental).	Standard OFLA eligibility requirements.
Duration	N/A	This order is in effect through September 13, 2020.

WASHINGTON STATE

Seattle	Paid Sick and Safe Time (PSST)
<p>What is it?</p>	<p>Effective July 13, 2020, the Paid Sick and Safe Time (PSST) for Gig Workers Ordinance (signed June 12, 2020) will temporarily require food delivery network and transportation network companies to provide gig workers working in Seattle (including a work-related stop in the city) with paid sick and safe time.</p>
<p>Employee Eligibility</p>	<p>Applies to food delivery network and transportation network companies with 250 or more gig workers worldwide.</p>
<p>Paid Sick Time</p>	<p>Paid sick time may be used for the following purposes:</p> <ul style="list-style-type: none"> - For a personal mental or physical illness, injury, or health condition; to accommodate the gig worker's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or a gig worker's need for preventive medical care; - For care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive care.
<p>Paid Safe Time</p>	<p>Paid safe time may be used for the following purposes:</p> <ul style="list-style-type: none"> - When the covered entity has suspended or discontinued operations by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material; - When the covered entity has reduced, suspended, or discontinued operations for any health- or safety-related reason; - When the gig worker's family member's school or place of care has been closed; and - For any of the following reasons related to domestic violence, sexual assault, or stalking: <ul style="list-style-type: none"> § To enable the gig worker to seek legal or law enforcement assistance of remedies to ensure the health and safety of the gig worker or the gig worker's family or household members; § To enable the gig worker to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the gig worker's family or household member; § To enable the gig worker to obtain, or assist a family or household member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking; § To enable the gig worker to obtain, or assist a family or household member in obtaining mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the gig worker or the gig worker's family or household

	<p>member was a victim of domestic violence, sexual assault, or stalking; or</p> <p>§ To enable the gig worker to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the gig worker or gig worker's family or household members from future domestic violence, sexual assault, or stalking.</p>
Duration	<p>The ordinance ends 180 days after either the termination of the Mayor's civil emergency or the termination of any concurrent civil emergency by a public official in response to the COVID-19 public health emergency and applicable to Seattle, whichever is latest.</p>

WASHINGTON DC

	DC FMLA	Expanded DC FMLA
What is it?	<p>Employees are entitled to 16 weeks of family care leave and 16 weeks of medical leave in a 24-month period.</p>	<p>Employees who are unable to work during DOE (declaration of emergency) and have been ordered or recommended to self-isolate/quarantine are now covered under DC FMLA.</p>
Employer Eligibility	<p>Employers with 20+ employees.</p>	<p>All employers are eligible.</p>
Duration	<p>N/A</p>	<p>Indefinite during the public health emergency.</p>

COVID-19 Response Supplemental Emergency Amendment Act

What is it?	<p>Requires employers with at least 50 employees and fewer than 500 to provide declaration of emergency (DOE) leave for any reason for which they may take leave under the FFCRA. The definition of a family member is extended to include spouse, parents (and parents of a spouse), children, spouses of children, and brothers and sisters (and their spouses).</p>
Duration	<p>Will remain in effect for 90 days.</p>
Employee Eligibility	<p>Service requirement: 15 days</p>
What do employees receive?	<p>Full-time employees receive 80 hours of leave. Part-time employees receive the number of hours equal to the usual hours worked in a 2-week period.</p>

Other

There are no tax credits for employers.
Employers are allowed to require employees exhaust accrued leave mandated by federal or District law, or provided by the employer's policies, prior to using paid DOE.
Employees must provide 48 hours advanced notice prior to leave.