

Coronavirus “COVID-19” Leave Laws

Updated 1.22.2021

CALIFORNIA

Statewide COVID-19 Supplemental Paid Sick Leave- AB 1867
Expired 12.31.20

Food Service Worker COVID-19 Supplemental Paid Sick Leave- AB 1867
Expired 12.31.20

Long Beach COVID-19 Supplemental Paid Sick Leave

What is it?

Employees may take time off for the following:

- 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.

Duration

Reviewed and renewed every 90 days through local emergency. Last renewed 9.29.20*
 *In memorandum of 12.8.20, the city manager recommended another 90-day extension.

Eligibility

Employees who work for an employer with more than 500 employees nationally and performs work in the Long Beach area. Excludes employers who provide 160 or more hours of paid leave.

What do employees receive?	<p>Full-time employees receive 80 hours of Supplemental Paid Sick Leave. Part-time employees will receive an 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 (\$5,110 overall), and \$200 per day (\$2,000 overall) for "caregiver" leave.</p>
Other	<p>Employer may offset, excluding previously accrued hours, any paid sick leave provided on or after March 4th due to COVID-19 related reasons. Employees must provide reasonable notice for leave, but documentation is not required.</p>

Los Angeles 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"> • 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.
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Duration	<p>Remains in effect until two calendar weeks after COVID-19 local emergency expires.</p>
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Eligibility	<p>Applies to employers with 500 or more employees in Los Angeles or more than 2,000 U.S. employees.</p> <p>Employees working in Los Angeles, who were employed from February 3, 2020 through March 4, 2020 by the same employer and are unable to work or telework.</p>
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What do employees receive?	<p>Full-time employees receive 80 hours of Supplemental Paid Sick Leave. Part time employees will receive Supplemental Paid Sick Leave in the amount no greater than the employee's average two-week pay over the period of February 3, 2020 through March 4, 2020.</p> <p>Employees receive a maximum \$511 per day (\$5,110 total).</p>
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Other	<ul style="list-style-type: none"> • Leave must be granted upon request (oral or written) and no documentation is required.
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- Employer may offset sick leave hours they have already provided an employee for any of the reasons above.

“Los Angeles County” Interim Urgency Ordinance for Supplemental Paid Sick Leave

Expired 12.31.20 “Pending extension”

**The Board of Supervisors directed the County Counsel to draft an ordinance to extend paid sick leave benefits. Counsel must report back with draft language before the January 26, 2021 Board of Supervisors meeting.*

Oakland COVID-19 Emergency Paid Sick Leave (EPSL)

What is it?

Employees unable to work or telework may use EPSL when the:

- Employee or an individual they must provide care for is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- Employee or an individual they must provide care for has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- Employee or an individual they must provide care for is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- 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;
- 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;
- Employee: a) Is at least 65 years old; b) Has a health condition such as heart disease, asthma, lung disease, diabetes, kidney 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.

Duration

Extended until the expiration of Oakland’s Declaration of COVID-19 Emergency

Eligibility

Eligible employees are those working within the City of Oakland over the period of January 1, 2021 through January 21, 2021 or at any point thereafter.

Applies to all employers with eligible employees unless they have already provided a separate emergency leave policy of eighty (80) hours or more; or provide at least one hundred sixty (160) hours of paid personal leave which can be used for the reasons above.

What do employees receive?	<p>Full-time employees receive eighty (80) hours of Emergency Paid Sick Leave.</p> <p>Part-time employees receive Emergency Paid Sick Leave equal to the highest average number of hours worked within the City of Oakland over fourteen (14) days during the period of January 1, 2021 through January 21, 2021.</p> <p>The amount of Emergency Paid Sick Leave paid shall not exceed \$511 per day or \$5,110 in the aggregate.</p>
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Other	<ul style="list-style-type: none"> • EPSL is on a one-time basis, employers may credit anytime provided in 2020 for the above reasons against time in 2021, an employer need not provide more than 80 hours and \$5,110. • Employers may also credit anytime provided under the Federal or State Emergency Acts • Must maintain employee's health benefits and insurance through entirety of Paid sick leave.
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Sacramento Worker Protection, Health and Safety Act

What is it?	<p>The Sacramento Worker Protection, Health, and Safety Act provides an employee who is unable to work or telework Supplemental Paid Sick leave (SPSL) for the following purposes:</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 a family member who is quarantined or isolated due to COVID-19; • a health care provider advises an employee to self-quarantine due to COVID-19 or the employee is caring for a family member who is so advised; • employee chooses to take off work because the employee is over the age of 65 or is considered vulnerable due to a compromised immune system; • employee is off work because the employer it works for or a specific work location temporarily ceases operation due to a public health order or other public official's recommendation; • employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or • employee is caring for a minor child because a school or daycare is closed due to COVID-19.
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Duration	Extended through March 31, 2021.
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Eligibility	<p>Employees who work for an employer with 500 or more employees nationally and work in the city of Sacramento.</p> <p>Health care providers or emergency responders may be excluded from the ordinance's requirements.</p>
What do employees receive?	<p>Employee receives 80 hours of SPSL at their regular rate up to a maximum \$511 per day (\$5,110 total) for their self; and up to two-thirds of the employee's regular rate of pay up to a maximum \$200 per day (\$2,000 total) when caring for a family member.</p>
Other	<ul style="list-style-type: none"> • SPSL should be provided in addition to any other paid sick, vacation or time off the employee is entitled to, and Employers cannot require accrued leave to be used prior to using SPSL. • Employers can require basis for requesting leave and reasonable notification, but documentation and doctors note is not allowed. • Employers may not discharge, discipline, discriminate against, retaliate against, or reduce the compensation of any employee for seeking to exercise the employee's rights under the law by any lawful means by participating in proceedings related to the law. • Employers need not cash out any unused SPSL.

“Sacramento County” Worker Protection, Health and Safety Act of 2020

What is it?	<p>The Sacramento County Worker Protection, Health, and Safety Act of 2020 provides an employee who is unable to work or telework may use SPSL for the following purposes:</p> <ul style="list-style-type: none"> • They are subject to; or are caring for a family member who is subject to a quarantine or isolation under a federal, state or local order due to COVID-19; • They are advised by a health care provider to self-quarantine due to COVID-19; • They are over the age of 65 or are vulnerable due to a compromised immune system; • Their office has temporarily ceased operations due to a public health order or other public health official's recommendation; • The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or
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	<ul style="list-style-type: none"> The employee is caring for a minor child because the child's school or daycare is closed.
Duration	Extended through March 31, 2021.
Eligibility	<p>Employees who work for an employer with 500 or more employees nationally and work in the unincorporated County of Sacramento.</p> <p>Health care providers or emergency responders may be excluded from the ordinance's requirements.</p>
What do employees receive?	<p>Full time employees are entitled to 80 hours of new paid sick leave, and part-time employees are entitled to their average hours worked over each two-week period during the last six months.</p> <p>Employee receive their regular rate of pay for their own sick leave up to a maximum \$511 per day or \$5,110 overall; An employee who uses SPSL to care for a family member receives two-thirds of the employee's regular rate of pay. The maximum amount an employer must pay is however, for an employee who uses SPSL to care for a family member, the maximum amounts are \$200 per day and \$2,000 overall. Employers need not cash out any unused SPSL.</p>
Other	<ul style="list-style-type: none"> SPSL should be provided in addition to any other paid sick, vacation or time off the employee is entitled to, and Employers cannot require accrued leave to be used prior to using SPSL. Previously granted additional paid sick leave in response to COVID-19 can be offset from time under the ordinance. Employers can require basis and reasonable notification, but cannot require documentation to be approved for leave.

San Francisco Public Health Emergency Leave Ordinance (PHELO)

What is it?	<p>PHELO gives employee who performs work in San Francisco during the COVID-19 public health emergency, paid leave for the following reasons:</p> <ul style="list-style-type: none">• Employee or a family member they must provide care to, is subject to an individual, local, State or Federal quarantine or isolation order related to COVID-19• Employee or a family member they must provide care to, has been advised by a health care provider to self-quarantine.• Employee or a family member they must provide care for is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis.• Employee is caring for a family member whose school or place of care is closed or care provider is unavailable due to the Public Health Emergency.
Duration	Reviewed and extendable every 60 days- currently effective through February 10, 2021.
Eligibility	<p>Employers with 500 or more employees nationally.</p> <p>Employees who work in San Francisco during the 365 days immediately preceding the law's effective date.</p>
What do employees receive?	Full-time employees are entitled to 80 hours of leave at regular rate. Part-time employees are entitled to their average hours worked over a two (2) week period as scheduled in the previous six-month period.
Other	<ul style="list-style-type: none">• PHELO 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 Revised COVID-19 Paid Sick Leave Ordinance (RCPSL)

What is it?

Under the revised ordinance employees can use leave when they are unable to work because they:

- Are subject to; or caring for an individual subject to a federal, state, or local quarantine or isolation order related to COVID-19,
- Have been advised by a health care provider to self-quarantine due to concerns related to COVID-19, or is caring for an individual so advised;
- Are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- Their child's school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions.

Duration

Revision effective retroactively to January 1, 2021 through June 30, 2021.

Eligibility

Revised ordinance applies to all San Jose employers regardless of size.

Eligible employees must have worked at least two (2) hours in San Jose and are unable to telework.

What do employees receive?

Full-time employees receive 80 RCPSL hours. Part-time employees receive the average number of hours the employee was scheduled over a six (6) month period or if less than six (6) months of employment the employee's reasonable expected average of hours at the time of hiring.

Employee must receive their regular rate of pay, up to \$511 per day (\$5,110 overall) for personal use absences, and \$200 per day (\$2,000 overall) for leave used to care for another.

Other

- Employer need not provide more than 80 hours in total during April 2, 2020 until the expiration of the ordinance.
- Employers do not need to provide additional paid sick leave beyond the 80 hours if already providing paid personal leave in compliance with the ordinance.
- Unused hours are not available after expiration of the ordinance and need not be paid out.

“San Mateo County” Supplemental Paid Sick Leave (SPSL) Ordinance

What is it?	<p>The Ordinance requires all employees working in San Mateo county be provide paid sick leave if they cannot work or telework because of the following:</p> <ul style="list-style-type: none">• a health care provider advises an employee to isolate or self-quarantine to prevent the spread of COVID-19;• an employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;• the employee needs to care for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or a health care provider advises the individual to self-quarantine related to COVID-19, or the individual is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or• the employee takes time off work because of a need to provide care for an individual whose senior care provider or whose school or childcare provider is closed or is unavailable in response to a public health or other public official's recommendation.
Duration	Extended through June 30, 2021.
Eligibility	Employees who work for an employer with 500 or more employees in the United States, the District of Columbia, or any U.S. territory or possession and who worked since January 1, 2020.
What do employees receive?	<p>Employers must provide full-time employees 80 SPSL hours. Part-time employees receive the average number of hours they work in a two-week period, which employers calculate using the period of January 1 through July 7, 2020.</p> <p>When an employee use SPSL, employers must pay them their regular rate of pay; there is no lower two-thirds the regular rate of pay amount for certain absences.</p> <p>The maximum amount of SPSL is \$511 per day and \$5,110 in the aggregate.</p>
Other	Must provide SPSL in addition to any other accrued or paid time the employee is eligible for-but may offset time already taken or available to employees for COVID-19 purposes.

Santa Rosa Temporary Sick Leave Ordinance

Expired 12.31.20*

***On January 12, 2021, the City's Economic Development Subcommittee recommended that the City Council consider whether to re-adopt or expand the ordinance.**

Sonoma County Urgency Paid Sick Leave Ordinance

Expired 12.31.20*

***The County is expected discuss and vote on the possibility of extending the ordinance on January 26th .**

COLORADO

Healthy Families and Workplace Act (HFWA) COVID-19 Emergency Paid Sick Leave (CO-ESPL)

Law sunset for "PHEL" 12.31.20

Healthy Families and Workplace Act (HFWA) Supplemental Public Health Emergency Paid Sick Leave (PHEL)

What is it?	<p>Requires all Colorado employers to provide employees access to supplemental PHEL during a public health emergency "PHE" if the employee is:</p> <ul style="list-style-type: none">• self-isolating or excluded from the workplace due to exposure, symptoms, or diagnosis of the communicable illness (including COVID-19) in the PHE;• seeking a diagnosis, treatment, or care (including preventive care) of such an illness;• unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or• caring for a child or other family member in categories above or whose school or childcare is unavailable due to the PHE.
Duration	<p>Beginning January 1st 2021, PHEL is available day one of a PHE until four (4) weeks after the PHE ends.</p>
Eligibility	<p>All employers must provide PHEL to all employees working in Colorado, no exemption for smaller employers.</p>
What do employees receive?	<p>Full time employees receive 80 hours of PHEL</p> <p>Part-time employees receive the greater of either the amount of time they are scheduled to work or the amount of time they actually worked in average over a fourteen (14) day period.</p>
Other	<ul style="list-style-type: none">• Unlike other ordinances, there is no requirement that an employee be unable to work and/or telework to use leave.• Employer's may not credit any time taken under CO-ESPL in 2020.• Employer may credit any then available accrued or frontloaded paid sick and safe time provider under the HFWA in 2021.

NEW JERSEY*

Earned Sick and Safe Leave Law COVID-19 Amendment

Summary

Employers must now allow employees to use their earned leave when they cannot work due to:

- 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 other.
- Recommendation or direction/order of an 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.
- Individuals who are subject to quarantine, even if they do not have COVID-19, are entitled to use earned sick and safe time.

Covered employees can accrue up to 40 hours of paid sick and safe leave.

Family Leave Act (NJFLA) COVID-19 Amendment

Summary

During a governor-declared state of emergency the definition of serious health condition (SHC) under the Act is expanded to include 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:

- Issuance by a Health Care Provider or the commissioner or other public health authority of a determination that the presence of the family member may jeopardize the health of others, and
- Recommendation, direction, or order that the family member be isolated/quarantined because of suspected exposure to a communicable disease.

A qualifying employee may take up to 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 Serious Health Condition (SHC).

Temporary Disability Benefits Law (NJ DBL) Amendment

Summary

Provides wage replacement for covered New Jersey employees with qualifying conditions or reasons.

Due to the state of emergency the law is amendment as follows:

- Definition of SHC is expanded in same manner and period as under the NJFLA
- Definition of “compensable disability” now includes leave to care for a family member suffering from accident or sickness
- 7-day waiting period is eliminated when benefits are sought related to an employee’s own SHC if it falls within the newly expanded definition (i.e.: COVID-19 related).

**These are permanent amendments to the New jersey laws. Employers should update their policies and notices to ensure compliance.*

NEW YORK

COVID-19 Emergency Leave Entitlements

What is it?

Employers must provide New York employees, who are subject to a COVID-19 mandatory or precautionary isolation/quarantine as ordered by a healthcare provider, with immediate paid or unpaid time off.

New York Paid Family Leave (PFL) and Disability Leave Benefits (DBL) may be available depending on the size of the employer.

Eligibility & What do employee receive?

- Employees who works for an employer with less than 10 employees and a net income of equal to or less than \$1 million
 - 14 calendar days of unpaid, job protected COVID-19 leave.
 - Can file for PFL and DBL if eligible during the entire period.
- Employees who work for an employer with less than 10 employees and a net income of more than \$1 million OR employers with between 11-99 employees
 - At least 5 calendar days of job protected, paid COVID-19 related leave at the employee’s regular rate of pay, plus an additional nine (9) days of job protected leave which can be unpaid.
 - NY PFL and DBL become available for eligible employees after the 5 days of paid sick leave is exhausted.
- Employees who work for an employer with 100+ employees
 - 14 calendar days of paid, job protected COVID-19 leave, at the employee’s regular rate of pay.

OREGON

Oregon Family Leave Act (OFLA) COVID-19 Amendment

What is it?

Allows employees to utilize OFLA to care for their child whose school or place of care has been closed due to COVID-19.

Similar to FMLA, employees are entitled to 12 weeks of job-protected leave.

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) for an Employer with 25+ employees

(Standard OFLA eligibility requirements)

Duration

Permanent amendments effective September 1, 2020.

WASHINGTON

Seattle Paid Sick and Safe Time (PSST) “Amended/Expanded due to COVID-19 public emergency”

What is it?

Paid sick and safe time is employer-paid time off that employees can use:

- To care for themselves or a family member for an illness, injury, or health condition
- To go to the doctor to get medical and preventative care for themselves or a family member
- When employees are recommended by public health officials to self-quarantine
- When their family member’s school or place of care closes
- When their place of business has been closed by order of public official for health-related reasons
- For a business of 250 or more full-time equivalent employees worldwide: when their place of business closes for any health or safety reason

Eligibility

All employers must provide PSST to all employees include full time, part-time, temporary, exempt and non-exempt employees.

Other

Employees accrue PSST over time, amount available to earn depends on hours worked and employer size.

Once earned, employee can use any and all the hours that they have accrued and in increments as small as the smallest amount of time that an employer tracks work time (but no longer than an hour).

Seattle Gig Worker Paid Sick and Safe Time (PSST) Ordinance

What is it?

Provides paid sick and safe time (PSST) leave for gig workers from transportation network companies (such as Uber, Lyft) and food delivery network companies (FDNCs) that arrange for delivery of groceries or prepared food using an app-based or online platform during the COVID-19 emergency.

A gig worker can use paid sick and safe time to care for themselves or a family member under the following circumstances:

- For care related to mental or physical illness, injury or health condition, medical appointment, or preventive medical care;

	<ul style="list-style-type: none"> • When the hiring entity has suspended or discontinued operations by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; • When a gig worker's family member's school or place of care has been closed; • When the hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason; or • For reasons related to domestic violence, sexual assault or stalking that affect the gig worker or the gig worker's family or household member.
Eligibility	<p>Gig Workers are persons who make deliveries or perform pickups in the Seattle area, and who are employed by a food delivery network and transportation network companies with 250 or more gig workers worldwide.</p> <p>Gig Worker PSST is available for use if they have worked for the hiring entity in Seattle within the previous 90 days.</p>
What does employee receive?	<p><i>Accrual:</i> Covered gig workers earn one day of Gig Worker PSST for every 30 days worked in Seattle after October 1, 2019. Each day with at least one pick-up or drop-off in Seattle counts towards accrual.</p> <p><i>Use:</i> For each 24-hour day of use, a gig worker is entitled to the average daily compensation in their highest earning calendar month since October 2019. Average daily compensation includes tips.</p>
Duration	Effective July 13 th , 2020 through the 180 th day after the later termination of the Mayor's civil emergency or any concurrent civil emergency by a public official in response to the COVID-19 public health emergency.
Other	May request documentation after more than three consecutive days of PSST, can verify that a gig worker is taking leave for a covered reason but not inquire about the nature of the use, only that the reason is an authorized one.

WASHINGTON DC

COVID-19 Support Emergency Amendment Act (CSEA)

Expired 12.31.20

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