



SF Emergency Sick Leave to Bridge Gaps in Federal Law

To essentially bridge the gap created in the Federal Families First Coronavirus Response Act (FFCRA), the city of San Francisco passed an ordinance requiring paid sick leave for employers with 500 or more employees nationwide. The city's law (abbreviated to PHELO) tracks the usage requirements under FFCRA, and covers full time, part time, temporary, and seasonal employees. The law is intended to last for only 61 days and is effective beginning April 17, 2020.

Eligible employees are those working in the city of San Francisco for 56 or more hours in the last 365 days. Health care providers and first responders are excluded at their employer's election. Full time employees will receive 80 hours of paid leave, and part time employees will receive an amount of paid leave equal to the hours they would have been scheduled over the 2 weeks period.

Employees working in San Francisco who are already covered by the SF Paid Sick Leave Ordinance will have access to leave under both laws, and employers cannot require concurrent use, or exhaustion of accrued paid leave before use of leave under PHELO.

As a reminder, new guidance from the Office of Labor Standards Enforcement states that "Employers may not require a doctor's note or other documentation for the use of paid sick leave taken pursuant to the Paid Sick Leave Ordinance during the duration of the Local Health Emergency regarding Novel Coronavirus Disease 2019"

Employer Action:

Ensure a notice is posted (or sent via email), and that employees with COVID-19 related leave requests are provided sick leave paid in accord with the new law.

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