

California State and Local Paid Sick Leave Laws

California's Healthy Workplaces, Healthy Families Act requires employers to provide a set amount of paid sick leave (PSL) to employees working in California. Additionally, several cities have their own local sick leave ordinances, many of which differ from the state law requirements and from each other. Employers may use this chart for quick comparison of the state and local paid sick leave laws.

Employers subject to state and local paid sick leave laws must follow the stricter standard/the law most beneficial to the employee when there are conflicting requirements **except** in certain areas in which state law specifically preempts local ordinances as noted in the chart below. In each of those instances, employers must follow state law.

Employers may read more detailed information about each of the laws outlined below in the HR Library through the links provided in this chart.

	California Paid Sick Leave	Berkeley Paid Sick Leave	Emeryville Paid Sick Leave	Los Angeles City Paid Sick Leave	Oakland Paid Sick Leave	San Diego City Paid Sick Leave	San Francisco Paid Sick Leave	Santa Monica Paid Sick Leave
Accrual and Use Limit Summary	Floating Accrual Cap: 80 hours or 10 days Annual Use Limit: 40 hours or five days	Floating Accrual Cap: 48 hours for employers with fewer than 25 employees 72 hours for employers with 25 or more employees Annual Use Limit: Small employers may limit use to 48 hours per year.	Floating Accrual Cap: 48 hours for employers with 55 or fewer employees 72 hours for larger businesses Annual Use Limit: No annual use limit.	Floating Accrual Cap: 72 hours Annual Use Limit: 48 hours	Floating Accrual Cap: 40 hours for employers with fewer than 10 employees 72 hours for employers with 10 or more employees Annual Use Limit: No annual use limit.	Floating Accrual Cap: 80 hours Annual Use Limit: 40 hours	Floating Accrual Cap: 40 hours for employers with fewer than 10 employees 72 hours for employers with 10 or more employees Annual Use Limit: No annual use limit.	Floating Accrual Cap: 40 hours for employers with 25 or fewer employees 72 hours for employers with 26 or more employees Annual Use Limit: No annual use limit.
Covered Employers	All employers are subject to state and local paid sick leave laws.							

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Covered Employees	<p>Employees who work 30 days for employer, including exempt employees.</p> <p>Excludes: Employees covered by collective bargaining agreements (CBA) that meet certain requirements (PSL permissible usage, replacement worker and anti-retaliation provisions still apply);</p> <p>Airline flight deck or cabin crew;</p> <p>Certain public retired annuitants; and</p> <p>Employees covered by the Federal Railroad Unemployment Insurance Act.</p>	<p>Employees who work at least two hours in one calendar week in the City and are entitled to be paid a state minimum wage.</p> <p>Excludes: Employees covered by a CBA that explicitly waives the ordinance's benefits.</p>	<p>Employees who work at least two hours in one calendar week in the City and are entitled to be paid a state minimum wage.</p> <p>Excludes: Employees covered by a CBA that explicitly waives the ordinance's benefits.</p>	<p>Employees who work at least 2 hours in a particular week in the City, work 30 days for employer, and are entitled to be paid a state minimum wage.</p> <p>Excludes: Exempt employees.</p>	<p>Employees who work at least two hours in a particular week in the City and are entitled to be paid a state minimum wage.</p> <p>Includes exempt employees.</p> <p>Excludes: Employees covered by a CBA that explicitly waives the ordinance's benefits.</p>	<p>Employees who work at least two hours in one calendar week in the City and are entitled to be paid a state minimum wage or participate in a state Welfare-to-work Program.</p> <p>Excludes: Employees receiving less than a minimum wage under a special license;</p> <p>Employees at a publicly subsidized summer or short term youth employment program; and</p> <p>Student employees, camp counselors, or program counselors or an organized camp.</p>	<p>Employees who work in the City, including remote employees who live in the City, work from home and work 56 hours or more in the City in a calendar year; and</p> <p>Participants in Welfare-to-work programs engaged in work activity that is considered employment under federal law.</p> <p>Excludes: Employees covered by a CBA that explicitly waives the ordinance's benefits.</p>	<p>Employees who work at least two hours in a particular week in the City; and</p> <p>Are entitled to be paid a state minimum wage.</p> <p>Excludes: Exempt employees.</p>

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Accrual Methods	<p>Option 1: One hour of PSL for every 30 hours worked.</p> <p>Option 2: Front load 40 hours or five days at the start of each year.</p> <p>Option 3: PSL accrues on a regular basis, resulting in 24 hours of accrued PSL by the 120th calendar day of employment and 40 hours by the 200th day.</p>	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: Front load any sum of sick leave at the start of each employment year, so long as the employee can accrue additional sick leave after earning the advanced amount.</p>	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: At the start of each year, front load an amount of sick leave equal to the applicable accrual cap (see Row 11).</p> <p>Option 3: A combination of Options 1 and 2.</p>	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: Front load 48 hours at the start of each year.</p>	One hour of PSL for every 30 hours worked in the City.	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: Front load 40 hours at the start of the year.</p>	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: Front load any sum of sick leave at the start of each year, so long as the employee can accrue additional sick leave after working enough hours to have accrued the amount allocated upfront.</p>	<p>Option 1: One hour of PSL for every 30 hours worked in the City.</p> <p>Option 2: At the start of each year, front load an amount of sick leave equal to the applicable accrual cap.</p>
Accrual Cap	Employers may cap the amount of PSL an employee can accrue to <u>80 hours</u> or <u>10 days</u> , whichever is greater.	Employers may cap Berkeley sick leave accrual as follows, based on employer size. Fewer than 25 employees: <u>48 hours</u> 25 or more employees: <u>72 hours</u>	Employers may cap Emeryville sick leave accrual as follows, based on employer size. 55 or fewer employees: <u>48 hours</u> 56 or more employees: <u>72 hours</u>	Employers may cap LA sick leave at <u>72 hours</u> .	Employers may cap Oakland sick leave as follows, based on employer size. Fewer than 10 employees: <u>40 hours</u> 10 or more employees: <u>72 hours</u>	Employers may cap San Diego sick leave at <u>80 hours</u> .	Employers may cap San Francisco sick leave accrual as follows, based on employer size. Fewer than 10 employees: <u>40 hours</u> 10 or more employees: <u>72 hours</u>	Employers may cap Santa Monica sick leave accrual as follows, based on employer size. 25 or fewer employees: <u>40 hours</u> 26 or more employees: <u>72 hours</u>

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Carry Over	Accrued, unused PSL carries over into the next year but is limited by the accrual cap. If PSL is front loaded, no carry over required	Accrued, unused PSL carries over into the next year but is limited by the accrual cap.	Accrued, unused PSL carries over into the next year but is limited by the accrual cap. If PSL is front loaded, no carry over required.	Accrued, unused PSL (including un-used front-loaded PSL) carries over year to year but limited by the accrual cap.	Accrued, unused PSL carries over into the next year but is limited by rolling accrual cap, if any.	Accrued, unused PSL carries over year to year. If PSL is front loaded, no carry over required.	Accrued, unused PSL carries over into the next year but is limited by the rolling accrual cap.	Accrued, unused PSL carries over year to year but is limited to the employer's accrual cap. If PSL is front loaded, no carry over required.
First Day PSL May Be Used	Employees are entitled to begin using accrued leave on the 90th calendar day of employment.							
Permitted Uses	Both state law and local paid sick leave ordinances provide leave for medical care, treatment and/or diagnosis for the employee, employee's family members, and other designated individuals (See Covered Family Members and Individuals for Whom Leave May be Taken, below).							
	Additionally: Purposes related to crime or abuse suffered by employee.		Additionally: To provide care for an employee's guide dog, signal dog or service dog.	Additionally: Purposes related to crime or abuse suffered by employee or family member.		Additionally: Purposes related to crime or abuse suffered by employee or family member. Public health emergencies causing closure of employees' workplace or child's care provider or school.	Additionally: Purposes related to crime or abuse suffered by employee. Bone marrow or organ donation by employee, or to care for family member or designated person who donates bone marrow or organs.	Additionally: Purposes related to crime or abuse suffered by employee.

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Covered Family Members and Individuals for Whom Leave May be Taken	<ul style="list-style-type: none"> • Child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands <i>in loco parentis</i>); • Parent (biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood <i>in loco parentis</i> when the employee was a minor child); • Spouse or registered domestic partner; • Grandparent; • Grandchild; and • Sibling. 							
	<p>Additionally: “Designated person” —any individual identified by the employee at the time they request leave.</p>	<p>Additionally If an employee doesn't have a spouse or registered domestic partner, the employee may designate another individual for whom they may take leave.</p> <p>Child of a domestic partner.</p>	<p>Additionally: “Designated person” as defined by state law.</p> <p>If an employee doesn't have a spouse or registered domestic partner, the employee may designate another individual for whom they may take leave.</p> <p>Child of a domestic partner.</p>	<p>Additionally: “Designated person” as defined by state law.</p> <p>An individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.</p>	<p>Additionally: If an employee doesn't have a spouse or registered domestic partner, the employee may designate another individual for whom they may take leave.</p> <p>Child of a domestic partner.</p>	<p>Additionally: Child of a domestic partner.</p>	<p>Additionally: If an employee doesn't have a spouse or registered domestic partner, the employee may designate another individual for whom they may take leave.</p> <p>Child of a domestic partner.</p>	<p>Additionally: “Designated person” as defined by state law.</p>

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Use Limits	Employer may limit use to <u>40 hours or five days</u> per year	Small employers (less than 25 employees) may limit use to <u>48 hours</u> per year. Employers with 25 or more employees may not limit use of leave, i.e., employees entitled to use all leave accrued.	Not permitted. Employees may use all accrued leave.	Employer may limit use to <u>48 hours</u> per year.	Not permitted. Employees may use all accrued leave.	Employer may limit use to <u>40 hours</u> per year.	Not permitted. Employees may use all accrued leave.	Not permitted. Employees may use all accrued leave.
Use Increments	Employers may set reasonable minimum increments, not to exceed two hours.	Not addressed in ordinance.	Employers may set reasonable minimum increments, not to exceed two hours.	Employers may set reasonable minimum increments, not to exceed two hours.	Employers may set reasonable minimum increments, not to exceed one hour.	Employers may set reasonable minimum increments, not to exceed two hours.	Employers may set reasonable minimum increments, not to exceed one hour.	Not addressed in ordinance.
Employee Notice Requirements	<p>State law provides that if the need for paid sick leave is foreseeable, employers may require reasonable advance notice. If the need for paid sick leave is not foreseeable, employees must provide notice as soon as practicable.</p> <p>State law preempts any local ordinance to the contrary. Notwithstanding state law preemption in regard to employee notice requirements, the City of San Diego issued guidance suggesting that employers may only require advance notice up to <u>seven days</u> in advance, consistent with its ordinance. The state law does not put such a limit on reasonable advance notice and this guidance may be contrary to state law. Covered employers should consult with legal counsel about their policy to ensure it does not violate either the state law or the ordinance.</p>							
Requiring Documentation	<p>State law doesn't permit employers to request documentation to certify sick leave under the Healthy Workplaces, Health Families Act.</p> <p>Berkeley, Los Angeles, Oakland, San Diego, and San Francisco allow employers to require documentation under certain circumstances, but in order to comply with both laws you should not request medical documentation for sick leave.</p>							

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Calculating Payment of Sick Leave	<p>Nonexempt employees: Regular rate of pay for the workweek in which the employee uses PSL, whether or not the employee actually works overtime in that workweek. Divide employee's total wages (excluding overtime premium pay) by the total hours worked in the full pay periods of the prior 90 days of employment.</p> <p>Exempt Employees: PSL is calculated in the same manner as wages are calculated for other forms of paid leave time.</p> <p>State law preempts any local ordinance to the contrary.</p>							
When to Pay Sick Leave	<p>Employers must provide payment for PSL no later than the payday for the next regular payroll period after the sick leave was taken.</p> <p>State law preempts any local ordinance to the contrary.</p>							
Interaction with Existing PTO Policy	<p>No additional benefits required if, as of January 1, 2015, employer had an existing paid time off policy that provided:</p> <p>At least one day or eight hours of paid sick time within three months of employment, <i>and</i></p> <p>At least five days or 40 hours within six months of employment.</p>	<p>No additional benefits required if the PTO policy meets the ordinance's accrual and use requirements and can be used for the same purposes.</p>	<p>No additional benefits required if the PTO policy meets the ordinance's accrual and use requirements and can be used for the same purposes.</p>	<p>No additional benefits are required if the PTO policy provides at least 48 hours of leave.</p>	<p>No additional benefits required if the PTO policy meets the ordinance's accrual and use requirements and can be used for the same purposes.</p>	<p>No additional benefits required if the PTO policy meets or exceeds the ordinance's accrual and use requirements and can be used for the same purposes.</p>	<p>No additional benefits required if the PTO policy meets the ordinance's accrual and use requirements and can be used for the same purposes.</p>	<p>Not addressed in the ordinance.</p>

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Employee Separation and Reinstatement	<p>Separation: Employers are not required to pay out accrued PSL at separation.</p> <p>Reinstatement: Previously accrued and unused paid sick time must be reinstated if an employee leaves employment and then is rehired within <u>one year</u>. Upon rehire, the employee must be allowed to use those previously accrued sick days and to begin accruing additional paid sick days.</p> <p>An employer is not required to reinstate accrued paid time off to an employee who was paid out at the time of separation.</p> <p>State law preempts any local ordinance to the contrary.</p>							
Posting and Notice Requirements	<p>Display state's official poster in a conspicuous place at the worksite.</p> <p>Include PSL information on non-exempt employees' Labor Code §2810.5 wage notices.</p> <p>Include amount of available PSL in wage statements.</p>	<p>Display the City's official poster in a conspicuous location in the workplace in all languages spoken by at least 5% of workers at the worksite.</p> <p>Include amount of PSL hours accrued to date in wage statements.</p> <p>At the time of hire, provide employees written notice of the employer's name, address, and telephone number.</p>	<p>Display the City's official poster in a prominent location in the workplace.</p> <p>Provide a copy of the City's official poster to current and new employees.</p> <p>At the time of hire, provide covered employees written notice of employer's name, address, and telephone number.</p> <p>The notice must be in all languages spoken by 10 percent or more of your employees at a location.</p>	<p>Display the City's official poster in a conspicuous location in the workplace.</p> <p>At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number.</p> <p>Notices must be provided in English and any other language spoken by at least 5 percent of covered employees at the workplace or job site.</p>	<p>Display the City's official poster in a prominent location in the workplace.</p> <p>Provide a copy of the City's official notice of rights to current and new employees at the time of hire.</p> <p>At the time of hire, provide covered employees written notice of employer's name, address, and telephone number.</p> <p>Notices must be provided in all languages spoken by 10% or more of employees.</p>	<p>Display the City's official poster in a conspicuous location in the workplace.</p> <p>At the time of hire, provide written notice of the employer's legal name and any fictitious business name, address, and telephone number, and information on how the employer complies with the ordinance.</p> <p>Notices must be provided in all languages spoken by 5% or more of employees.</p>	<p>Display the City's official poster in a conspicuous location in the workplace.</p> <p>Include amount of available PSL hours in wage statements.</p> <p>Notice must be posted in English, Spanish, Chinese, and any other language spoken by at least 5% of employees at the workplace.</p>	<p>Display the City's official poster in a conspicuous location in the workplace in English, Spanish and any other language spoken by 5% or more of the employer's workforce.</p> <p>At the time of hire, provide covered employees written notice of the employer's name, address, and telephone number.</p>

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Record Retention Requirements	<p>Employers must retain for <u>three years</u> records showing each employee's hours worked, and PSL accrual and use.</p> <p>The records must be available for inspection by the Labor Commissioner. The records must also be available for inspection by the employee upon reasonable request, as with other payroll records.</p>	<p>Employers must retain for <u>four years</u> records showing employees' hours worked in the City, and PSL accrual and use.</p> <p>The records must be made available to the City, with appropriate notice and at a mutually agreeable time.</p>	<p>Employers must retain for <u>four years</u> records showing employees' hours worked in the City, pay rates, and PSL accrual and use.</p> <p>Employers must provide employees copies of these records upon their reasonable request.</p> <p>Employers must permit the City to access work sites and relevant records for compliance monitoring and investigation.</p>	<p>Employers must retain for <u>four years</u> records showing each covered employee's hours worked in the City, and PSL accrual and use.</p>	<p>Employers must retain for <u>four years</u> records showing employees' names, hours worked, pay rates, and PSL accrual and usage.</p> <p>A copy of the records must be provided to an employee upon reasonable request</p>	<p>Employers must retain for <u>three years</u> records showing employee's wages paid, hours worked in the City, and PSL accrual and use.</p> <p>The records must be made available to the City's enforcement officials.</p>	<p>Employers must retain for <u>four years</u> records showing employee's hours worked in the City, and PSL accrual and use.</p> <p>The records must be made available to the City, with appropriate notice and at a mutually agreeable time.</p>	<p>Employers must retain for <u>three years</u> records showing employees' hours worked in the City, and PSL accrual and use.</p>