

San Francisco Paid Sick Leave Ordinance

Office of Labor Standards Enforcement
January 11, 2007



Statutory Authority

- Proposition F, the San Francisco Paid Sick Leave Ordinance, was adopted by San Francisco voters on November 7, 2006, with 61% of voters voting in favor of the measure.
- Chapter 12W of the San Francisco Administrative Code



Legislative Findings and Purpose

- Without paid sick leave, employees come to work sick and may worsen their condition;
- An employee who works when sick may expose customers and other employees to infectious diseases;



Legislative Findings and Purpose

- Without paid sick leave, employees face difficulty caring for sick children or other family members;
- Without paid sick leave, employees may send their sick children to school or a child care center, thereby exposing other children to infectious diseases.



San Francisco Paid Sick Leave Ordinance

Beginning February 5, 2007, all employers must provide paid sick leave to each employee who performs work in San Francisco.



Who is Entitled to Paid Sick Leave?

Any person who performs work, including on a part-time or temporary basis, within San Francisco for an employer.



When do Employees Begin to Accrue?

- For employees working for an employer on or before February 5, 2007, paid sick leave begins to accrue on that date.
- For employees hired by an employer after February 5, 2007, paid sick leave begins to accrue 90 calendar days after the employee's first day of work.



At What Rate is Paid Sick Leave Accrued?

- For every 30 hours worked, an employee accrues one hour of paid sick leave.
- Paid sick leave accrues only in hour-unit increments, not in fractions of an hour.



Is Paid Sick Leave Accrual Capped?

- For employees of employers for which fewer than 10 persons work for compensation during a given week, there is a cap of 40 hours of accrued paid sick leave.
- For employees of other employers, there is a cap of 72 hours of accrued paid sick leave.
- The accrued paid sick leave caps are for a given point in time. They are not annual caps.



Paid Sick Leave Accrual – Key Points

- Accrued paid sick leave does not expire; it carries over from year-to-year.
- There is no cap on how much paid sick leave an employee may use in a year.



Use of Paid Sick Leave

- When the employee is ill or injured or for the purpose of receiving medical care, treatment, or diagnosis;
- To aid or care for a family member or designated person when that person is ill, injured, or receiving medical care, treatment, or diagnosis.



What is a “Designated Person”?

If an employee has no spouse or registered domestic partner, the employee may designate one person for whom the employee may use paid sick leave to provide aid or care.



Designated Person – Employer Obligations

- Employers must offer the opportunity to make a designation no later than 30 work hours after the date paid sick leave begins to accrue. The employee has 10 work days to make this designation.
- Employers must offer the opportunity to make or change the designation on an annual basis, again with a window of 10 work days for the employee to make the designation.



Additional Employer Responsibilities

- Employers must post a notice informing employees of their rights in a location where employees can read it easily.
- Employers must retain records documenting hours worked by employees and paid sick leave taken by employees, for a period of four years, and shall allow OLSE access to such records.



Additional Employee Rights

- Employees who are denied their rights under the law may file a complaint with OLSE.
- Employees who assert their rights to receive paid sick leave are protected from retaliation.



Existing Employer Paid Leave Policies

If an employer has a paid leave policy that may be used for the same purposes as paid sick leave under the law and that is sufficient to meet the accrual requirements under the law, the employer is not required to provide additional paid sick leave.



Collective Bargaining Agreements

All or any portion of the applicable requirements shall not apply to employees covered by a bona fide collective bargaining agreement to the extent that the law's requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.



City & County of San Francisco Resources

- Office of Labor Standards Enforcement
 - www.sfgov.org/olse
 - Paid Sick Leave Hotline: (415) 554-6271
 - Paid Sick Leave Email: PSL@sfgov.org

- Office of Economic & Workforce Development
 - www.sfgov.org/moed
 - (415) 554-6969