

GENERAL SERVICES AGENCY
OFFICE OF LABOR STANDARDS ENFORCEMENT
PATRICK MULLIGAN, DIRECTOR



The following guidance supersedes OLSE's March 16, 2020 guidance

March 24, 2020

The San Francisco Office of Labor Standards Enforcement (OLSE) has issued the following guidance regarding the use of San Francisco paid sick leave during the current local health emergency:

Employer Verification of Paid Sick Leave

OLSE Paid Sick Leave Ordinance (PSLO) Rule 2.3 states:

Policies or practices that require a doctor's note or other documentation for the use of paid sick leave of three or fewer consecutive work days shall be deemed unreasonable. Policies or practices that require a doctor's note or other documentation for the use of paid sick leave of more than three consecutive work days (whether full or partial days) shall be deemed reasonable.

Effective immediately, OLSE Rule 2.3 is suspended and replaced with the following:

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.

This Rule suspension is temporary, effective only for the duration of the above-referenced Local Health Emergency. Rule 2.3 will revert automatically to the version in effect prior to this guidance upon expiration of the Local Health Emergency, unless OLSE revokes it sooner.

Eligibility for Paid Sick Leave

- San Francisco paid sick leave is available to employees. Workers that have been laid off by their employer are no longer eligible for paid sick leave.
- Employees who have their hours reduced or eliminated are not entitled to use accrued paid sick leave to account for such reductions or eliminations. Employees who remain scheduled to work may continue to use their accrued paid sick leave for any qualifying reason for any portion of their scheduled hours they are unable to work.

Employees who have their hours and/or pay reduced or eliminated may be eligible for unemployment benefits from the State of California. (See <https://covid19.ca.gov/employment> for more information).

Employee Use of Paid Sick Leave

Employers covered by the Paid Sick Leave Ordinance must allow covered employees to use accrued sick leave in the following situations:

- The employee takes time off work because public health officials or healthcare providers require or recommend an employee isolate or quarantine to prevent the spread of disease;
- The employee takes time off work because the employee falls within the definition of a “vulnerable population” under the San Francisco Department of Public Health’s (DPH) March 6, 2020 guidelines or any subsequent updates. As of March 6, 2020, a “vulnerable population” is a person who is 60 years old or older or a person with a health condition such as heart disease, lung disease, diabetes, kidney disease, or weakened immune system;
- The employee takes time off work because the employee’s business or a work location temporarily ceases operations in response to a public health or other public official’s recommendation – subject to the “Eligibility for Paid Sick Leave” guidelines above;
- The employee takes time off work because the employee needs to provide care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine; or
- The employee takes time off work because the employee needs to provide care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official’s recommendation.

Employee Separations

The Paid Sick Leave Ordinance is a requirement that San Francisco employers must provide to their employees. Employees are covered by the law unless there has been a separation of employment (e.g., termination, layoff, resignation, or retirement).

- Employers are not required to pay employees for accrued unused paid sick leave upon the employee’s separation from employment. However, if an employer is using a Paid Time Off or vacation policy to comply with the Ordinance, California law requires the payout of PTO or vacation upon separation of an employee. (FAQ 34 in OLSE’s [Frequently Asked Questions](#)).
- If there is a separation from employment, and an employee is later rehired by the employer within one year, previously accrued and unused paid sick leave must be reinstated, and the employee is entitled to use the previously accrued and unused paid sick leave and to accrue additional paid sick leave upon rehiring. (Administrative Code Section 12W.3(g))

General Background

The San Francisco Paid Sick Leave Ordinance requires employers to provide paid sick leave to all employees (including temporary and part-time employees) who perform work in San Francisco. Employees may use paid sick leave when they or a family member are ill, injured, or for the purpose of receiving medical care (including preventive care), treatment, diagnosis, or other medical reason.

Further guidance on the use of paid sick leave is available at www.sfgov.org/olse/pslo, or call OLSE's multilingual paid sick leave hotline at (415) 554-6271.

California Labor Commissioner guidance on State paid sick leave and the Coronavirus is available at <https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm>. California Employment Development Department guidance on Disability Insurance, Paid Family Leave, and Unemployment Insurance and the Coronavirus is available at https://edd.ca.gov/about_edd/coronavirus-2019.htm.