

**SANTA MATEO UNINCORPORATED COUNTY
SUPPLEMENTAL PAID SICK LEAVE (SPSL)**

July 8, 2020 to December 31, 2020
(unless the Board of Supervisors takes an action to extend this Ordinance)

Employer

Employer” means any Person, defined in Section 18 of the California Labor Code, as “any person, association, organization, partnership, business trust, limited liability company, or corporation,” who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of any Employees.

This Ordinance applies only to Employers with 500 or more employees within the United States, which includes any State of the United States, the District of Columbia, or any Territory or possession of the United States. This Ordinance and the definition of Employer do not apply to federal, state, or local government agencies.

Note: Certain companies may offer more limited leave if they are an employer of an employee who is a health care provider or emergency responder (both defined in Families First Coronavirus Response Act (FCRA)). There are also certain other limitations for aviation security workers.

Who is an Employee?

Only allowed if the Employee cannot work or telework and for one of the reasons outlined below.

“Employee” means an individual, regardless of immigration status, who is or has been required by their Employer to perform any work within the geographic boundaries of unincorporated San Mateo County since January 1, 2020.

The ordinance excludes food sector workers covered by California Executive Order N-51-20, a statewide emergency paid sick leave measure.

Companies with unionized workforces, parties to collective bargaining agreement can waive the law’s requirements if the agreement explicitly sets forth the waiver in clear and unambiguous terms.

Supplemental Paid Sick Leave Entitlements

An Employee who is employed by an Employer on July 8, 2020 is entitled to Supplemental Paid Sick Leave hours as follows:

- a. A **full-time** Employee who is normally scheduled to work forty (40) or more hours per week shall receive eighty (**80 hours**) of Supplemental Paid Sick Leave.
- b. A **part-time** Employee who is normally scheduled to work **fewer than forty (40) hours per week** shall receive Supplemental Paid Sick Leave in an amount no greater than the Employee’s average number of work hours in a two-week period, calculated over the period of January 1, 2020 through July 7, 2020.

Payment

The Supplemental Paid Sick Leave hours shall be paid at not less than the employee's regular rate of pay as specified in the FFCRA, its rules, regulations and other guidance issued by the U.S. Department of Labor regarding the FFCRA, subject to the cap set forth below. However, unlike the FFCRA, there is no distinction in pay based on the reason for the leave and Employees shall receive their full regular rate regardless of the reason for leave.

In no event shall the Supplemental Paid Sick Leave amount paid to an Employee **exceed \$511 per day and \$5,110 in the aggregate.**

Employees of joint Employers are only entitled to the total aggregate amount of leave specified for Employees of one Employer.

Employee Request for Supplemental Paid Sick Leave

An Employer shall provide Supplemental Paid Sick Leave upon the written (includes but is not limited to electronic mail and text) request of an Employee **if the Employee cannot work, or telework**, because:

- a. The Employee has been advised by a health care provider to isolate or self-quarantine to prevent the spread of COVID-19;
- b. The Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- c. 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 has been advised by a health care provider to self-quarantine related to COVID-19 or is experiencing COVID 19 symptoms and is seeking a medical diagnosis; or
- d. The Employee takes time off work because the Employee needs 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.

"Individual" or "Care for an individual,"

- Mean an Employee's immediate family member,
- A person who regularly resides in the Employee's home, or
- A similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person if he or she were quarantined or self-quarantined, or 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.
- For this purpose, the term "Individual" does not include persons with whom the Employee has no personal relationship.

SPSL is in Addition to Other Leaves as Outlined Below

The total number of hours of Supplemental Paid Sick Leave to which an Employee is entitled pursuant to this Section shall be in addition to any paid sick leave that may be available to the Employee under the Healthy Workplaces, Healthy Family Act (i.e., California paid sick leave ordinance), as well as any preexisting paid time off provided to employees prior to March 16, 2020, subject to offsets set forth below.

An Employer may not require an Employee to use any other paid or unpaid leave, paid time off, or vacation time provided by the Employer to the Employee before the Employee uses Supplemental Paid Sick Leave, or in lieu of Supplemental Paid Sick Leave.

Employer Offset; Coexistence with Other Available Forms of Leave

If an Employer provided additional paid leave specifically for COVID-19 related purposes (“Voluntary COVID-19 Leave”) **above and beyond** an Employee’s regular or previously accrued leaves (e.g., sick or personal leaves) between March 17 to June 30, 2020, or provided supplemental leave pursuant to the laws of another jurisdiction requiring the provision of additional paid leave specifically for COVID-19 related purposes at any time, **the obligation to provide Supplemental Paid Sick Leave under this Ordinance shall be reduced for every hour an Employer allowed an Employee to take the Voluntary COVID-19 Leave in an amount equal to or greater than the requirements listed above.**

If an Employer provided Voluntary COVID-19 Leave to an Employee at a rate of pay or hourly accrual rate **less** than that provided above, then **such amounts or hours shall be offset against such rates and hours as the Employee would have received as set forth above.**

With the exception of any Voluntary COVID-19 Leave, as defined above, and any supplemental COVID-19 related sick leave pursuant to the laws of another jurisdiction, the Supplemental Paid Sick Leave provided by this Ordinance is **in addition to and independent of any form of leave (e.g., vacation, sick, or personal leaves) to which an Employee may be entitled to utilize pursuant to the Employer’s policies** and the inability of an Employee to utilize the Supplemental Paid Sick Leave provided by this Ordinance shall not be construed to disqualify an Employee from utilizing such other forms of leave in accordance with the Employer’s policies.

Verification and Documentation

An Employer may request information supporting an Employee’s request for Supplemental Paid Sick Leave, as provided in the FFCRA or in the applicable regulations or guidance issued by the United States Department of Labor.

Retaliatory Action Prohibited

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this Ordinance, for requesting to use or actually using Supplemental Paid Sick Leave under this Ordinance, for participating in proceedings related to this Ordinance, for seeking to enforce his or her rights under this Ordinance by any lawful means, or for otherwise asserting rights under this Ordinance.

Any prospective waiver by an Employee of any or all of the provisions of this Ordinance shall be deemed contrary to public policy and shall be void and unenforceable.

Unincorporated Areas of San Mateo County

- Click on the following link: <https://gis.smcgov.org/Html5Viewer/?viewer=raster>
- In the left column of this webpage, you will see a link labeled “Search Parcels by Address”
- If you type in the address in the box on the page the follows, the results will state whether the address is in the unincorporated area of the county or within the incorporated area of a city.

94002	Belmont	
94010	Burlingame	
94014	Colma	
94015	Daly City	
94018	El Granada	
94019	Half Moon Bay	
94020	La Honda	
94021	Loma Mar	
94025	Menlo Park	
94037	Montara	
94038	Moss Beach	
94044	Pacifica	
94060	Pescadero	
94028	Portola Valley	
94063	Redwood City	
94062	Redwood City	
94061	Redwood City	
94066	San Bruno	
94070	San Carlos	
94128	San Francisco Airport	
94074	San Gregorio	
94402	San Mateo	
94403	San Mateo	
94080	South San Francisco	