

SANTA ROSA SUPPLEMENTAL PAID SICK LEAVE (SPSL)

Temporary Sick Leave Requirement passed by the San Rosa City Council
July 7, 2020 to December 31, 2020

Employer

Applies to private employers with 500 or more employees nationally. It applies to the federal Emergency Paid Sick Leave Act (EPSLA)-covered employers to the extent the ordinance provides additional benefits.

The chapter does not apply to any government Employer. This chapter does not apply to an Employer with less than 50 employees that would qualify for the exemption under the Act. This exemption only applies to employees who are caring for a child.

“**Employer**” means any person, including corporate officers or executives, who directly or indirectly (including through the services of a temporary services or staffing agency or similar entity) employs or exercises control over the wages, hours or working conditions of any employee, unless exempt by law.

Who is an Employee?

A person employed by the employer who has worked at least two hours in Santa Rosa. Employers must provide paid sick leave to each **employee who performs “allowed or essential work,”** which means work activities and services permitted in Sonoma County Public Health Officer orders.

The ordinance covers employees who are health care providers and emergency responders.

COVID-19 Supplemental Paid Sick Leave

1. A **full-time** employee is entitled to **80 hours** of paid sick leave. These hours are available on the effective date of the sick leave benefit.
2. A **part-time** employee is entitled to sick leave hours equal to the **number of hours he/she works on average over a two-week period.** These hours are effective the date of sick leave benefit.

Employees cannot carry over leave between years.

Note: The ordinance does not define full- or part-time, or discuss the time period employers use to determine an employee’s two-week average.

Payment

Employer must pay employees for properly used sick leave at employee’s **regular rate, up to \$511 a day, not to exceed an aggregate amount of \$5,110.**

An employee is not entitled to carryover sick leave between years and is not entitled, under any circumstances, to be paid for unused sick leave. Unused sick leave will not be available after the sunset of the ordinance and ceases to exist after December 31, 2020.

Employee Request for Supplemental Paid Sick Leave – No requirement that an employee be unable to work and/or telework to use leave.

Employees can use paid sick leave for the following purposes:

1. Employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19;
2. Employee is advised by a health-care provider to self-quarantine due to COVID-19 or is caring for someone who is so advised by a health-care provider (a written note by a medical provider is not required);
3. Employee experiences symptoms of COVID-19 and is seeking medical diagnosis;
4. Employee is caring for **someone** (**Note:** There is no definition of “someone,” so this *someone could be any person and is not limited to family members*) who is quarantined or isolated, or otherwise unable to receive care (this requirement is akin to absences for childcare provider unavailability, though for other individuals such as the elderly or those with disabilities), due to COVID-19; or
5. Employee is caring for a minor child because a school or daycare is closed, or child care provider is not available due to COVID-19.

Exemption/Offset

The ordinance does not apply to any employer that has provided employees, on July 7, with some combination of paid personal leave at least equivalent to the paid sick leave the ordinance requires. An employer that provides some combination of paid sick leave amounting to less than what the ordinance requires must comply with the law to the extent of the deficiency.

The temporary leave is in addition to leave employers normally provide. The provision is intended to be a complete or partial offset for employers that provided additional COVID-19 related leave.

Verification and Documentation

A written note from a health care provider who advises self-quarantine is not required.

Prohibitions

Employers cannot require employees to find a replacement worker as a condition of using leave. Additionally, employers cannot discharge, reduce in compensation or otherwise discriminate against any employee for opposing any practice the law prohibits, for requesting to use or using paid sick leave, for participating in proceedings related to the law, for seeking to enforce rights under the law by any lawful means, or for otherwise asserting rights under the law.

Santa Rosa, CA, Zip Codes		
95401	95405	
95402	95406	
95403	95407	
95404	95409	