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## Employment Law Summary

# California

## Paid Sick Leave Comparison Chart: California, Los Angeles and San Francisco

As state and local paid sick leave (PSL) laws continue to expand across the country, employers may be confused as to their legal obligations, particularly when employees are covered by both state and local laws. These laws may differ in important areas, such as accrual, use, carryover and covered reasons for leave.

The chart in this Employment Law Summary compares key PSL provisions in the statewide **California Healthy Workplaces, Healthy Families Act**, the **Los Angeles Minimum Wage Ordinance** and the **San Francisco Paid Sick Leave Ordinance**. In general, if employees are subject to local PSL ordinances, the employer must comply with both the local and California laws, which may differ in some respects. The employer must provide the provision or benefit that is **most generous to the employee**. The only exception to this general rule is that local ordinances cannot contradict certain California PSL law [requirements](#), such as requirements regarding providing notice if the leave is foreseeable and whether payment of PSL is required upon termination. If a local ordinance contradicts the state law on these specific topics, the state law prevails over (preempts) the local law. Failure to provide employees with all rights to which they are entitled can result in costly consequences for employers.

Employers should also note that, often, the state and local laws of the location where an employee is physically working—and not necessarily where the employer is located or where the employee resides—will apply. Employers should review the definition and applicability sections of any laws at issue to determine which laws cover their employees.

This summary focuses on general requirements for private-sector employers. Additional requirements, exceptions and industry-specific rules may apply. For more details, see the comprehensive information available on the [California](#), [Los Angeles](#) and [San Francisco](#) websites.

|                                  | California Healthy Workplaces, Healthy Families Act of 2014 | Los Angeles Minimum Wage Ordinance                    | San Francisco Paid Sick Leave Ordinance                                     |
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| <b>Where does the law apply?</b> | The law applies in the entire state of California.          | The ordinance applies within the city of Los Angeles. | The ordinance applies within the city and county of San Francisco (referred |

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| <b>Which employers does the law apply to?</b> | The law generally applies to all employers.                                                                                                                                                                                                     | The ordinance applies to employers with at least one covered employee.                                                                                                                                                                                                                                                                                                                                           | The ordinance applies to employers with at least one covered employee. Under the ordinance, “small business” means an employer for which <b>fewer than 10 persons</b> work for compensation during a given week. In determining the number of persons performing work for an employer during a given week, <b>all persons</b> performing work for compensation on a full-time, part-time or temporary basis are counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity. |
| <b>Which employees does the law cover?</b>    | The law generally applies to all employees, including part-time and temporary workers. To be eligible for PSL, an employee must work for the same employer in California for <b>30 or more days</b> within a year from the start of employment. | The ordinance applies to employees who, in a particular week, perform at least two hours of work within Los Angeles for an employer and qualify as employees entitled to the payment of a minimum wage from any employer under California’s minimum wage law. Employees who work in Los Angeles for the same employer for 30 days or more within a year from the commencement of employment are entitled to PSL. | In general, the ordinance applies to any person employed within San Francisco by an employer, including part-time and temporary employees. Employees who perform work in San Francisco are covered by the ordinance only if they perform <b>56 or more hours</b> of work in San Francisco within a calendar year.                                                                                                                                                                                                                                    |

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| <p><b>How do employees accrue PSL?</b></p> <p><b>Can employers frontload PSL?</b></p> | <p>An employee's PSL accrual begins on the first day of employment. In general, employees accrue PSL at a rate of at least <b>one hour for every 30 hours worked</b> (the 1:30 method). However, employers may use a different accrual schedule, as long as it results in an employee having at least <b>24 hours</b> (or three days) of accrued PSL or paid time off (PTO) by the <b>120th calendar day</b> of employment and <b>40 hours</b> (or five days) by the <b>200th calendar day</b> of employment.</p> <p>An employer may also adopt a lump sum or <b>frontloading method</b> to avoid the law's accrual and carryover (discussed further below) requirements. Under the frontloading method, an employer generally provides the full amount of leave (<b>40 hours</b> or five days) to employees at the beginning of each year (calendar year, year of employment or 12-month period, as determined by the employer).</p> | <p>PSL accrues on the first day of employment. Employers must provide PSL <b>either</b> by providing <b>48 hours</b> of PSL to an employee at the beginning of each year of employment, calendar year or 12-month period (<b>frontloading</b>) <b>or</b> by providing the employee <b>one hour of PSL per every 30 hours worked (accrual)</b>.</p> | <p>PSL begins to accrue at the commencement of employment. For every <b>30 hours worked</b> after PSL begins to accrue, the employee will accrue <b>one hour</b> of PSL.</p> <p>An employer may make available to an employee a lump sum of PSL at the beginning of each year of employment, calendar year or other 12-month period (an upfront allocation or <b>frontloading</b>). In such cases, the upfront allocation is treated as an <b>advance on PSL to be accrued</b>; that is, accrual of PSL <b>temporarily halts</b>, and the employee would not continue to accrue PSL <b>until after</b> the employee has worked the number of hours necessary to have accrued the upfront allocation amount. At that point, the employee would then <b>resume accruing</b> PSL. The ordinance does not limit the amount of PSL that may be advanced.</p> |
| <p><b>When can employees begin using PSL?</b></p>                                     | <p>Although employees are entitled to begin accruing PSL at the start of employment, an employer may restrict an employee from using accrued PSL until the employee's <b>90th</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Employees may use PSL beginning on the <b>90th day of employment</b>.</p>                                                                                                                                                                                                                                                                       | <p>Employees may use accrued PSL beginning on the <b>90th day of employment</b>, after which day employees may use PSL as it is accrued.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                                                                              | <b>day of employment.</b> After this date, the employee may use PSL as it accrues.                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>How much PSL can an employee use per year?</b>                            | An employer may limit an employee's use of PSL to <b>40 hours</b> (or five workdays, whichever is more) per year, regardless of the number of hours an employee may have been able to carry over from the previous year.                                                                                                                                                                                                                     | Employees may take up to <b>48 hours</b> of PSL in each year of employment, calendar year or 12-month period.                                                                                                                                                                                     | The ordinance does not limit how much accrued PSL employees may use per year (but see the information on caps below).                                                                                                                                                                                                                                                                                                                                                       |
| <b>Can employees carry over accrued, unused PSL into the following year?</b> | Yes, but an employer is not required to allow an employee to accrue more than a total of <b>80 hours</b> (or 10 workdays, whichever is more) of PSL.                                                                                                                                                                                                                                                                                         | Unused PSL accrued by an employee, <b>whether by the frontloading method or by the accrual method</b> , carries over to the following year of employment and may be capped at a minimum of <b>72 hours</b> . An employer may set a higher cap or no cap at all.                                   | Accrued PSL carries over from year to year (whether calendar or fiscal year) but is limited to the following caps. For employees of small businesses, there is a cap of <b>40 hours</b> of accrued PSL. For employees of other employers, there is a cap of <b>72 hours</b> of accrued PSL.                                                                                                                                                                                 |
| <b>For which reasons can an employee use PSL?</b>                            | In general, employees may use PSL for: <ul style="list-style-type: none"> <li>• Preventive care of the employee or their family member/designated person;</li> <li>• Diagnosis, care or treatment of existing health conditions of the employee or their family members;</li> <li>• To serve as required by law on an inquest jury or trial jury;</li> <li>• To appear in court to comply with a subpoena or other court order as</li> </ul> | In general, employees may use PSL for themselves or a family member (or relationships that are family equivalents) for preventive care or diagnosis, care, or treatment of an existing health condition, or for specified purposes for a victim of domestic violence, sexual assault or stalking. | In general, employees may use PSL for: <ul style="list-style-type: none"> <li>• The employee's illness, injury, medical condition, need for medical diagnosis, care including preventive care, or treatment, or other medical reason;</li> <li>• Providing care or assistance to family members/designated person with an illness, injury, medical condition, need for medical diagnosis, care including preventive care, or treatment, or other medical reason;</li> </ul> |

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|                                                                                  | <p>a witness in any judicial proceeding;</p> <ul style="list-style-type: none"> <li>Specified purposes for an employee who is a victim of a crime or qualifying act of violence or whose family member is such a victim (depending on employer size);</li> <li>For an employee who is a victim of a violent or serious felony crime, theft or embezzlement (or who is related to a victim) to attend judicial proceedings related to that crime; and</li> <li>For otherwise eligible agricultural employees who are prevented from working outside by smoke, heat or flooding due to a declared emergency.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Purposes related to domestic violence, sexual assault or stalking suffered by an employee; and</li> <li>Purposes related to the employee or their family member being a bone marrow or organ donor.</li> </ul>                                                                                                                                                                                                                                            |
| <p><b>May an employer request verification for an employee's use of PSL?</b></p> | <p>Employers are not obligated to ask about or keep any records regarding the reasons for which an employee uses PSL or PTO.</p> <p>According to <a href="#">state guidance</a>, although an employer cannot deny PSL solely for lack of a medical certification, it may be reasonable in certain circumstances to ask for documentation before paying the PSL when the employer has information indicating that the employee is not requesting PSL for a valid</p>                                                                                                                                                   | <p>The ordinance provides that employers may require employees to provide reasonable documentation of an absence from work for which PSL is or will be used.</p> <p>However, the city's FAQs are more restrictive, stating that employers "may require documentation to substantiate the need for leave only after an [e]mployee has used more than 3 consecutive days of sick leave. An [e]mployer may not</p> | <p>Employers may only take reasonable measures to verify or document that an employee's use of PSL is lawful. In general, policies or practices that require a doctor's note or other documentation for the use of PSL of three or fewer consecutive workdays are deemed unreasonable (except for use to attend appointments or in situations of a pattern or clear instance of abuse). Policies or practices that require a doctor's note or other documentation for the use of PSL of more</p> |

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|                                                                                       | purpose. In any such instance, the reasonableness of the parties' actions will inform the outcome of the claim.                                                                                                                           | require an [e]mployee to provide a description or explanation of the illness or condition necessitating the [e]mployee's leave. Reasonable documentation is also dependent on the situation; the [e]mployer's policy should never be so difficult that it deters an [e]mployee from taking a legitimate paid sick day." | than three consecutive workdays (whether full or partial days) are deemed reasonable.                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Must employees provide notice before using PSL?</b>                                | If an employee's need for PSL is foreseeable, the employee must provide the employer with reasonable advance notice. If the need for PSL is not foreseeable, the employee must provide notice of the need for PSL as soon as practicable. | If the need for PSL is foreseeable, employees must provide reasonable advance notification. If the need for PSL is unforeseeable, employees must provide notice of the need for leave as soon as practicable.                                                                                                           | Employers may require employees to give reasonable notification of an absence from work for which PSL is or will be used. In general, policies or practices that require advance notification of a pre-scheduled or foreseeable absence from work for which PSL will be used are presumptively reasonable. Policies or practices that require notification as soon as practicable for an unforeseeable absence from work for which PSL will be used are presumptively reasonable. |
| <b>Must employees be paid for accrued, unused PSL upon termination of employment?</b> | In general, upon termination, resignation, retirement or other separation from employment, employers are <b>not</b> required to compensate employees for accrued, unused PSL.                                                             | In general, employers are not required to provide compensation to employees for accrued or unused PSL upon termination, resignation, retirement or other separation from employment.                                                                                                                                    | In general, employers are not required to provide financial or other reimbursement to an employee upon their termination, resignation, retirement or other separation from                                                                                                                                                                                                                                                                                                        |

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