CITY AND COUNTY OF SAN FRANCISCO GAVIN NEWSOM, MAYOR

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF LABOR STANDARDS ENFORCEMENT
DONNA LEVITT, MANAGER

San Francisco Paid Sick Leave Ordinance - Fact Sheet

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

Employees & Employers

An employee is any person who performs work, including on a part-time or temporary basis, within San Francisco for an employer. An employer is any person, as defined in Section 18 of the California Labor Code, who directly or indirectly employs or exercises control over the wages, hours, or working conditions of an employee.

Accrual of Paid Sick Leave

- 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.
- For every 30 hours worked, an employee accrues one hour of paid sick. Paid sick leave accrues only in hour-unit increments, not in fractions of an hour.
- For employees of employers for which fewer than 10 persons (including full-time, part-time, and temporary employees) 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. An employee's accrued paid sick leave does not expire; it carries over from year to year.
- If an employer has a paid leave policy, such as a paid time off policy, that makes available to employees an amount of paid leave 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.
- 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.

Use of Paid Sick Leave

- An employee may use paid sick leave not only when he or she is ill, injured, or for the purpose of receiving medical care, treatment, or diagnosis, but also to aid or care for a family member or designated person (discussed below) when they are ill, injured, or receiving medical care, treatment, or diagnosis.
- 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. 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. Thereafter, 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 Employee Rights & Employer Responsibilities

- Employers must post a notice informing employees of their rights in a location where employees can read it easily. OLSE provides this notice through the city's annual business registration mailing. A downloadable version of the notice is also available on OLSE's website.
- 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.
- Employees who assert their rights to receive paid sick leave are protected from retaliation.
- Employees who are denied their rights under the law may file a complaint with OLSE.

This document is not intended as a comprehensive recitation of the Paid Sick Leave Ordinance, Chapter 12W of the San Francisco Administrative Code, but rather summarizes its key features. The ordinance and related materials are available at www.sfgov.org/olse. If you have questions about your rights or obligations under the law, please call 554-6271 or email PSL@sfgov.org.