## Paid Sick Leave Laws and Guidance Amended or Expanded Due to COVID-19

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<th>State</th>
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<th>Summary</th>
<th>Eligible Workers</th>
<th>Reasons for Leave</th>
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<td>CA</td>
<td>San Francisco</td>
<td>The Office of Labor Standards Enforcement issued amended guidance for the existing Paid Sick Leave Ordinance to expand the uses of sick leave under the Ordinance. The amendments include: 1. Employers may not require a doctor’s note or other documentation for the use of paid sick leave during the duration of the Novel Coronavirus Disease 2019 Local Health Emergency; 2. Expanded uses for paid sick leave due to the local health emergency (see “Reasons for Leave”). The city also established the Workers and Families First Program, to fund businesses and nonprofits to provide an additional five days (40 hours) of sick leave to workers beyond their existing policies. The program began March 16, 2020. As of April 5, 2020, all $10 million in public funding was exhausted; businesses that apply going forward will be placed on a waitlist and contacted if funds become available.</td>
<td>SF’s Paid Sick Leave Ordinance applies to all employees who perform work in SF. The SF Workers and Families First Program covers all San Francisco employers with full or part time employees who conduct work in San Francisco (i.e. remote employees are not eligible). However, this program is only available if the employee has exhausted their current available sick leave, has exhausted or is not eligible for federal or state supplemental sick leave, and the employer agrees to extend sick leave beyond current benefits.</td>
<td>Expanded uses of the Paid Sick Leave Ordinance:  - Public health official or healthcare provider requires or recommends isolation or quarantine to prevent the spread of disease;  - The employee falls within the definition of a “vulnerable population” under the San Francisco Department of Public Health’s 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’s business or a work location temporarily ceases operations in response to a public health or other public official’s recommendation;  - 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;  - 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.</td>
<td>No changes in amount of leave &amp; benefit for the Paid Sick Leave Ordinance.</td>
<td>Updated guidance on the Paid Sick Leave Ordinance Information for employees impacted by COVID 19 Mayor Announces Plan to Provide Paid Sick Leave</td>
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<td>CA</td>
<td>Emeryville</td>
<td>The City of Emeryville issued new guidance to all employers currently subject to Section 5-37.03 of the City’s Minimum Wage, Paid Sick Leave Ordinance, expanding the reasons for which paid sick leave may now be used. The guidance, effective April 1, 2020, also reminded employers that all employees, including temporary and part time workers who perform work in the city for at least 2 hours per week are covered by the City’s Paid Sick Leave Ordinance.</td>
<td>Emeryville’s current ordinance requires paid sick leave for full-time, part-time and temporary employees. The current ordinance requires a minimum of 48 hours of paid sick leave accruable for employees of small businesses and 72 hours for employees of large businesses.</td>
<td>Expanded uses for paid sick leave:  - Public health officials or healthcare providers require or recommend an employee isolate or quarantine to prevent the spread of disease;  - The employee falls within the definition of a “vulnerable population” under the Guidance from the State or any other official subsequent updates;  - The employee’s business or a work location temporarily ceases operations in response to a public health or other public official’s recommendation;  - 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;  - The employee needs to provide care for a family member whose school, childcare</td>
<td>No change to amount of leave &amp; benefits under Emeryville ordinance</td>
<td>Emeryville new guidance Emeryville MW, Paid Sick Leave Ordinance</td>
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<td>PA</td>
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<td>Effective March 16, 2020, the City issued a supplemental emergency regulation for the City’s sick leave law, Promoting Healthy Families and Workplaces Act. The regulation expands the definition of preventive medical care for which covered workers can use their paid sick leave to include COVID-19 related reasons. Additionally, the regulation states that employees are not required to provide a note from a medical professional in order to use consecutive paid sick leave during the COVID-19 health risk, though employees may be required to submit signed statements affirming relevant conditions apply to them.</td>
<td>Provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official’s recommendation.</td>
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Under the City’s current sick leave law, employees who work at least 40 hours a year within the City of Philadelphia limits are eligible to earn paid/unpaid sick leave, with some exemptions. |

Expanded the definition of preventive medical care to include:

1. To evaluate a person under investigation for COVID-19;
2. To self-quarantined for 2 weeks due to COVID-19 symptoms; after returning from travel to Tier 2 & 3 countries on CDC list; after coming in contact with someone diagnosed with COVID-19;
3. To care for a family member due to the closure of school, daycare, adult care or other care facility;
4. Because their employer’s business or type of business is ordered closed by certain state and local public officials;
5. Employee or family member required to self-quarantine due to travel restrictions issued by certain state and local public officials that prevent them from traveling to work;
6. Employee or family member needs to self-quarantine at the recommendation of a health care professional or public official because they have a greater risk of harm than the general public if they contract COVID-19, such as a compromised immune system. |

No change to amount of leave & benefits under Philadelphia ordinance |

Philadelphia Supplemental Emergency Regulation  
Philadelphia Paid Sick Leave Guidance |

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<th>WA</th>
<th>Seattle</th>
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| In March 2020, Seattle amended its existing Paid Sick and Safe Time (PSST) Ordinance to expand the uses if sick leave under the Ordinance and to:
- Require an employer with 250 or more full-time equivalent employees to allow their employees to take PSST when their place of business has been closed for any health or safety reason.
Additionally, on April 8, 2020, the Seattle Office of Labor Standards issued a temporary, emergency rule clarifying that employers may not require a doctor’s note or healthcare provider verification because these would pose an unreasonable burden during the COVID-19 pandemic. Employers must identify and provide alternatives for the employee to meet any verification requirements. | Expand the uses of PSST:
- To include for school or place of care closure and no longer require that the closure be for a health-related reason or that a public official order the closure; and
This amended law requires employers to also provide employees who work in Seattle with paid leave:
- When their family member's school or place of care has been closed;
- For employers of businesses with 250+ full-time employees, when their place of business has been closed for any health or safety reason. |

Employees covered under the existing PSST Ordinance. For employees of businesses with 250+ full-time employees, when their place of business has been closed for any health or safety reason. |

No changes to amount of leave & benefits. |

Seattle Paid Sick and Safe Time Ordinance |
### New Short-term Paid Sick Leave Laws Passed in Response to COVID-19

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| CA    | Oakland      | Oakland City Council passed the Protecting Workers and Communities During a Pandemic – COVID-19 Emergency Paid Sick Leave Ordinance, requiring employers with 50 or more employees to provide emergency paid sick leave to employees as a response to the COVID-19 pandemic. This ordinance was passed on May 12, 2020, went into effect immediately and will expire on December 31, 2020. | Employees are entitled to 80 hours of Emergency Paid Sick Leave (EPSL) if they:  
- Are classified as full time by the employer; or  
- Have worked an average of at least 40 hours per week within the City from February 3 through March 4, 2020, or after.  
Employees who worked fewer than 40 hours per week from February 3 through March 4, 2020 and who continue to do so after March 4 are entitled to hours equal to the employee’s number of hours worked in a 14-day period from February 3 through March 4, 2020. | Employees are entitled to use EPSL if they are unable to work on site or to telework because:  
- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;  
- The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;  
- The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;  
- The employee is caring for an individual who is subject to a quarantine order or has been advised by a healthcare provider to self-quarantine;  
- The employee is caring for a son or daughter if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;  
- The employee is experiencing any other substantially similar condition specified by the federal Secretary of Health and Human Services in consultation with the Secretary of Labor and Secretary of the Treasury;  
- The employee is caring for a family member who has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19;  
- The employee chooses to take time off because the employee: is at least 65 years old; has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system; has any condition identified by an Alameda County, California, or federal public health official as putting the public at heightened risk of serious illness or death if exposed to COVID-19; or has any condition certified by a healthcare professional as putting the employee at a heightened risk of serious illness or death if exposed to COVID-19. |  |  |
| CA    | San Jose     | The San José Paid Leave Ordinance will provide approximately 2 weeks of paid sick days to essential workers. It covers many of the workers left out due to exemptions or loopholes in the federal Families First Coronavirus Response Act, including businesses with more employees. The employees must work for | Employees of covered employers who have worked at least two hours within the City’s geographic boundaries and must leave their residence to perform essential work, as defined by the Santa Clara County Public Health Officer on March 16, 2020. | Sick leave is available for the following reasons:  
1. The employee is subject to quarantine or isolation by federal, state or local order or is caring for someone who is quarantined or isolated;  
2. A healthcare provider advised the employee to self-quarantine or the employee is caring for someone who has been advised to quarantine;  
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or |  |  |
than 500 employees, employers with less than 50 employees, and health care providers. These employees must be engaged in "essential work," defined as work where they are lawfully allowed to leave their residence while the City’s “shelter in place” order is in effect.

The short-term ordinance is effective from April 8 to December 31, 2020.

| NY | Some employers in New York State are now required to provide job protected, paid sick leave to employees who need to take leave because they or their minor dependent child are under a mandatory or precautionary order of quarantine or isolation due to COVID-19. The amount of paid sick leave an employer is required to provide depends on the number of employees they have and the employer’s net annual income.

New York State also enacted a permanent sick day law during this time which will go into effect January 2021.

| WA Seattle | On June 1, 2020, the Seattle City Council passed temporary legislation extending paid sick and safe leave to "gig workers." The Paid Sick and Safe Time for Gig Workers Ordinance protects workers of app-based transportation and meal delivery services (while also acknowledging they may be employees under state and federal law but face barriers to accessing their benefits). PSST provides days off due to personal illness or to care for sick family members as well as time off for safety issues such as suspended operations, school closures, and domestic violence.

“Gig worker” is defined as a food delivery network company worker or a transportation network company driver.

For the purposes of this ordinance:
- Covered gig workers are limited to those who perform work for a covered hiring entity, where the work is performed in whole or part in Seattle.
- Work performed “in Seattle” means work that includes a related stop in Seattle.

Hiring entities are limited to those who hire 250 or more gig workers worldwide.

A gig worker is authorized to use paid sick time for the following reasons:
- For a personal mental or physical illness, injury, or health condition; to accommodate the gig worker’s need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or a gig worker’s need for preventive medical care; and
- For care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care.

Hiring entities can choose between one of two methods for leave accrual:
1. Gig workers begin accruing PSST on October 1st, 2019 or when they started work, whichever is later, and accrue at least one day of PSST for every 30 days worked; or
2. Gig workers accrue at least five days of PSST as of the Ordinance’s effective date and also accrue at least one day of PSST for every 30 days worked after the effective date.

Gig workers can carry over at least nine days of accrued, unused PSST to the following year.

Employees or their minor dependent child are under a mandatory or precautionary order of quarantine or isolation due to COVID-19:

**Mandatory Isolation**
- You have tested positive for COVID-19; OR
- Testing is currently unavailable to you, but you are symptomatic and have had contact with a known COVID-19 case.

**Mandatory Quarantine**
- You have been in close contact with someone who has tested positive for COVID-19 or is currently in mandatory isolation; OR
- You are symptomatic and have returned within the past 14-days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

**Precautionary Quarantine**
- You are asymptomatic and have returned within the past 14-days from a country designated with a level 2, 3, or 4 advisory for COVID-19; OR
- You have been determined to have had proximate exposure with someone who has tested positive for COVID-19.

Employees who meet both of the following two criteria:
1. Business is subject to the City's Business License Tax or maintains a facility within City boundaries; and
2. Employer not required to provide paid sick leave under the federal Emergency Paid Sick Leave law.

The Ordinance does not apply to any Employer that provides its Employees with some combination of paid personal leave at least equivalent to the paid sick time required by this Ordinance, on the effective date of this Ordinance.

Employers or their minor dependent child are under a mandatory or precautionary order of quarantine or isolation due to COVID-19:

**Mandatory Isolation**
- You have tested positive for COVID-19; OR
- Testing is currently unavailable to you, but you are symptomatic and have had contact with a known COVID-19 case.

**Mandatory Quarantine**
- You have been in close contact with someone who has tested positive for COVID-19 or is currently in mandatory isolation; OR
- You are symptomatic and have returned within the past 14-days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

**Precautionary Quarantine**
- You are asymptomatic and have returned within the past 14-days from a country designated with a level 2, 3, or 4 advisory for COVID-19; OR
- You have been determined to have had proximate exposure with someone who has tested positive for COVID-19.

4. The employee is caring for a minor child because a school or daycare is closed due to COVID-19.

Wage replacement for self-care is regular rate of pay up to $511/day, not to exceed $5,110. Wage replacement for providing care to others is paid at 2/3 of regular rate of pay up to $200/day, not to exceed $2000.

At least five days of job protected, paid sick leave. The amount of paid sick leave an employer is required to provide (5 or 14 days) depends on the number of employees they have and the employer’s net annual income.
| Workers' average daily compensation for a paid sick day will be recalculated every month to reflect changes in gig workers’ earnings. Hiring entities are required to provide monthly notification of gig workers’ current rate of average daily compensation and how much PSST each worker has available. Workers can carry up to nine accrued unused PSST days to the following calendar year.

The requirement to provide accrual and use of PSST will end 180 days after the termination of the Mayor’s civil emergency or the termination of any concurrent civil emergency due to COVID-19. The remaining requirements will stay in effect for three years to retain provisions necessary for recordkeeping and enforcement. |
| for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material; |
| • When the hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason; |
| • When the gig worker’s family member's school or place of care has been closed; and |
| • For reasons related to domestic violence, sexual assault, or stalking. |

The Seattle Office of Labor Standards (OLS) will implement and enforce the PSST requirements. Aggrieved parties also have a private right of action. |
| Hiring entities must compensate the gig worker for the requested day(s) of PSST no later than 14 calendar days or the next regularly scheduled date of compensation following the requested day(s) of PSST. |
| Gig workers can use up to three days of PSST before being required to produce reasonable verification. |
Short-term Paid Sick Leave Laws Established By Executive Order or Agency Action in Response to COVID-19

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<td>CA</td>
<td>Los Angeles</td>
<td>Gov. Gavin Newsom signed an executive order on April 16, 2020, requiring companies in the food sector that employ 500 or more people to provide two weeks of supplemental paid sick leave for full-time workers who contract COVID-19 or are exposed to the virus and need to isolate themselves.</td>
<td>Food sector workers, including farmworkers, agricultural workers, grocery store employees, fast food chain employees, and delivery drivers that are full time employed in companies of 500 employees or more. Food sector workers are also defined as performing work outside the home and are exempt as critical infrastructure workers from any statewide stay-at-home order.</td>
<td>1. The Food Sector Worker is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; 2. The Food Sector Worker is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or 3. The Food Sector Worker is prohibited from working by the Food Sector Worker’s Hiring Entity due to health concerns related to the potential transmission of COVID-19.</td>
<td>Each hour of COVID-19 Supplemental Paid Sick Leave shall be employer paid and compensated at a rate equal to the highest of: i. The Food Sector Worker’s regular rate of pay for the Food Sector Worker’s last pay period; ii. The State minimum wage; or iii. The local minimum wage to which the Food Sector Worker is entitled.</td>
<td>Executive Order</td>
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CA     | Los Angeles  | On April 7, 2020, Mayor Eric Garcetti superseded an Ordinance the Los Angeles City Council had passed to fill the gaps in the FFCRA with a new Public Order, effective April 10, 2020. The Public Order provides up to 80 hours of supplemental paid sick leave and remains in effect until two weeks after the expiration of the COVID-19 local emergency period. The City’s Office of Wage Standards also provided additional guidance for the City’s existing Minimum Wage Ordinance (MWO), which includes paid sick leave, to clarify the reasons for taking paid sick leave for preventive care. | Employees who have been employed with the same employer from February 3, 2020 through March 4, 2020 and whose employer has 500 or more employees within the City of Los Angeles or 2,000 or more employees within the United States. Workers exempted from the Public Order include: • emergency and health service workers; • critical parcel delivery workers; • government workers; • new businesses (opened between Sept 4, 2019 to March 4, 2020); • businesses or organizations that closed for 14 days or more due to the City’s COVID-19 emergency orders or provided 14 days of leave; and • employers who provide generous leave benefits (160 hours or more on annual basis). | Under the Public Order, employees who are unable to work or telework can request supplemental paid sick leave because: 1. Employee takes time off due to COVID-19 infection or because a public official or healthcare provider requires or recommends an employee isolate or self-quarantine to prevent the spread of COVID-19; 2. Employee is 65 or older or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system; 3. 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 self-quarantine; or 4. To provide care for a family member whose senior care provider, school, or child care provider for a child under 18 temporarily ceases operations in response to a public health or other public official’s recommendation or mandate that is made to prevent the spread of disease. This only applies if the employee is unable to secure reasonable alternative caregiving. | Under the Public Order, employees can also take paid sick leave for preventive care because: 1. 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; 2. The employee takes time off work because they are 65 or older or have a serious chronic medical condition as described by the Centers for Disease Control; | 1. An employee who works at least 40 hours per week and is classified as full-time shall receive 80 hours of supplemental paid sick leave. Supplemental paid sick leave is calculated based on an employee’s average two week pay over the period of February 3, 2020 through March 4, 2020. 2. An employee who works less than 40 hours per week and is not classified as full-time shall receive supplemental paid sick leave in an amount no greater than the employee’s average two week pay over the period of February 3, 2020 through March 4, 2020. Supplemental paid sick leave paid to an employee cannot exceed $511 per day and $5,110 total. This leave is reduced for every hour an employer allowed an employee to take paid leave in an amount equal or greater than the requirements outlined in the Public Order, not including previously accrued | Mayor’s Public Order; Supplemental Paid Sick Leave Rules; MWO Paid Sick Leave Guidance; LA Ordinance (now superseded) |
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<th>CO</th>
<th>Workers in the following fields:</th>
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<td>- Retail stores that sell groceries;</td>
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<td>- Leisure and hospitality;</td>
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<td>- Food and beverage manufacturing;</td>
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<td>- Food services;</td>
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<td>- Child care;</td>
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<td>- Education at all levels (including cafeterias and transportation and other related services);</td>
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<td>- Home health care (working with elderly, disabled, ill, or otherwise high-risk individuals);</td>
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<td>- Nursing homes; and</td>
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<td>- Community living facilities</td>
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The Colorado Department of Labor has issued an emergency rule, the Colorado Health Emergency Leave with Pay ("Colorado HELP"), which temporarily requires certain employers to provide up to 4 paid sick days to employees who may be impacted by COVID-19.

The Department released this emergency rule after Gov. Polis declared a State of Disaster Emergency on March 10 and it will stay in effect for the duration of the state of emergency.

Workers in the following fields:
- Retail stores that sell groceries;
- Leisure and hospitality;
- Food and beverage manufacturing;
- Food services;
- Child care;
- Education at all levels (including cafeterias and transportation and other related services);
- Home health care (working with elderly, disabled, ill, or otherwise high-risk individuals);
- Nursing homes; and
- Community living facilities

The rule only applies to employees who have exhausted their paid leave allotted by the employer, so this rule will have a more limited impact on employers that already provide PTO or paid sick leave.

Sick leave is available for an employee:
- with flu-like symptoms and
- who is being tested for COVID-19 or who is under instructions from a health care provider to quarantine or isolate due to a risk of having COVID-19

Up to four calendar days of paid sick leave for an employee at their daily rate of pay. The paid leave ends if an employee receives a negative COVID-19 test result.

Last Updated July 1, 2020

Colorado "HELP" Rules