

## KNOW YOUR RIGHTS: San Diego, CA Paid Sick Time

### 1) What does the San Diego Paid Sick Time law do?

It gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker's place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or to address certain needs that may arise if the worker or a family member is a victim of domestic violence, a sexual offense, or stalking.

Additionally, the City released [administrative guidance](#) clarifying that sick time can also be used for certain COVID-19 related reasons, including taking time off work because:

- A public health official or healthcare provider requires or recommends that the worker isolate or quarantine to prevent the spread of disease;
- The worker is 65 or older or has a serious chronic medical condition as described by the Centers for Disease Control; or
- The worker needs to care for a family member, by blood or affinity, who public health officials or healthcare providers have required or recommended isolate or quarantine.

### 2) Am I covered?

If you work as an employee in San Diego for at least **2 hours** in one calendar week of the year, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal and state employees, independent contractors, and a few other narrow groups.

### 3) How much paid sick time can I earn?

You earn **1 hour** of paid sick time for **every 30 hours worked**, up to a maximum of **80 hours** per year. However, your employer may limit your use of paid sick time at **40 hours** in a year.

All covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

### 4) What if my work or my child's school or daycare is closed for a health emergency?

You can also use your sick time if your place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

**Headquarters**

40 Worth Street, 10<sup>th</sup> Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

2301 21<sup>st</sup> Avenue South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

**5) Which of my family members are covered by the law?**

Under the law, you can take sick time to care for yourself or a child, spouse, registered domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling.

Additionally, pursuant to the administrative guidance mentioned above (under Question #1), you can also take sick time to care for a family member by blood or affinity (in addition to the aforementioned family members) who public health officials or healthcare providers have required or recommended isolate or quarantine.

**6) What if I already have paid leave or paid time off?**

If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time *and* it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

**7) When can I begin using my sick time?**

You start earning sick time immediately but cannot use it until 90 calendar days after the start of your employment.

**8) Do I need a doctor's note?**

Only after more than 3 consecutive work days of absence (and the note does not have to specify your illness).

*The San Diego's Office of the City Treasurer or the Mayor's designee is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time.** If you have a problem—or want more information—call A Better Balance's free legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.*