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KNOW YOUR RIGHTS: San Francisco Paid Sick Time and Public Health Emergency Leave

1) What do the San Francisco Paid Sick Time laws do?

San Francisco has a general paid sick time law and a separate public health emergency leave law. The general paid sick time law 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; for purposes related to bone marrow or organ donation when the worker or a family member is donating bone marrow or an organ; or to address needs that may arise if the worker is a victim of domestic violence, a sexual offense, or stalking. Additionally, the San Francisco Office of Labor Standards Enforcement released [administrative guidance](#) clarifying that general sick time can also be used for certain COVID-19* related reasons, including when a worker takes off work because:

- Public health officials or healthcare providers require or recommend the worker isolate or quarantine to prevent the spread of disease;
- Of a COVID-19 vaccination appointment or vaccination side effects;
- The worker's business or work location temporarily ceases operations in response to a public health official's or other public official's recommendation;
- The worker needs to provide care for a family member to attend a COVID-19 vaccination appointment, who is experiencing vaccination side effects, or who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine; or
- The worker needs 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 official's or other public official's recommendation.

In addition, San Francisco has a public health emergency leave law which took effect on October 1, 2022. This separate law gives eligible workers additional rights to sick time when the worker is unable to work during a public health emergency due to any of the following:

- 1) The recommendations or requirements of an individual or general federal, state, or local health order related to a public health emergency (either when the worker is unable to work due to the order or when the worker needs to care for a family member subject to such an order);
- 2) To isolate or quarantine – or to care for a family member who has been advised to isolate or quarantine – upon the advice of a healthcare provider;
- 3) When the worker, or a family member the worker is caring for, is experiencing symptoms of and seeking medical diagnosis, or has a positive medical diagnosis, for a

possible infectious, contagious, or communicable disease associated with the public health emergency;

- 4) To care for a family member if the school or place of care of the family member has been closed or the care provider is unavailable, due to the public health emergency;
- 5) Due to an air quality emergency if the employee is a member of a vulnerable population and primarily works outdoors. (Someone who has been diagnosed with a heart or lung disease; has respiratory problems, including but not limited to asthma, emphysema, and COPD; is pregnant; or is age 60 or older is considered a member of a vulnerable population under this law.)
- Note, however, that covered employees who are health care providers or emergency responders may face some restrictions on their use of public health emergency leave to care for a family member.
- Also note that for self-care under #1, #2, and #5 above, that if a worker is able to telework without increasing exposure to disease or unhealthy air quality, the worker may not use public health emergency leave.
- Under the public health emergency leave law, a “public health emergency” means a local or statewide health emergency related to any contagious, infectious, or communicable disease, declared by the City’s local health officer or the state health officer pursuant to the California Health and Safety Code, or an Air Quality Emergency (a day when the Bay Area Air Quality Management District issues a Spare the Air Alert).

** Between April 17, 2020 and April 12, 2021, a different San Francisco Public Health Emergency Leave law may have provided certain workers with additional sick time rights in relation to COVID-19. Workers may still be eligible for supplemental sick time in relation to COVID-19 under a statewide law. For more information, click [here](#).*

2) Am I covered?

If you work as an employee in San Francisco, you are probably covered by the general sick time law, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal and state employees.

If you work as an employee in San Francisco with an employer who employs at least 100 employees worldwide, you are also likely covered by the public health emergency leave law, whether you are a **full-time, part-time, or temporary worker**. Employees of non-profit organizations are not covered if the majority of the non-profit’s annual revenue is program service revenue that is not unrelated business taxable income under 26 U.S.C. § 512, and the non-profit does not engage in Healthcare Operations. This law also does not cover federal and state employees.



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3) How much paid sick time can I earn?

You earn **1 hour** of general sick time for **every 30 hours worked**. If your workplace has **10 or more workers**, you can earn up to **72 hours** of paid sick time. If your workplace has **fewer than 10 workers**, you can earn up to **40 hours** of paid sick time. Once you have earned the maximum hours of paid sick time, you cannot earn more paid sick time until you have used some.

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.).

Under the separate public health emergency leave law:

- Through December 31, 2022, covered employees who work a full-time, regular or fixed schedule are entitled to the number of public health emergency leave hours over a one-week period that the employee regularly works or takes paid leave, not to exceed **40 hours** of paid health emergency. Covered employees who are part-time or whose weekly hours vary are entitled to the number of public health emergency leave hours equal to the average number of hours over a one-week period that the employee was scheduled over the previous calendar year or since the employee's start date (if after the beginning of the previous calendar year), not to exceed 40 hours.
- As of January 1, 2023, full-time or fixed hour covered employees must be allocated the number of paid health emergency leave hours equal to the number of hours over a two-week period that the employee regularly works or takes paid leave, not to exceed **80 hours** of public health emergency leave in a year. Covered employees who are part-time or whose weekly hours vary are entitled to the number of public health emergency leave hours equal to the average number of hours over a two-week period that the employee was scheduled over the previous calendar year or since the employee's start date (if after the beginning of the previous calendar year), not to exceed 80 hours. Covered employees shall not be entitled to more than 80 hours of public health emergency leave in a year for all public health emergencies that take place in the calendar year.

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

As mentioned above (under Question #1), the San Francisco Office of Labor Standards Enforcement released administrative guidance that clarifies that you can use your general sick time when your business or work location temporarily ceases operations in response to a public health official's or other public official's recommendation, or to care for a family member whose school, childcare provider, senior care provider, or work temporarily ceases operations in response to a public health official's or other public official's recommendation. In addition, workers covered by the public health emergency leave law can also use their public health emergency leave when a family member's school or place of care is closed, or the care provider



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is unavailable, due to the public health emergency (a declared public health emergency related to any contagious, infectious, or communicable disease, or an issued Air Quality Emergency).

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

Under both laws, you can take sick time to care for yourself or a child, spouse, legal guardian or ward, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandchild, grandparent, sibling, or, if you don't have a spouse or registered domestic partner, a designated person of your choice.

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.

Public health emergency leave must be made available to covered employees in addition to any paid time off, including paid sick leave, that the employer provided to employees on or before October 1, 2022.

7) When can I begin using my sick time?

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

If you are covered by the public health emergency leave law, you can start using your public health emergency sick time starting October 1, 2022 when a qualifying need arises. If an employee is not employed on October 1, 2022 or January 1st of a calendar year thereafter, the worker will receive public health emergency sick time on the start date of the first public health emergency that begins during the worker's employment.

8) Do I need a doctor's note?

For general sick time purposes, only after more than 3 consecutive days of absence (and the note does not have to specify your illness). However, under a temporary rule in effect from February 22, 2022 until the date the local health emergency regarding COVID-19 ends, you can only be required to provide a doctor's note to your employer if you've been absent from work for more than 5 consecutive days of absence (and the note does not have to specify your illness).¹

¹ Under a now expired temporary rule that was in effect from March 24, 2020 until February 22, 2022, you could not be required to provide a doctor's note to your employer, even if you were absent from work for more than 3 consecutive days.



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If an employee uses public health emergency leave for an air quality emergency, the employer may require verification that the employee is a member of a vulnerable population, as defined by the law. An employer may not otherwise require that an employee disclose health information for the use of public health emergency leave.

The San Francisco Office of Labor Standards Enforcement is in charge of enforcing both of these laws.

All covered workers are protected against being fired or punished for using or requesting sick or safe time or public health emergency leave. 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.