

Labor Relations

New Paid Sick-Leave Ordinances in Los Angeles & San Diego



What are some of the key differences among the Los Angeles and San Diego's ordinances, and the California state and collectively bargained provisions currently in effect?

ANNUAL-USE CAPS

Under the provisions in the collective-bargaining agreements referred to above, and the California state law, an employer may limit an employee's use of accrued sick days to 24 hours/three days per year. Under Los Angeles' ordinance, an employee may use up to 48 hours/six days of accrued sick time per year. Under San Diego's ordinance, an employee may use up to 40 hours/five days of accrued sick time per year.

ACCRUAL CAPS

Under the California state law and the collective-bargaining agreement provisions, an employer may cap accrued sick time at 48 hours/six days. Under Los Angeles' ordinance, an employer may cap accrued time at 72 hours. San Diego's ordinance allows employers to cap an employee's total accrual of sick leave at 80 hours.¹

ANNUAL CARRYOVER OF ACCRUED SICK TIME

Under the California state law and the collective-bargaining agreements' provisions, if an employer provides sick leave in a lump grant (i.e. providing the entire paid sick-leave allotment at the beginning of each year of employment, calendar year, or 12-month period²), unused sick leave does not carry over. If an accrual method is used, employees may carry over up

to 48 hours of paid sick leave. Under the Los Angeles ordinance, up to 72 accrued hours must carry over. Therefore, a Los Angeles employee can use up to 48 hours of accrued sick pay in a year, but can carry over 72 additional hours of accrued leave. Under San Diego's ordinance, an employee is entitled to carry over up to 80 hours of accrued sick time.

COVERED EMPLOYEES

The California state ordinance applies to all employees. The provisions in the applicable collective-bargaining agreements apply to all employees included within the scope of the agreement. The Los Angeles and San Diego ordinances apply to employees entitled to payment of a minimum wage from any employer under the state's minimum-wage law, as provided under Section 1197 of California's labor code and wage orders published by the California Industrial Welfare Commission, or to employees participating in California's welfare-to-work program.

COLLECTIVE-BARGAINING AGREEMENT EXEMPTION

California state law has a limited collective-bargaining agreement exemption. Los Angeles and San Diego have no collective-bargaining agreement exemptions.

¹ San Diego and Los Angeles employers that provide an amount of paid leave, including paid time off, vacation, or paid personal days, sufficient to meet the requirements of the ordinances, and allow use of such paid time off under the same conditions and purposes as the ordinances, are not required to provide additional leave. ² Similar to California state law, the 12-month period is left to the employer's discretion. However, the employer must advise the employee as to what 12-month term applies.

For more information on California's state statute, please visit our website at www.castandcrew.com/ca-paid-sick-leave. To learn more about Labor Relations, visit www.castandcrew.com/labor-relations.

CONTACT

OFFICE: 818. 848.6022

laborrelations-questions@castandcrew.com

