

**REVISED LEGISLATIVE DIGEST**  
(Substituted, 3/31/2020)

[Emergency Ordinance - Public Health Emergency Leave]

**Emergency ordinance to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.**

Existing Law

This emergency ordinance does not amend existing law, but it supplements paid leave provided under federal law and a City ordinance. The federal Families First Coronavirus Response Act, H.R. 6201, Public Law No. 116-127 (“Act”) requires employers to provide emergency paid sick leave to certain employees who are unable to work or telework due to the COVID-19 public health emergency, but it exempts private employers with 500 or more employees. The San Francisco Paid Sick Leave Ordinance (Administrative Code Chapter 12W) requires employers to provide paid leave that can be used for many of the same purposes as public health emergency leave under this emergency ordinance.

The emergency ordinance extends additional paid leave modeled on the Act’s emergency paid sick leave to some employees not otherwise protected by the Act.

Background Information

This emergency ordinance requires employers with 500 or more employees to provide employees public health emergency leave during the public health emergency related to COVID-19. The Act extended similar emergency paid sick leave to employees of businesses with fewer than 500 employees and public agencies.

Employees may use up to 80 hours of paid public health emergency leave if unable to work (including telework) because:

- (1) The employee is subject to a quarantine or isolation order related to COVID-19, including but not limited to the Local Health Officer’s shelter-in-place Order No. C19-07 or any succeeding order requiring residents to stay in their homes during the emergency, or shelter-in-place orders issued in other Bay Area jurisdictions.
- (2) The employee has been advised by a health care provider to self-quarantine.
- (3) The employee is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for a family member who is subject to an order as described in (1), has been advised as described (2), or is experiencing symptoms as described in (3).

- (5) The employee is caring for a family member if the school or place of care of family member has been closed, or the care provider of such family member is unavailable, due to the public health emergency.
- (6) The Employee is experiencing any other substantially similar condition specified by the Local Health Officer, or under Section 5102(a)(6) of the Act, by the United States Secretary of Health and Human Services.

Public health emergency leave must be provided in addition to paid leave the employer currently provides, made available for immediate use, and expires with the expiration of the emergency ordinance. Employers of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the emergency ordinance.

The Office of Labor Standards Enforcement (“Agency”) will, within seven days of the effective date of this emergency ordinance, publish and make available on its website and through electronic communication to employers a notice suitable for employers to inform employees of their rights under this emergency ordinance. Employers must provide the notice to employees within three days after it is published. The Agency will implement and enforce the emergency ordinance.

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