

SAN JOSE COVID-19 PAID SICK LEAVE ORDINANCE



CITY OF SAN JOSE COVID-19 PAID SICK LEAVE ORDINANCE

The City of San José COVID-19 Paid Sick Leave Ordinance expands the Families First Coronavirus Response Act (FFCRA), enacted by the federal government on April 1, 2020. FFCRA entitles certain employers to provide eligible employees with paid sick leave for specified reason related to COVID-19. These Ordinance provisions will apply from April 7, 2020 through December 31, 2020.

PAID SICK LEAVE ENTITLEMENTS

Generally, employers covered under the Ordinance must provide eligible employees up to two weeks of paid sick leave based on the higher of their regular rate of pay, or the applicable state or local minimum wage, paid at:

- 100% of pay rate for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 66% of pay rate for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total;
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 66% of pay rate for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

In general, employees not covered under the FFCRA, which include but are not limited to private sector employers with more than 500 employees and employers of 50 or fewer who qualify under the “small business” exemption under the FFCRA.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- (1) Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (2) Has been advised by a health care provider to self-quarantine related to COVID-19;
- (3) Is experiencing COVID-19 symptoms and is seeking medical diagnosis;
- (4) Is caring for an individual subject to an order described in (1) or self-quarantine and described in (2);
- (5) Is caring for his or her child whose school or place of care is closes (or the childcare provider is unavailable) due to COVID-19 related reason; or
- (6) Is experiencing any other substantially similar condition specified by the U.S Department of Health and Human Services

QUESTIONS?

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