



News & Publications

Los Angeles Emergency Order Requires Employers To Provide Supplemental Paid Sick Leave

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Los Angeles Emergency Order Requires Employers To Provide Supplemental Paid Sick Leave

Yesterday Los Angeles Mayor Eric Garcetti signed an Emergency Order which requires large employers operating within the City of Los Angeles to provide supplemental paid sick leave benefits similar to those required under the Families First Coronavirus Response Act (“FFCRA”).

The new ordinance applies to employers with 500 or more employees within the City of Los Angeles or 2,000 or more employees nationally, which are excluded from the provisions of the FFCRA. For purposes of the ordinance, employers are defined as entities or persons (including corporate officers or executives) “who directly or indirectly through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee.”

Effective immediately, covered employers must provide up to 80 hours of supplemental paid sick leave to employees who (1) perform *any* work within the geographic boundaries of the City of Los Angeles; (2) were employed by the employer from February 3, 2020 through March 4, 2020; and (3) are unable to work or telework.

Similar to the emergency sick leave benefits provided under the FFCRA, the Emergency Order entitles full-time employees to 80 hours of supplemental paid sick leave at a rate equal to the employee's

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average two-week pay during the period of February 3, 2020 through March 4, 2020, up to a maximum of \$511 per day and \$5,110 in the aggregate.

Part-time employees are entitled to supplemental paid sick leave at a rate equal to the employee's average two-week pay during the same period.

Employees must be provided supplemental paid sick leave upon *oral or written request* in the following circumstances:

1. The employee takes time off due to COVID-19 infection or because a public health official or healthcare provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19;
2. The employee takes time off work because the employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;
3. The employee takes time off work because the employee needs to care for a family member who is not sick but for whom public health officials or healthcare providers have required or recommended isolation or self-quarantine; or
4. The employee takes time off work because the employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation. This provision is only applicable to an employee who is unable to secure a reasonable alternative caregiver.

Employers are entitled to an hour-by-hour offset against the new supplemental paid sick leave requirements for any paid leave (not including previously accrued hours) that was provided to an employee on or after March 4, 2020 for the reasons outlined above.

The following employers are exempt from the Emergency Order:

1. Employers that provide a minimum of 160 hours of paid leave annually under a paid leave or paid time off policy, but only as to employees receiving these leave benefits;
2. New businesses, defined as those businesses that were not in business in the City of Los Angeles in the 2018 tax year, but started in the City or relocated to the City between September 4, 2019 and March 4, 2020. Construction businesses and film producers do not qualify for this exception;
3. Closed businesses, defined as any business or organization that was closed or not operating for a period of 14 days or more due to a city official's emergency order because of the COVID-19 pandemic or that provided at least 14 days of leave;
4. Emergency and health services providers;
5. Global parcel delivery service providers; and
6. Government agencies.

Collective bargaining agreements may supersede the provisions of the Emergency Order if they contain COVID-19 related sick leave provisions. The provisions of the Order may be expressly waived in a collective bargaining agreement;



however, employers that are currently signatory to a collective bargaining agreement that does not address COVID-19 related sick leave must comply with the Emergency Order unless and until the agreement is amended to either provide for COVID-19 related sick leave or expressly waive the provisions of the Emergency Order.

The ordinance will remain in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.