

CLIENT ALERT: Los Angeles City Paid Sick Leave Ordinance

On April 19, 2016, by an overwhelming 13-1 vote, the Los Angeles City Council decided to move forward with a proposed ordinance that would require all employers in the city to provide employees with paid sick leave. If this ordinance receives final approval, it will require employers to provide twice as much paid sick leave as what is currently required under California state law. The ordinance has now been referred to a City Attorney for drafting. Once drafted, the ordinance will return to the Council for final approval. If all goes according to plan, the ordinance will go into effect on July 1, 2016 for employers with more than 25 employees, and July 1, 2017 for employers with 25 or fewer employees.

The Council has instructed the City Attorney to model the ordinance after the recently enacted California state leave law. In addition, the Council has identified specific provision that they would like to be included in the ordinance.

According to the Council's recommendations, an employee who works in the city of Los Angeles for the same employer for 30 days or more within a year will be eligible for paid sick leave. Paid sick leave will begin to accrue on an employee's first day of employment or July 1, 2016, whichever is later. New hires after the effective date of the ordinance will be allowed to use accrued paid sick leave on the 90th day of employment. Employees who are currently employed on the effective date of the ordinance can begin to use leave as soon as it accrues.

An employee will be entitled to take 48 hours (6 days) of leave per calendar year. Paid sick leave will accrue at a rate of 1 hour for every 30 hours worked. Alternatively, an employer can elect to front load leave each year. Unused accrued paid sick time will carry over to the following year of employment. The amount of leave that carries over can be capped at 72 hours. An employer can opt to have a higher cap or no cap at all. Employers will not have to provide additional paid time off if the employer has a current paid leave or paid time off policies, or provides payment for compensated time off, as long as that these polices grant at least 48 hours of paid leave.

An employer will have to provide paid sick time off upon the oral or written request of an employee. Leave can be used for the employee, or a family member, or for any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. However, by motion during the Council meeting, it appears the Council voted to allow an employer to require documentation after an employee takes more than three consecutive days of sick leave.

An employer will not be required to provide compensation to an employee for accrued or unused sick leave upon termination, resignation, retirement, or separation from employment. If an employee leaves but is rehired within one year, then previously accrued and unused paid sick leave must be reinstated. Retaliation or discrimination against an employee who requests paid sick time off or uses paid sick time off is forbidden. The Office of Wage Standard will enforce this ordinance.



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Of course, an employer should await the final ordinance before implantation to ensure no changes have been made. The record for this ordinance can be found under Council File No. 14-1371. We will continue to monitor the progress of this ordinance and will provide further information as it becomes available.

Jaelyn L. Kugell is a partner with Morgan, Brown & Joy, LLP, and may be reached at (617) 523-6666 or at jkugell@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters. This alert was prepared with the assistance of Michael Horne, a student at Northeastern University School of Law.

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