

Reminder To Employers, With Employees In The City of Los Angeles, To Ensure Compliance With LA's Paid Sick Leave Laws & Changes to Related Rules & Regulations

The City of Los Angeles ("LA") has a mandatory paid sick leave law which is part of its minimum wage ordinance. This law went into effect on July 1, 2016 for employers with 26 or more employees. On July 1, 2017, the law became effective for employers with 25 or fewer employees. This year, the City revised some of the rules and regulations associated with these laws, as well as some its responses to "Frequently Asked Questions (FAQ)."

LA's paid sick leave law requires 3 additional days (24 hours) more of paid sick leave law than California's paid sick leave law, for a total of 6 days or 48 hours. And, it covers all employees who have worked within the City of Los Angeles for the same employer for 30 or more days within a year, regardless of the location of the employer. Very briefly, employers must either: (1) provide employees the required 48 hours of paid sick leave at the start of employment for the year or for a 12-month period or (2) accrue for employees one hour of sick leave for every 30 hours worked. Although the ordinance provides that accrual commences immediately upon hire, the employer may limit employees from using their accrued or front-loaded sick leave until after their 90th day of employment (unless the employer opts to allow for a shorter waiting period).

As indicated, Los Angeles' 48 hours (six days) paid sick leave minimum is double the state law requirement of 24 hours (three days) of paid sick leave per year. The ordinance also mandates that unused, accrued sick leave is carried over to the following year. Thus, there is no "use it or lose it" allowed for "front-load" policies as there are under California's paid sick leave law. Sick leave carries over year to year, subject to the annual cap on accrual. Employers may cap the accrual of paid sick leave in Los Angeles at 72 hours, which is higher than the state cap of 48 hours. In keeping in line with California law, however, employers do not have to pay out unused sick leave when an employee separates from the employer. However, accrued sick leave is reinstated if the employer rehires the employee within a year.

LA's paid sick leave ordinance also expands the use of sick leave from California law. Employees are allowed to use sick leave for the employee's own health care, a covered family member's health care needs including the caring for extended family and also to seek aid, treatment or related assistance for domestic violence, sexual assault or stalking. LA's ordinance goes one step farther, expanding use of paid sick leave for "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship."

Although LA broadens employee protections in a number of instances, some of the state law's requirements are not included in the Los Angeles ordinance. Employers must comply with those portions of each law that are more generous to employees. For example, employers must allow employees to take leave in increments of at least two hours, as required under California law. Employers must post a copy of California and LA's sick leave law, and distribute a written notice of its paid sick leave policy to employees, among other things. Moreover, employers must comply with the recordkeeping and tracking requirements mandated under California's paid sick leave law.

All LA employers should ensure they are complying with both California and LA's paid sick leave laws, and with LA's recent changes to the rules and regulations relating to its paid sick leave law. Smaller employers with 25 or fewer employees should be sure they updated their sick leave law policies since they are now also subject to LA's paid sick leave law as of July 1, 2017.

If you require assistance updating your sick leave policy or with any other labor and employment or legal matter, please contact us at rseroussi@newhouselawgroup.com or mnewhouse@newhouselawgroup.com.

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