



CITY OF OAKLAND

**Office of the City Administrator, Contracts & Compliance Division**

**COVID-19 (Coronavirus Disease) and  
Oakland's Sick Leave Law**

*The City of Oakland is taking measures to slow the spread of the new coronavirus (COVID-19) in our community. This is an important reminder to all Oakland employers and employees of Oakland businesses about Oakland's Sick Leave Law and guidance from the State of California regarding paid leave and unemployment eligibility.*

**Paid Leave Requirements Under Oakland's Paid Sick Leave Law**

Oakland's [Measure FF Paid Sick Leave Law](#) requires the following:

- Employers are required to provide paid sick days to their workers so they may stay home when they are sick or need to go to the doctor, or to care for others who may be sick or need care.
- All Oakland workers performing at least 2 hours of work per week within the geographic boundaries of Oakland are covered under this law and are eligible to accrue and use paid sick time.
- Workers can use paid sick days to take care of family members who are sick, including designating *any individual* for whom the worker can use sick leave to support.
- Workers accrue 1 hour of sick time for every 30 hours worked. Workers at small businesses with 10 employees or less can accumulate up to 40 hours of sick leave at a time. Workers at all other businesses can accumulate up to 72 hours of sick leave at a time.
- Workers may not be required to find or confirm a replacement if they need to use sick leave to care for themselves or others.
- Employers may only take reasonable measures to confirm a worker's eligibility for sick leave. Any requirement to document or verify sick leave that costs a worker more than \$5 is not a reasonable request.

(more)

- Oakland's Paid Sick Leave ordinance incorporates changes made to California law after the passage of AB 5. Therefore, app-based or "gig" workers would also qualify for coverage under the law to both accrue and use sick leave.
- California law presumes that all workers are employees and puts the burden of proof on employers to demonstrate that people working for them are independent contractors by satisfying a three-part test (the ABC test). **Therefore, all workers are by default eligible for paid sick leave unless their employer proves otherwise.**

Nothing prevents an employer from offering more generous or flexible paid leaves, such as Personal Time Off (PTO) that can be used for sickness, vacation, or other personal needs. For more information on the Oakland Minimum Wage Ordinance, please visit: <https://www.oaklandca.gov/topics/measure-ff-and-measure-z>.

### **State of California Paid Leave and Unemployment Eligibility Guidance**

For additional guidance from the State of California's Department of Industrial Relations regarding allowed leave from work as it relates to the Coronavirus Disease (COVID-19), please visit: [CA Labor Commissioner's Guidance](#).

If an employer temporarily shuts down or reduces hours for employees due to COVID-19, employees may be eligible to file for unemployment through the State's Employment Development Department (EDD). Guidance from the EDD for disability insurance and unemployment insurance as it relates to COVID-19 can be found here [EDD Guidance](#).

### **Stay up to Date on the Latest Public Health Guidance:**

We encourage you to visit these websites to stay current on how to protect you and your family:

**Centers for Disease Control & Prevention:** <https://www.cdc.gov/coronavirus/index.html>

- Travel: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>
- Schools: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html>
- Pregnant Women and Children: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/pregnant-women.html>

### **California Department of Public Health:**

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

- New guidance re: schools and public events: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx>

**Alameda County Public Health Department:** <http://www.acphd.org/2019-ncov>