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CITY OF OAKLAND

# **OFFICIAL NOTICE**

## **Protecting Workers and Communities During a Pandemic COVID-19 Emergency Paid Sick Leave Ordinance**

**Effective Date: May 12, 2020**

Employers subject to this Ordinance, set forth in Oakland Municipal Code (OMC) section 5.94.030, must immediately provide: 80 hours of Emergency Paid Sick Leave (EPSL) to each current employee who worked at least 40 hours per week within the City of Oakland between 2/3/2020 and 3/4/2020 or at any point thereafter or is classified as full-time; and to each current employee who worked fewer than 40 hours per week between 2/3/2020 and 3/4/2020 and continues to do so after 3/4/2020, EPSL equal to the average number of hours the employee worked within the City of Oakland over the fourteen (14) days with the highest number of hours worked, from 2/3/2020 through 3/4/2020.

Employers must pay 100% of the employee's normal hourly rate, up to a limit of \$511 per day or \$5,110 in total. Employers may credit any paid sick leave provided under the federal Families First Coronavirus Response Act (federal law) against their obligation to provide EPSL under this Ordinance.

### **Employers Subject to the Ordinance**

Subject to the exceptions below, the Ordinance applies to all businesses that employed 50 or more employees between 2/3/2020 and 3/4/2020. It also applies to unregistered janitorial employers of any size, and franchises with fewer than 50 employees associated with a franchisor or network of franchises employing more than 500 employees in total.

Employers of employees who are health care providers or emergency responders may elect to be exempted from the Ordinance. Employers that allow employees to accrue at least 160 hours of paid leave hours (e.g., sick, vacation) and allow employees immediate access to at least 80 hours of paid leave after 5/12/2020 for the uses allowed under the Ordinance are exempted from the requirement to provide EPSL but subject to the remainder of the Ordinance.

### **Employees Eligible for Emergency Paid Sick Leave**

To be eligible, a worker must qualify as an employee entitled to payment of a minimum wage under California law and must have worked within the City of Oakland for an employer for at least two hours after 2/3/2020. Recipients of public benefits who as a condition of receiving such assistance have performed at least two hours of work within the City of Oakland after 2/3/2020, are also eligible.

### **Qualifying Uses of Emergency Paid Sick Leave**

Eligible employees may use EPSL if they are unable to work or telework for the reasons listed in Oakland Municipal Code section 5.94.030(B). For a full list of qualifying uses of EPSL, please see the EPSL Frequently Asked Questions.

### **Use Of Non-Emergency Paid Sick Leave Prior to Layoff**

Employers must compensate laid off employees for all paid sick leave accrued pursuant to Oakland Municipal Code section 5.92.030 immediately upon separation of employment.

Employees who assert their right to receive the benefits under this Ordinance are protected from retaliation. If you have questions, or believe you have been improperly denied Emergency Paid Sick Leave, or the ability to cash out accrued paid sick leave, please contact Oakland Contracts and Compliance at: 250 Frank H. Ogawa Plaza, Suite 3341, 3<sup>rd</sup> Floor, Oakland, CA 94612 Telephone: 510-238-6258 or E-Mail: [minwageinfo@oaklandca.gov](mailto:minwageinfo@oaklandca.gov).