



City of Berkeley Paid Sick Leave FAQ

(Updated August 14, 2019)

1) Q: Where can I find information on to the Berkeley Paid Sick Leave Ordinance?

A: Information related to the Berkeley Paid Sick Leave Ordinance, along with other labor standards, are posted on the City of Berkeley website <http://www.cityofberkeley.info/Labor>. You can also call 981-CITY/2489 or 3- 1-1 from a landline in Berkeley to receive information about the PSLO.

2) Q: When did the Berkeley Paid Sick Leave Ordinance take effect?

A: Berkeley's Paid Sick Leave ordinance went into effect on October 1, 2017. The ordinance requires that employers provide paid sick leave to employees at the rate of one (1) hour for every 30 hours worked.

3) Q: Does the Berkeley Paid Sick Leave apply to all Employers that have Employees who perform work in Berkeley?

A: Yes, all Employers regardless of where they are located, must provide paid sick leave to their Employees who perform at least two hours of work per week within the geographic limits of the City of Berkeley.

4) Q: Are the Berkeley Paid Sick Leave regulations the same for Employees of small and large businesses?

A: No. The ordinance defines Employers with fewer than 25 Employees as a "Small Business". Small businesses may cap an Employee's accrual of paid sick leave at 48 hours as well as their use of paid sick leave at 48 hours within a calendar year. Employers with 25 or more

Employees may cap accrual of paid sick leave at 72 hours but may not limit an Employee's use of Paid Sick Leave.

5) Q: Does the Berkeley Paid Sick Leave Ordinance cover Employees who work in Berkeley but are not Berkeley residents?

A: Yes. Any person who performs at least two hours of work in a week for an Employer within the geographic boundaries of the City of Berkeley is entitled to earn Paid Sick Leave regardless of where they live.

6) Q: Between local and state laws relating to Paid Sick Leave, which standards apply?

A: Employers subject to state and local Paid Sick Leave laws must follow the stricter standard or the law that is the most beneficial to the employee. In places where the local ordinance is silent, provisions from the state law would apply. For example, the state law also requires that all employees that have accrued Paid Sick Leave and then terminate employment with an Employer and then return to work for the same Employer within 12 months, shall have the previously accrued Paid Sick Leave restored. Because the Berkeley ordinance is silent on this, the state requirement to restore the previously accrued Paid Sick Leave time applies.

7) Q: Does the Berkeley Paid Sick Leave Ordinance apply to undocumented workers?

A: Yes. Workers reporting violations of the Paid Sick Leave Ordinance (or any other labor standard including the Minimum Wage Ordinance) will not be questioned about their immigration status.

8) Q: When is an Employee eligible to use Paid Sick Leave?

A: An Employee may begin using Paid Sick Leave 90 calendar days after commencement of employment.

9) Q: Under what circumstances can an Employee use Paid Sick Leave?

A: An Employee may use Paid Sick Leave when they are ill or injured for the purpose of the Employee's receiving medical care, treatment, or diagnosis, and also to aid or care for the following persons who are ill or

injured or receiving medical care, treatment, or diagnosis: child, parent, legal guardian or ward, sibling, grandparent, grandchild, and spouse, registered domestic partner under any state or local law, or designated person.

10) Q: What is the accrual method for providing Paid Sick Leave for Employees?

A: Option 1: Provide one (1) hour of Paid Sick Leave for every 30 hours worked. Option 2: Employers can provide any lump sum of Paid Sick Leave at the beginning of each employment year, calendar year or 12-month period, so long as the employee can accrue additional Paid Sick Leave after working enough hours to have accrued the amount allocated upfront.

11) Q: What is the minimum amount of Paid Sick Leave that can be used at a time?

A: Because the Berkeley ordinance is silent on this, the provisions revert back to state law which outline that an Employee may utilize Paid Sick Leave with a minimum of two (2) hours for each occurrence and in increments of 15 minutes thereafter.

12) Q: When is Paid Sick Leave due to the Employee?

A: On the payday for the next regular payroll period after the Paid Sick Leave is taken.

13) Q: How does an Employee know how much PSL they have accrued?

A: Each pay period, the Employer must indicate in writing how much Paid Sick Leave an Employee has accrued. It can be indicated within the Employee's paystub or by any other written method that provides notice to the Employee of their accrued Paid Sick Leave.

14) Q: Can an Employee "cash out" unused Paid Sick Leave accrual balances?

A: It is not required that an Employer allow Employees to "cash out" Paid Sick Leave balances at any time.

