

Legislation Text

File #: ROGC 20-115, **Version:** 1

Paid Sick Leave Ordinance (Esparza, Carrasco, Arenas)

As referred by the Rules and Open Government on March 18, 2020:

- (1) Direct City Attorney to return to the City Council on April 7th, 2020 with an ordinance and a companion urgency ordinance to allow employees in San Jose to earn paid sick time to address their personal and family health needs and prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID19) pandemic, under the following conditions:
 - (a) An ordinance will cover all employees, as provided under Sections 2750.3 and 245.5 of the California Labor Code, who have worked at least two hours within the geographic boundaries of San Jose for an employer.
 - (b) Building on local ordinances including San Diego, Oakland and San Francisco, the ordinance should require employers to provide workers with one hour of paid sick leave for every 30 hours worked for an employer. Employees should be able to accrue a maximum of 80 hours of paid sick leave [or equal to two weeks' worth of paid sick leave] and should be allowed to begin using paid sick days after no more than 90 calendar days of employment.
 - (c) Employees should be eligible to use paid sick days when they are ill or injured or for the purpose of receiving medical care, treatment, prevention or diagnosis, as provided under California Labor Code 233(b) (4) but also for children, parents, legal guardians, siblings, grandparents, grandchildren and relationships resulting from adoption and foster care. This should include recovery from physical or psychological injury or disability from sexual assault or domestic violence.
 - (d) The ordinance should integrate an enforcement mechanism, building off of the City of Oakland's paid sick days ordinance, including protections for workers from retaliation for use of paid sick days under the ordinance.
 - (e) Any employer with an existing plan that provides paid sick leave equal to or greater than the City's protection should have its program grandfathered and be exempt from the ordinance.
 - (f) In the event of a public health emergency impacting San Jose, as declared by the US Department of Health and Human Services, State or County public health officials, the ordinance should provide employees additional paid sick time from their employer, in addition to any amount of sick days already accrued. The amount should be equal to number of hours that employee regularly works in a 14 day period, calculated as an average of either the past 12 months of employment or since being employed by their current employer.
- (2) The City Manager should be directed to prepare a budget amendment to extend such paid sick leave protection to City hourly workers, utilizing resources from available budget reserves.
- (3) Direct intergovernmental relations and Economic Development staff to work to advocate to state and

federal authorities for appropriate subsidies, financing and other financial assistance to small business and micro businesses adapting to these new rules and the impacts of the public health emergency related to the novel coronavirus (COVID-19).

[Rules Committee referral 3/18/20 - Item G.3]