

Memorandum

City of Los Angeles Adopts COVID-19 Related Paid Sick Leave for Large Employers

April 9, 2020

On April 7, 2020, Los Angeles Mayor Eric Garcetti signed into law an emergency public order providing supplemental paid sick leave for employees of large employers in response to the circumstances created by the coronavirus disease 2019 (“COVID-19”). Key elements of this public order (the “LA Order”), which replaces and supersedes an emergency ordinance passed by the Los Angeles City Council on March 27, 2020, are summarized below. The requirements of the LA Order are similar to those of the federal Families First Coronavirus Relief Act (“FFCRA”), with some significant differences. Notably, the LA Order is applicable to only large employers with *500 or more employees in the City of Los Angeles or 2,000 or more employees nationally*, whereas the FFCRA only applies to employers with *fewer than 500 employees in the U.S.* Also, unlike the FFCRA, the LA Order does not provide employers with any tax credits to offset payments to employees. For more information about the FFCRA, see our memorandum [here](#).

COVID-19 Supplemental Paid Sick Leave

Effective immediately and through the date that is two calendar weeks after the expiration of the COVID-19 local emergency period, employers who have 500 or more employees in the City of Los Angeles or 2,000 or more employees within the U.S. are required to provide eligible full time employees working in the City of Los Angeles with 80 hours of paid leave. Part-time employees are entitled to paid sick leave up to their two-week average pay. Employees are eligible if they have worked for the same employer from February 3, 2020 through March 4, 2020. Paid leave is at full-pay, up to a per-employee cap of \$511 per day and \$5,110 in the aggregate (these are the same caps applicable to full-time employees for emergency paid sick leave under the FFCRA).

Eligible employees are entitled to supplemental paid sick leave for the following reasons:

- The employee takes time off due to a COVID-19 infection or because of a public health official or healthcare provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19;
- The employee takes time off work because the employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;

- The employee takes time off work because the employee needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine; or
- The employee takes time off work because the employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation, and the employee is unable to secure a reasonable alternative caregiver.

Employers may offset their obligation to provide supplemental paid sick leave by every hour of other paid leave the employee takes, on or after March 4, 2020, which met or exceeded the requirements of the LA Order.

Moreover, the following categories of employers are exempt and not required to provide supplemental leave:

- Employers of emergency and health services personnel;
- Employers who provide global parcel delivery;
- Employers who provide at least 160 hours of paid leave annually (with respect to the employees who receive that amount of paid leave);
- New businesses that started in the City or businesses that relocated from outside the City of Los Angeles on or after September 4, 2019 through March 4, 2020, except for certain construction businesses and certain film producers;
- Governmental agencies; and
- Employers who closed or were not operating for a period of 14 or more days due to a city official's emergency order because of the COVID-19 pandemic, or provided at least 14 days of leave.

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