

Paid Sick Leave*

Digest by the Ballot Simplification Committee

Status: Final Digest

On: Monday, February 29, 2016

Members: Packard, Fasick, Fraps, Jorgensen

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Deadline to Request Reconsideration: 2:30 p.m. on Tuesday, March 1, 2016

The Way It Is Now: In 2006, San Francisco voters adopted the Paid Sick Leave Ordinance (PSLO), which requires employers to provide employees with one hour of paid sick leave for every 30 hours worked in San Francisco.

Under the PSLO, accrual of paid sick leave hours begins 90 days after the first day of employment. An employee who leaves a job and is rehired by the same employer is not entitled to have any unused paid sick leave reinstated.

California enacted a paid sick leave law, which became effective on July 1, 2015. It does not override the PSLO and in some ways provides broader protections for employees. Employers must comply with both the PSLO and the state law. The City can enforce only the PSLO.

In many instances, the number of hours of paid sick leave available to an employee under the PSLO is greater than the number of hours available under state law. For example, the state law allows an employer to provide the employee at the beginning of each year with only 24 hours or three days of paid sick leave for the year. Under the PSLO, the employer must provide one hour for every 30 hours worked up to a cap of 40 hours for employers with fewer than 10 employees. For employers with 10 or more employees, the cap is 72 hours.

The Proposal: Proposition ___ would amend the PSLO to parallel broader state law provisions so that, with some exceptions, an employer who complies with the PSLO would also comply with state law.

Proposition ___ would add provisions to the PSLO consistent with broader state law so that

- employees would begin to accrue paid sick leave under the PSLO on the first day of employment;
- employees who leave a job and are rehired by the same employer within a year would have their unused PSLO sick leave reinstated.

An employee could use paid sick leave for the broader purposes authorized by state law. Specifically, in addition to current uses

- an employee could use PSLO paid sick leave for legal or other purposes when the employee is a victim of domestic violence, stalking or sexual assault;
- employees could use PSLO paid sick leave to care for a biological, adoptive or foster parent, step-parent, or guardian of their spouse or registered partner, or the employee's guardian when the employee was a minor.

Under Proposition ___, if an employer provides an employee with three days of paid sick leave at the beginning of the year under state law, those three days would be treated as an "advance" on paid sick leave not yet accrued under the PSLO.

Proposition ___ would also authorize the Board of Supervisors to amend the PSLO to adopt provisions parallel to state or federal law in order to provide broader protections or coverage to employees.

**Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.*

A "YES" Vote Means: If you vote "yes," you want to amend the PSLO to parallel broader state law provisions without reducing the PSLO's coverage and allow employees to use paid sick leave hours for the broader purposes authorized by state law.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.