



City of Emeryville New Labor Laws: Effective July 1, 2020

Administered by the City of Emeryville and specified by Emeryville Municipal Code (EMC) 5-37, adopted July 2015

Minimum Wage

EMC 5-37.02

All Businesses

Minimum Hourly Compensation:

\$16.84

Effective

July 1, 2020

Paid Sick Leave

EMC 5-37.03

Large Businesses

(56 or More Employees)

Minimum Number of Annual Paid Sick Leave Hours Available to Employees: **

72 hours

Small Businesses

(55 or Fewer Employees)

Minimum Number of Annual Paid Sick Leave Hours Available to Employees: **

48 hours

Employees Can File a Complaint With The City If They:

- Do Not Receive the Minimum Hourly Wage
- Do Not Receive Paid Sick Leave (PSL) or Notice to Designate PSL Person
- Experience Retaliation

For More Information: minwage@emeryville.org (510) 596-4351

** Accrual Methods May Vary

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



COVID-19 (Coronavirus Disease) and Emeryville's Paid Sick Leave Law

The City of Emeryville is taking measures to slow the spread of the new coronavirus (COVID-19) in our community. This is an important reminder to all Emeryville employers and employees of Emeryville businesses about Emeryville's Sick Leave Law and guidance from the State of California regarding paid leave and unemployment eligibility.

City of Emeryville employers covered by Section 5-37.03 of the Minimum Wage, Paid Sick Leave Ordinance must allow covered employees to use accrued sick leave in the following situations:

- The employee takes time off work because public health officials or healthcare providers require or recommend an employee isolate or quarantine to prevent the spread of disease;
- The employee takes time off work because the employee falls within the definition of a “vulnerable population” under the Guidance from the State or any other official subsequent updates.
- The employee takes time off work because the employee's business or a work location temporarily ceases operations in response to a public health or other public official's recommendation;
- The employee takes time off work because the employee needs to provide care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine; or
- The employee takes time off work because the employee needs to provide care for a family member whose school, childcare provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official's recommendation.

Background

Section 5-37.03 of the Emeryville's Minimum Wage and Paid Sick Leave Ordinance requires employers to provide paid sick leave to all employees (including temporary and part-time employees) who perform work in the City for at least 2 hours per week. Employees may use paid sick leave when they or a family member, designated person or service animal are ill, injured, or for the purpose of receiving medical care (including preventive care), treatment, diagnosis, or other medical reason.

Nothing prevents an employer from offering more generous or flexible paid leaves, such as Personal Time Off (PTO) that can be used for sickness, vacation, or other personal needs.

Further guidance on the use of paid sick leave and additional resources can be found below:

California Labor Commissioner guidance on State paid sick leave and the Coronavirus is available at <https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm>. California Employment Development Department guidance on Disability Insurance, Paid Family Leave, and Unemployment Insurance and the Coronavirus is available at https://edd.ca.gov/about_edd/coronavirus-2019.htm.