

The City of San Jose Extends and Expands Its Supplemental Paid Sick Leave Ordinance

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The City of San Jose recently passed an ordinance extending its supplemental paid sick leave ordinance until June 30, 2021 and expanding it to apply to all employers with employees working in San Jose.

Extension

When it was first passed, San Jose's supplemental paid sick leave ordinance was set to expire on December 31, 2020. In late 2020, the City [committed to extending the ordinance into 2021](#) but waited to see if the Emergency Paid Sick Leave (EPSL) provided under the Families First Coronavirus Response Act (FFCRA) would be extended before taking action. When the federal government did not extend the FFCRA, the City of San Jose passed [a revised ordinance](#) that extends the City's supplemental sick leave until June 30, 2021. The ordinance is retroactive to January 1, 2021.

Expansion

San Jose's original ordinance was designed to provide sick leave to employees who did not receive EPSL under the FFCRA; thus it only applied to employers with 500 or more employees. Because the FFCRA was not extended into 2021, the City of San Jose decided to expand its ordinance to apply to all employers with employees in the City of San Jose, regardless of the size of the employer. That means that San Jose's supplemental paid sick leave is now available to all employees working in the city.

Reasons for Leave

The revised ordinance does not change the reasons for which sick leave may be taken. An employee may take leave when unable to work because the employee:

- Is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or is caring for someone who is;
- Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 or is caring for someone who is;

- Is experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- Is caring for their child if the child's school or place of care is closed or unavailable due to COVID-19 precautions.

No Additional Time

Like the original ordinance, the revised ordinance provides full-time employees with 80 hours of paid sick leave (part-time employees receive a pro-rata amount). However, the ordinance states that 80 hours is the *total* amount available to employees for the period of April 2, 2020, to June 30, 2021.

Other local ordinances such as the City and County of Sacramento have also been extended. But like the federal government, [the state of California has thus far not extended statewide supplemental paid sick leave](#).

Jackson Lewis continues to monitor local, state, and federal legislation pertaining to COVID-19. If you have questions about supplemental paid sick leave or other employment concerns related to COVID-19, contact a Jackson Lewis attorney to discuss.

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