



Coronavirus (COVID-19) Update

April 13, 2020

The Coronavirus (COVID-19) is impacting businesses of all sizes, industries and locales. Our goal is to provide you with currently available information regarding COVID-19's impact on leave of absence programs, but please know that this information is subject to change as the situation continues to evolve.

This memo covers the following:

Updates

- a. Los Angeles Public Order Safer at Home
- b. San Francisco Supplemental Paid Sick Leave Due to COVID-19
- c. San Jose COVID-19 Paid Sick Leave Ordinance

The cities of San Francisco, San Jose and Los Angeles published new ordinances last week that expanded the cities Paid Sick Leave Requirements for employers. This is a summary of the bills based on published information.

Disclaimer: Neither Hub International Limited nor any of its affiliated companies is a law or accounting firm, and therefore they cannot provide legal or tax advice. The information herein is provided for general information only and is not intended to constitute legal or tax advice as to an organization's specific circumstances. You should consult an attorney, accountant, or other legal or tax professional regarding the application of the general information provided here to your organization's specific situation in light of your organization's particular needs.

Risk Services – Workforce Absence Management

Update: Los Angeles Public Order Safer at Home

The emergency order by the Mayor of Los Angeles replaced Article 5-72HH to Chapter XX of the Los Angeles Municipal Code which provided supplemental paid sick leave to workers impacted by COVID-19. Specifically, the order provided the following:

1. Employees who has been employed with the same employer from Feb 3, 2020 through March 4, 2020 is entitled to paid sick leave if they are unable to work or telework.
 - a. Employees who work at least 40 hours per week are classified as full-time employees and shall receive 80 hours of supplemental paid sick leave.
 - b. Employees who work less than 40 hours and is not classified as a full-time employee shall receive supplemental pay in an amount no greater than the employee's average two-week wages.
2. The order applies to employers with employees in Los Angeles who have either :
(i) 500 or more employees within the City of Los Angeles or (ii) 2000 or more employees within the United States.
3. Supplemental pay shall not exceed \$511 per day and \$5,110 in aggregate per employee.
4. Supplemental pay can be requested for the following reasons:
 - a. Employee is required or recommended to self-quarantine based on recommendations from a public health official or healthcare provider.
 - b. The employee is 65 years or older and has an underlying health condition such as heart disease, asthma, lung disease, diabetes, kidney disease or a weakened immune system.
 - c. Employee needs to take time off to care for family member who is not sick but public health care officials or healthcare providers have recommended or required to quarantine
 - d. Employee need to care for a family member whose senior care provider, school, or childcare provider caring for a child under the age of 18 temporarily closes in response to COVID-19. This will only apply if the employee cannot secure an alternative provider.
5. Employers may not require a doctors note or other documentation to use this leave.
6. Employers can offset the 80-hour obligation and reduce it for every hour that an employer allowed their employees to take paid leave in an amount equal to or greater than the requirements listed above. In addition, employers who offer a minimum of 160 hours of paid leave annual are exempt from this Order.
7. Global Parcel Delivery, Emergency and Health Services Personnel and Government agencies are exempt from this Order.
8. New Businesses that started or relocated to Los Angeles after September 4,

Risk Services – Workforce Absence Management

2019 are considered exempt as our business who have closed or have not been operating for 14 or more days as a result of COVID-19.

Update: San Francisco Public Health Emergency Leave Ordinance

1. Provides 80 hours of supplemental paid leave for COVID-19 related reasons and is validate for 61 days from the date of signature unless reauthorized or the public health emergency ends.
2. Applicable to employers who have 500 or more employees nationally.
3. Employees must have worked at least 56 hours as an employee within the City/County of San Francisco during the last 365 days
4. Healthcare providers and first responders as defined under the FFCRA are exempt from this Ordinance.
5. Can be taken for the following reasons:
 - a. Is subject to an individual or general Federal, State, or local quarantine or isolation order related to COVID-19. This includes Governor Newsom’s Executive Order, local Shelter-in-Place Orders, and also includes recommendations and requirements for “vulnerable populations” employees from Governor Newsome or Bay Area jurisdictions orders;
 - b. Has been advised by a health care provider to self-quarantine;
 - c. Is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis;
 - d. Is caring for a Family Member who is subject to an order as described above, has been advised to self-quarantine, or is experiencing symptoms associated with COVID-19;
 - e. Is caring for a Family Member if the school or care provider of Family Member is closed or unavailable to due to COVID-19; or
 - f. Is experiencing any other substantially similar conditions specified by the Local Health Officer.
6. Family member is defined as child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state or local law, or designated person. Child, parent, sibling, grandparent, and grandchild relationships include relationships resulting from adoption; step-relationships; and foster care relationships. “Child” also includes child of domestic partner.
7. SF PHELO runs concurrent with FFCRA and is in addition to California/San Francisco mandated paid sick leave.
8. If an employer has already provided additional paid leave since February 25, 2020 for COVID-19 related purposes (not including already previously accrued hours), any hours will be offset against the 80-hour requirement.

Risk Services – Workforce Absence Management

Update: San Jose COVID-19 Paid Sick Leave Ordinance

1. Provides 80 hours of paid leave to employees providing essential services to the City.
2. Ordinance is applicable to employers over 500 employees and less than 50 employees. Employers who are required to provide paid sick leave under FFCRA are exempt.
3. Employees must have worked at least 2 hours within the Cities geographic boundaries and leave their residence are qualified to take the leave.
4. Employees who can work from home are exempt
5. Leave can be taken for:
 - a. The employee is subject to quarantine or isolation by federal, state or local order or is caring for someone who is quarantined or isolated;
 - b. A healthcare provider advised the employee to self-quarantine or the employee is caring for someone who has been advised to quarantine;
 - c. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or
 - d. The employee is caring for a child under the age of 18 because a school or daycare is closed due to COVID-19.
6. Benefits are effective immediately and expire on December 31, 2020. Employers are not required to cash out unused benefits.
7. Employers are required to provide employees their normal rate of pay up to a daily maximum of \$511 and \$5110 in total per employee. If the employee is taking time off to care for another individual, the maximum rate of pay is reduced to 2/3rds their salary or no more than \$200 per day or \$2000 in total.

HUB is here to help.

Get the latest information, guidance and resources on Coronavirus (COVID-19) to help you protect what matters most at hubinternational.com/coronavirus. For additional support, please reach out to your local HUB office.