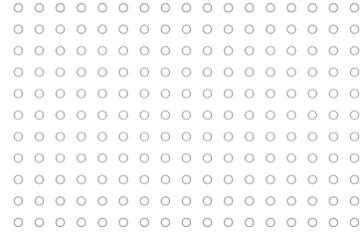




# Coronavirus (COVID-19) Update

May 21, 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:

On May 18<sup>th</sup>, 2020, the City of Oakland passed a new ordinance requiring employers who are not covered under the Families First Coronavirus Response Act (FFCRA) to provide emergency paid sick leave.

## Updates

Oakland Supplemental Emergency Paid Sick Leave

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## Risk Services – Workforce Absence Management

### [Update: Oakland Supplemental Emergency Paid Sick Leave](#)

On May 18, 2020, the City of Oakland adopted a new supplemental emergency paid sick leave ordinance. The new ordinance is effective immediately and expires on December 31, 2020 and is intended to cover employers not subject to benefits under the FFCRA.

The new ordinance requires qualified employers to provide 80 hours of Emergency Paid Sick Leave (EPSL) to full time employees. Part time employees will receive EPSL equal to the number of hours they would normally be scheduled during a 2-week period.

Employers do not have to provide the EPSL if:

1. The employer had less than 50 employees February 3, 2020, through March 4, 2020. However, some janitorial and franchisee employers are covered even if they had less than 50 employees during that time frame.
2. The employer, after February 3, 2020, provided employees with the ability to accrue at least 160 hours of paid personal time, but only if the employee has immediate access to at least 80 hours of that leave. If the employee's balance under the employer personal policy is less than 80 hours, the employer must provide additional personal time sufficient to bring the employee's balance to 80 hours.
3. The employer immediately allows employees to use 80 hours of paid personal time off for the same reasons as EPSL, and can be used where the employer was not obligated to provide that personal time by a collective bargaining agreement, contract, or policy.

The ordinance requires employers to provide EPSL for the same six reasons as defined under the FFCRA. In addition, EPSL may also be used by employees for the following additional reasons:

1. Employee is at least 65 years old.
2. Has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease or a weakened immune system
3. Has any condition identified by an Alameda County or federal public health official as putting the individual at heightened risk of serious illness or death if exposed to COVID-19.
4. Has any condition certified by a healthcare professional as putting the employee at a heightened risk of serious illness or death if exposed to COVID-19.

Employers are required to provide employees payment of their full daily salary up to a maximum amount of \$511 per day or aggregate \$5,110. The ordinance requires employees who are laid off to be paid for any unused benefits under this ordinance.

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