

Law & Policy Group | GRIST

# States, cities tackle COVID-19 paid leave

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# 1

## Introduction

To alleviate some of the economic strain on employees unable to work due to COVID-19, some state and local authorities have implemented new paid leave requirements. Other jurisdictions have modified existing leave laws or benefit programs to accommodate employees' needs during the pandemic. This GRIST provides brief summaries of the new COVID-19-related state and local paid leave benefits, as well as new guidance on how current paid leave benefits apply during the pandemic. This GRIST does not address broader state and local accrued paid sick leave laws that permit using accrued leave for reasons related to a public health emergency (e.g., Michigan, New Jersey, Oregon, Rhode Island, Vermont and Washington). For more information on those programs, see [Paid sick leave mandates continue to expand at state level](#) (April 29, 2022). In addition, this GRIST does not address unpaid job-protected leave laws that apply to or specifically address COVID-19-related absences.

### **Pandemic puts spotlight on paid leave (updated Feb. 1, 2022)**

State and local activity on paid leave issues continues to evolve. The expired federal emergency paid sick and family leave requirements under the Families First Coronavirus Response Act (FFCRA) ([Pub. L. No. 116-127](#)) — applicable only to employers with fewer than 500 employees — did not preempt any state or local paid leave mandates but did provide corresponding tax credits to an employer for qualified wages provided for the required paid leave. Many states and localities enacted emergency leave laws covering larger employers and employees exempt from the federal law, but without the corresponding tax credits. In some cases, the state/local requirement covers employers of all sizes.

The Consolidated Appropriations Act of 2021 ([Pub. L. No. 116-260](#)) extended the corresponding tax credits for employers subject to the FFCRA that voluntarily continued to provide any unused paid FFCRA leave through March 31, 2021. The American Rescue Plan Act (ARPA) ([Pub. L. No. 117-2](#)), effective April 1, 2021, enhanced the tax credits for voluntarily provided FFCRA-qualifying paid leave through Sept. 30, 2021. Since then, Congress has made no effort to revive or recreate a COVID-19 paid leave requirement for private employers.

### **OSHA emergency rule (updated Feb. 1, 2022)**

On Jan. 26, 2022, the [Occupational Safety and Health Administration](#) (OSHA) [withdrew](#) the [emergency temporary standard](#) (ETS) requiring large employers to develop, implement and enforce a policy requiring COVID-19 vaccinations for all employees or a policy requiring vaccinations or weekly testing. The withdrawal followed a Jan. 13, 2022, US Supreme Court [order](#) barring OSHA from enforcing the ETS while legal challenges continued (*Nat'l Fed'n of Indep. Bus. v. OSHA*, No. 21A244).

As a result, employers do not have to comply with the federal ETS, but they should continue to watch for developments in state OSHA requirements.

**Background.** On Nov. 5, 2021, OSHA published the mandatory COVID-19 workplace safety ETS that included paid leave requirements. The ETS implemented President Joe Biden's [National COVID-19 Preparedness Plan](#) for employers with 100 or more employees. The original compliance date for covered employers to provide paid leave for employees to get vaccinated and recover from the vaccine's side effects was Dec. 6, 2021. Early litigation challenges prompted OSHA to [announce](#) that it would not issue citations for noncompliance before Jan. 10, 2022.

Employers did not have to provide paid leave retroactively to any employees who received a vaccine before Nov. 5, 2021. For employees getting vaccinated between Nov. 5, 2021, and Jan. 10, 2022, OSHA encouraged employers to grant paid leave. By law, the ETS could stay in effect for six months or until replaced by a permanent standard.

**Paid leave for vaccination.** Covered employers had to provide up to four hours of paid time, plus additional unpaid time if reasonably necessary, to each employee for each primary vaccine dose (e.g., both doses of the Moderna and Pfizer vaccines, and the single-dose Johnson & Johnson vaccine). Employers could not offset this requirement with any other paid leave that the employee might have available. Employees could use other paid leave time (e.g., other paid sick leave or vacation time) to cover additional otherwise-unpaid time needed to receive a vaccine. Paid leave did not cover any time spent obtaining the vaccine outside of workhours.

**Paid leave for side effects.** Covered employers had to provide a reasonable amount of paid leave for employees to recover from any side effects after each primary vaccination dose. OSHA considered up to two days of paid sick leave per primary vaccination dose to be reasonable. Employers could require employees to use paid sick leave or undefined paid time off (PTO) for this purpose, but couldn't require employees to use vacation time. Employers also couldn't require employees to accrue negative paid sick leave or borrow against future paid sick leave. If a covered employee did not have available sick leave, the employer had to provide paid time for this purpose.

**State and local law implications.** State or local law (as well as other federal law or a collectively bargained agreement) might require covered employers to provide additional paid time for vaccination or recovery. When an overlap occurred, the OSHA ETS paid leave requirements were satisfied if the employer provided up to four hours of paid time, plus additional unpaid time if reasonably necessary, for each primary vaccine dose, along with reasonable time and paid leave to recover from side effects.

**Public employees.** Employees of state and local government entities are specifically excluded from coverage under the Occupational Safety and Health Act (29 USC § [652\(5\)](#)). As a result, the ETS did not apply to employees of public entities in states that do not have an OSHA-approved state plan. States with an [approved state plan](#) for private employers originally had until Dec. 5, 2021, to adopt the federal OSHA ETS or amend the state standard to be at least as effective (and until Nov. 20, 2021, to notify OSHA of their intentions). States that did adopt the federal ETS have since reversed course.

Employers in these states should continue to monitor the state OSHA websites for developments related to COVID-19.

## **Federal contractors and subcontractors (updated Jan. 2, 2023)**

The OSHA ETS did not apply to workplaces covered by the [COVID-19 workplace safety guidance for federal contractors and subcontractors](#), issued Sept. 24, 2021, to implement [Executive Order \(EO\) 14042](#). That guidance requires vaccination of all covered contractor employees working on or in connection with a covered contract. Employers don't need to grant PTO for those workers to get vaccinated or recover from side effects. However, other paid leave requirements covering federal contract workers may allow for PTO under these circumstances.

The guidance initially required all covered contract workers to be fully vaccinated by Dec. 8, 2021. A Nov. 4, 2021, [White House fact sheet](#) changed the deadline to Jan. 4, 2022, to align with the OSHA ETS and a new rule for healthcare workers. Updated [guidance](#) came out on Nov. 10, 2021. Since then, multiple states and trade groups have taken issue with the vaccine mandate for federal contractors and subcontractors, resulting in various injunctions. Litigation is ongoing, and as of Oct. 19, 2022, federal agencies are not taking any steps to mandate vaccines or enforce the contract clauses implementing EO 14042 (see Office of Management and Budget (OMB) [guidance for agencies](#), Oct. 19, 2022). Additional guidance is expected from the [Safer Federal Workforce Task Force](#) and OMB.

## **Healthcare employers (updated Jan. 2, 2023)**

The OSHA ETS for employers with 100 or more employees did not apply to settings where an employee provides healthcare or support services subject to the [ETS for healthcare employees](#) published on June 21, 2021. The healthcare ETS required paid leave for employees who needed to get vaccinated and recover from side effects or were excluded from the workplace because of a COVID-19 diagnosis, symptoms, or close contact with a person testing positive for COVID-19. On Dec. 27, 2021, an [OSHA statement](#) withdrew all but the recordkeeping and reporting portions of the healthcare ETS while the agency works on a permanent standard. In the interim, OSHA considers protecting healthcare workers from COVID-19 infection an obligation under the OSH Act's general duty clause. Compliance with the expired ETS will meet the general duty obligation. OSHA is drafting a [proposed rule](#) that would address long-standing infectious diseases for employees in healthcare and other high-risk environments. The agency expects to issue the proposal by May 2023.

## **CMS vaccine mandate (updated Feb. 1, 2022)**

On Nov. 5, 2021, the Centers for Medicare & Medicaid Services (CMS) published an [interim final rule](#) requiring healthcare workers at facilities receiving federal Medicare or Medicaid funding to be fully vaccinated by Jan. 4, 2022. The rule applies to employees in clinical and nonclinical positions, including employees, students, trainees and volunteers who work at a covered facility. The rule also applies to individuals who provide treatment or other services under contracts or other arrangements

with a covered facility. The interim final rule does not require employees to receive PTO for getting vaccinated or recovering from side effects.

On Jan. 13, 2022, the Supreme Court said that CMS could enforce the rule while legal challenges continue (*Biden v. Missouri*, Nos. 21A240 and 21A241). The rule came before the Supreme Court again after a federal appeals court formally set aside a lower court order that had been blocking the rule. In October 2022, the high court denied a petition to rehear challenges to the rule, so the rule remains in effect nationwide.

## Latest updates

California's COVID-19 prevention regulations for workplaces replace emergency regulations and remove the requirement to continue pay for excluded workers. The city of Los Angeles' COVID-19 supplemental paid sick leave requirement ends on Feb. 15 after the Feb. 1 expiration of the local state of emergency. COVID-related supplemental paid leave requirements under California state law and in New York City expired at the end of 2022. Similar requirements in Washington state and Washington, DC, expired in October 2022. Some jurisdictions still have COVID-19 leave requirements in place, including New York state, Los Angeles County and Oakland, CA.

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# Emergency paid leave benefits

## California (expired)

Early in the pandemic, California agencies confirmed that employees impacted by COVID-19 could use paid leave accrued under the state's paid sick leave law, and benefits would be available through the state's disability and paid family leave programs. The state legislature also passed laws providing temporary supplemental paid sick leave (SPSL), and the state Occupational Safety and Health Standards Board (OSHSB) implemented emergency temporary standards requiring paid leave in certain circumstances.

In 2022, both the legislature and OSHSB continued to regulate COVID-19 in workplaces. On Feb. 9, 2022, Gov. Gavin Newsom signed legislation reinstating a SPSL requirement, effective from Jan. 1 through Sept. 30, 2022. The governor then signed legislation (2022 Ch. 736, AB 152) that extended the SPSL requirement through Dec. 31, 2022, and created a small business grant program to offset employer costs.

## 2022 supplemental paid sick leave (expired)

The last iteration of the state's pandemic paid leave requirement for employers extended the SPSL obligation through the end of 2022 and created a COVID-19 relief program to offset SPSL costs for small employers. A state law (2022 Ch. 4, SB 114) enacted in early 2022 required employers with more than 25 employees nationwide to provide up to 80 hours of SPSL to covered employees unable to work or telework for COVID-19-related reasons, regardless of any SPSL provided or taken in 2021. As stated above, SPSL was later extended through the end of 2022.

A webpage from the Department of Industrial Relations (DIR) provides a series of FAQs related to the 2022 SPSL requirement.

**Amount of SPSL for full-time employees.** Full-time employees and those averaging 40 hours per week could take up to 80 hours of SPSL. The leave allotment was divided into two categories, with the first category permitting leave for the same COVID-19-related reasons outlined in the 2021 SPSL law:

- Up to 40 hours if the employee:
  - Was subject to a COVID-19 quarantine or isolation order
  - Had been advised by a healthcare provider to quarantine or isolate
  - Needed to attend an appointment to receive a COVID-19 vaccine or booster

- Was experiencing symptoms related to the vaccine or booster that prevents the employee from working or teleworking
  - Was experiencing COVID-19 symptoms and seeking a medical diagnosis
  - Needed to care for a family member who was subject to a COVID-19 quarantine or isolation order, had been advised by a healthcare provider to quarantine, was attending an appointment for a vaccine or booster, or was experiencing symptoms related to the vaccine or booster.
  - Had to care for a child whose school or place of care had closed or was otherwise unavailable for reasons related to COVID-19 on the premises
- Up to 40 hours if the employee or a family member for whom the employee was providing care tested positive for COVID-19

Unlike the 2021 law, the 2022 law permitted an employer to limit COVID-19 SPSL for each vaccine or booster to three days or 24 hours (including the time to get the shot) unless the employee provided verification from a healthcare provider that the employee or family member was continuing to experience related symptoms. In all cases, leave could begin immediately on an employee's oral or written request. A covered employee taking COVID-19 SPSL when the law expired (Dec. 31, 2022) could take the full amount to which the employee otherwise would have been entitled.

**Diagnostic test requirement.** An employer could deny payment for leave related to a COVID-19 diagnosis if the employee did not provide test results. An employer could require the employee to submit a diagnostic test on or after the fifth day after the first positive test, and 24 hours or later if the second test was again positive. The employer had to provide the second and third tests at no cost to the employee.

**Amount of SPSL for part-time or variable-hour employees.** The SPSL allotment for part-time employees working less than 40 hours a week was calculated in the same manner as required under the 2021 law. For each category of SPSL, part-time workers were entitled SPSL equal to the number of work hours normally scheduled over a one-week period. Variable-hour employees were entitled to seven times their daily hours worked averaged over a six-month period before the leave began or, if employed fewer than six months, the entire period of employment. For variable-hour workers employed seven days or fewer, the SPSL entitlement equaled the total number of hours worked before the leave began.

**Amount of SPSL for firefighters scheduled overtime.** Active firefighters scheduled to work more than 40 hours in the workweek before the leave began were entitled to an equivalent amount of SPSL.

**Rate of pay.** SPSL was paid at the employee's regular rate of pay. Firefighters were paid equal to their regular rate for scheduled work hours during which leave was taken. SPSL pay was capped at \$511 per day and \$5,110 in the aggregate per employee, or any higher limit provided by a future federal law requiring paid leave for the same reasons. The cap did not apply to providers of in-home

support services. Other covered employees who reached the SPSL pay limits could use other paid leave to bring the wage replacement up to 100% of their regular rate of pay for leave taken.

**Leave coordination and offsets.** SPSL was in addition to any paid sick leave (PSL) available to an employee under the state's [Healthy Workplaces, Healthy Families Act of 2014](#). Employers could not require an employee to use other leave, vacation or PTO before or instead of taking SPSL. In a change from the 2021 SPSL law, employers could not require employees to first exhaust 2022 COVID-19 SPSL before satisfying any requirement to provide paid leave for COVID-19 reasons under any [Cal-OSHA emergency temporary standards](#). However, employers could offset the SPSL hours with any supplemental paid leave benefits — with a pay rate equal to or better than SPSL — already provided for the same reasons starting Jan. 1, 2022. This included supplemental paid leave under local law in effect on or after Jan. 1, 2022.

**Notice, recordkeeping and enforcement.** Employers had to report the amount of SPSL taken on wage statements, entering zero if none has been taken. Employer had to display the DIR poster of COVID-19 SPSL rights in the workplace where employees can easily read it; electronic distribution was acceptable for employees who don't frequent a workplace. DIR [FAQs](#) provided additional details. Recordkeeping, enforcement and penalty provisions of the state's PSL law applied to the SPSL requirements. Among other rights and remedies, the law prohibited retaliation against workers for exercising SPSL rights, and employers could face stiff penalties for unlawfully withholding SPSL days.

**Grants for small employers.** Small businesses or nonprofits with 26 to 49 full-time employees during the last 24 months can apply for a [grant](#) of up to \$50,000 to offset actual SPSL costs in 2022. Certain criteria and documentation requirements apply.

### Accrued paid sick leave, disability and paid family leave benefits

Employees unable to work due to COVID-19 may be able to use employer-provided paid sick leave (PSL) or qualify for benefits under the state disability insurance (SDI) or paid family leave (PFL) programs. Both SDI and PFL benefits are approximately 60% to 70% of wages (depending on income) and range from \$50 to \$1,300 a week:

- **PSL.** [COVID-19 FAQs](#) from DIR confirm that employees can use available PSL for their own or a family member's need to seek diagnosis, care or treatment of an existing health condition; obtain preventive care; or deal with issues related to domestic violence, sexual assault or stalking. The Healthy Workplaces, Healthy Families Act of 2014 entitles employees to use up to 24 hours of PSL (accrued at a rate of one hour of leave for every 30 hours worked) each year. According to the FAQs, preventive care may include quarantining after actual or potential exposure to COVID-19 or travel to a high-risk area. The PSL law does not apply if an employee's child's school or childcare has closed due to COVID-19. In that case, up to 40 hours of unpaid leave for child-related purposes may be available under [California law](#), and an employee can concurrently use accrued PSL as preventive care. Employers cannot require an employee to use PSL but can require the employee to use other paid leave — like vacation or PTO — before taking unpaid leave.

- **SDI.** [EO No. 25-20](#) authorized the Employment Development Department (EDD) to waive the seven-day waiting period normally required before an employee can claim SDI benefits for disabilities related to COVID-19. However, [EO 8-21](#) restores that waiting period for SDI claims with a start date on or after Oct. 1, 2021. SDI provides up to 52 weeks of partially paid leave for an eligible employee's own disability. EDD has [confirmed](#) that employees unable to work because of exposure to or a diagnosis of COVID-19 (certified by a medical professional) can file a claim for disability benefits.
- **PFL.** The state's PFL program provides up to eight weeks of paid leave to care for a seriously ill family member, among other reasons. Employees do not have any waiting period for PFL. EDD has [confirmed](#) that PFL benefits are available to eligible employees unable to work because they have to care for an ill or quarantined family member due to COVID-19 (if certified by a medical professional).

## 2021 SPSL (expired)

Legislation (2021 Ch. 13, [SB 95](#)) enacted on March 19, 2021, revived and expanded the SPSL requirement that originally had expired at the end of 2020. Employers with more than 25 employees nationwide had to provide up to 80 hours of COVID-19 SPSL for covered employees unable to work or telework. The law took effect March 29 but applied retroactively to Jan. 1. Covered employees on COVID-19 SPSL when the law expired Sept. 30, 2021, may exhaust their leave entitlement.

Employers had to post a [notice of SPSL rights](#) in a conspicuous worksite location or e-deliver the notice to employees who do not frequent a workplace. [DIR](#) published [FAQs](#).

**Amount of SPSL.** Full-time employees and those averaging 40 hours per week were entitled to 80 hours of SPSL. Other workers were entitled to the number of work hours normally scheduled over a two-week period. Variable-hour workers were entitled to 14 times their daily hours worked averaged over a six-month period before the leave began or, if employed fewer than six months, the entire period of employment. For variable-hour workers employed fewer than 14 days, the SPSL entitlement equaled the total number of hours worked before the leave began. Active firefighters scheduled to work more than 80 hours in the two weeks before the leave began were entitled to an equivalent amount of SPSL. In all cases, leave could be immediately used on an employee's oral or written request.

**Permitted uses.** Employees were entitled to SPSL if unable to work or telework because they were:

- Subject to a COVID-19 quarantine or isolation order
- Advised by a healthcare provider to quarantine or isolate
- Attending an appointment to receive a COVID-19 vaccine
- Experiencing symptoms related to the vaccine that prevented them from being able to work or telework

- Experiencing symptoms of COVID-19 and seeking a medical diagnosis
- Caring for a family member who was subject to a COVID-19 quarantine or isolation order or had been advised by a healthcare provider to quarantine
- Caring for a child whose school or place of care was closed or otherwise unavailable for reasons related to COVID-19 on the premises

**Rate of pay.** SPSL was paid at the highest of the employee's regular rate of pay, the state minimum wage or the local minimum wage. Firefighters were paid equal to their regular rate for scheduled work hours during which leave is taken. SPSL was capped at \$511 per day and \$5,110 in the aggregate per employee, or any higher limit provided by a future federal law requiring paid leave for the same reasons. The cap did not apply to providers of in-home support services. Other covered employees who reached the maximum amounts could use other paid leave to bring the wage replacement up to 100% of their regular rate of pay for leave taken.

**Leave coordination and offsets.** SPSL was in addition to any PSL available to an employee under the state's Healthy Workplaces, Healthy Families Act of 2014. Employers could not require an employee to use other leave, vacation or PTO before or instead of taking SPSL. However, employers could offset the SPSL hours with any supplemental paid leave benefits already provided for the same reasons and at an equal or better pay rate since Jan. 1, 2021. This included supplemental paid leave under federal or local law in effect on or after Jan. 1, 2021. However, any unused FFCRA sick leave benefits available to an in-home support service provider until March 31, 2021, could not offset SPSL under the state law. In addition, offsetting other COVID-19 paid leave for in-home support service providers was permitted only for leave taken on or after April 1, 2021, under federal or local law in effect at that time.

If an employer provided SPSL between Jan. 1 and March 29, 2021, for COVID-19 reasons recognized under state law but at a lower rate than required, the employee could request retroactive supplemental pay. (However, retroactive payments should have been made automatically to in-home support service providers.) Employers making a retroactive payment on or before the payday for the next full pay period (as required) could offset those hours against the 2021 SPSL requirements.

**Coordination with Cal/OSHA standards.** The Cal/OSHA COVID-19 Emergency Temporary Standards (ETSs) require maintaining an employee's earnings while excluded from the workplace due to COVID-19 exposure. An employer could require a covered employee to exhaust COVID-19 SPSL. Now that nonemergency regulations have replaced the ETSs, employers no longer have to maintain employees' earnings while excluded from work due to COVID-19. See the California OSHA Standards section below.

**Recordkeeping, enforcement and penalties.** The recordkeeping, enforcement and penalty provisions of the state's PSL law applied to the SPSL requirements. Among other rights and remedies, the law prohibited retaliation against workers for exercising SPSL rights, and employers could face stiff penalties for unlawfully withholding SPSL days.

## 2020 SPSL law (expired)

On Sept. 9, 2020, Gov. Gavin Newsom signed [AB 1867](#), which codified [EO No. 51-20](#). The law provided SPSL for food-sector workers and added similar COVID-19 paid leave for other California workers. SPSL for food-sector workers took effect April 16, 2020, and applied to employers with 500 or more food-sector workers nationwide. Food-sector workers work in food and agriculture industries, including packaging, delivery and retail.

A subsequent SPSL requirement applied to nontelecommuting California workers of private companies with 500 or more US employees, as well as healthcare providers and emergency responders working for any employer that elected to exclude those workers from emergency paid sick leave under the FFCRA. Employers had to make SPSL available to workers by Sept. 19, 2020.

The SPSL law expired on Dec. 31, 2020, although any workers on COVID-19 SPSL at the time could exhaust their full SPSL entitlement. The state created [FAQs](#) and a [chart](#) comparing paid leave laws covering California workers affected by COVID-19, including PFL, PSL, FFCRA emergency paid sick leave, SPSL, and FFCRA emergency paid family and medical leave.

**Amount of SPSL.** In all cases, leave was available for immediate use on a worker's oral or written request. Full-time employees and workers averaging 40 hours per week were entitled to 80 hours of SPSL. Other workers were entitled to the number of work hours normally scheduled over a two-week period. Variable-hour workers were entitled to 14 times the daily hours worked averaged over a six-month period before the leave began or, if employed fewer than six months, the entire period of employment. For variable-hour workers (other than food-sector workers) employed fewer than 14 days, the SPSL entitlement equaled the total number of hours worked before the leave began. Active firefighters scheduled to work more than 80 hours in the two weeks before the leave began were entitled to an equivalent amount of SPSL.

**Permitted uses.** Workers entitled to SPSL if unable to work because they were:

- Subject to a COVID-19 quarantine or isolation order
- Advised by a healthcare provider to quarantine or isolate
- Prohibited from working due to health concerns about potential virus transmission

**Rate of pay.** SPSL was paid at the highest of the employee's regular rate of pay, the state minimum wage, or the local minimum wage and capped at \$511 per day and \$5,110 in the aggregate. Healthcare workers and emergency responders were paid equal to their regular rate for the scheduled work hours during which leave was taken.

**Notice and recordkeeping requirements.** Employers had to post a notice of SPSL rights in a conspicuous worksite location or e-deliver the notice to workers who did not frequent a workplace. As required by the state's PSL law, employers had to provide workers a written notice about their SPSL

amount available for use. This notice could appear on an itemized wage statement or in a separate document accompanying wage payments. Employers must maintain records documenting an employee's hours worked and SPSL days accrued and used for three years.

**Leave coordination and offsets.** SPSL was in addition to any PSL available to an employee under state [law](#). Employers could not require an employee to use other leave, vacation or PTO before or instead of taking SPSL. However, employers could offset state-mandated SPSL with any supplemental paid leave benefits already provided for the same reasons and at an equal or better pay rate, including any SPSL provided under EO No. 51-20 or another federal or local law. If an employer provided SPSL to workers other than food-sector workers between March 4 and Sept. 9, 2020, for the COVID-19 reasons recognized under AB 1867 but at a lower rate than the state law required, the employer could retroactively provide supplemental pay to the newly covered workers and offset those hours against the state-mandated requirements.

**Enforcement and penalties.** The enforcement and penalty provisions of the state's PSL law applied to the SPSL requirements. Along with providing other rights and remedies, the law prohibited retaliation against workers for exercising SPSL rights, and employers could face stiff penalties for unlawfully withholding SPSL days.

### California OSHA standards (updated Feb. 6, 2023)

**Update.** On Feb. 3, 2023, recently [adopted nonemergency COVID-19 prevention regulations](#) replaced the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETSs). The new regulations do not require paid leave for workers excluded from the workplace due to COVID-19 or close contact with someone who has COVID-19. Instead, employers must provide information about leave benefits available under applicable law, employer policies or contract. The new regulations last for two years (three years for recordkeeping requirements). For more information, see the DIR [webpage](#).

**Expired.** On April 21, 2022, OSHSB [readopted](#) the Cal/OSHA COVID-19 Prevention ETSs for the third time. The revised ETSs took effect May 6, 2022. Here is a summary of what changed:

- The ETSs conformed to changes in [California Department of Public Health \(CDPH\) guidance](#), including how terms like "close contact" and "infectious period" were defined and when face masks were required.
- Protections under the ETSs no longer varied by vaccination status.
- COVID-19 testing had to be available to all employees with symptoms. This requirement previously applied only to unvaccinated employees.
- Consistent with CDPH guidance, employees testing positive could return to work after five days if they had a negative test, their symptoms were improving and they wore a face mask at work for an additional five days. Otherwise, most employees could return after 10 days.
- Face masks were no longer required for employer-provided vehicles.

More information on the May 6, 2022, changes is available in these [Cal/OSHA FAQs](#).

**Dec. 16, 2021, revisions.** The OSHSB [readopted](#) the Cal/OSHA [COVID-19 Prevention ETSs](#) for a second time. The revised ETSs took effect Jan. 14, 2022, and applied to most workers in California. Employers still had to provide pay and benefits to employees excluded from the workplace, but exclusion standards after close contact with an infected person changed. Asymptomatic employees who recently recovered from COVID-19 or were fully vaccinated did not have to be excluded from the workplace after a close contact but had to wear a face mask and maintain physical distancing for 14 calendar days after the contact. The period of time before an excluded employee could return to work (during which pay and benefits had to continue if remote work was not possible) were also revised to ensure consistency with CDPH guidance as it evolves.

**June 17, 2021, revisions.** The first [revisions](#) to the Cal/OSHA ETSs for COVID-19 infection prevention limited the requirement to exclude employees from the workplace after COVID-19 exposure, among other changes. Employers no longer had to exclude asymptomatic employees who came into close contact with an infected person if they were fully vaccinated or had recently recovered from COVID-19. Employers still had to provide pay and benefits to excluded employees unable to work from home. Other changes required employers to document that the exposed employee received the final dose of a COVID-19 vaccine at least 14 days before contact with the infected person. A copy of the vaccination record (i.e., vaccine card, healthcare document or other record presented as proof of vaccination) or employee self-attestations of vaccine status can serve as documentation. Whichever method is used, employers must keep the information confidential.

**Original ETSs.** Beginning Nov. 30, 2020, Cal/OSHA [ETSs](#) for COVID-19 prevention required, in part, paid leave for employees excluded from the workplace due to a COVID-19 case or exposure. A COVID-19 case was defined as someone who tested positive for COVID-19, was subject to a local or state health official's COVID-19-related isolation order, or had died from COVID-19. A COVID-19 exposure was defined as being within six feet of a COVID-19 case for at least 15 cumulative minutes over a 24-hour period within or overlapping with a "high-risk exposure period," regardless of the use of face coverings.

**Excluded employees.** Employees with COVID-19 had to be excluded from work until at least 24 hours after their temperature stayed below 100.4 without the use of fever-reducing medications and their symptoms improved, and at least 10 days after their COVID-19 symptoms first appeared. An employee testing positive but never developing symptoms had to stay away from the workplace for at least 10 days after the test specimen collection. An employee with COVID-19 exposure had to stay away from the workplace for 14 days after the last known exposure to a COVID-19 case.

**Benefits for excluded employees.** An excluded employee who was able to work but could not work from home had to receive all pay and benefits while excluded. An employer could require the excluded employee to exhaust PSL benefits before providing exclusion pay and could offset payments by an employee's public benefit payments. The standards did not cap the paid leave, so the same rules presumably applied even if an employee was excluded multiple times due to workplace exposures or

an exposure and a later diagnosis. The requirement to continue pay and benefits did not apply during the exclusion period if the employee was not available and able to work.

**Additional information.** The state's [FAQs](#) clarify that the ETSs didn't apply to worksites with only one employee who didn't have contact with other people or to employees working from home. The state's [website](#) includes links to additional information.

## Dale City, CA (expired)

On March 8, 2021, the Dale City Council passed an urgency ordinance ([No. 1445](#)) requiring grocery and drug store essential workers to receive \$5 per hour as hazard pay — in addition to their regular hourly pay — and up to four hours of paid leave to get vaccinated. Effective on enactment, the ordinance applied to grocery and drug store owners and operators with 500 or more employees nationwide. The measure also covered franchises associated with a franchisor or a network that employs more than 500 employees in the aggregate. The ordinance contained employer [notice](#) and poster requirements, as well as anti-retaliation provisions. The ordinance expired on July 8, 2021.

## Long Beach, CA (expired)

On May 19, 2020, the Long Beach City Council [approved](#) an emergency ordinance ([No. 20-0017](#)) — later adopted as a regular ordinance on June 9, 2020 — requiring all private employers with more than 500 employees nationwide to provide paid sick leave for workers impacted by COVID-19, including those needing to care for a child because childcare was unavailable. The ordinance was intended to cover employers not subject to the FFCRA, with special rules for collective bargaining agreements. The measure took effect immediately and remained in effect until the city council decided — based on reports from the city manager every 90 days — that the ordinance was no longer needed. On Feb. 14, 2023, the Long Beach City Council approved a [resolution](#) ending the supplemental sick leave requirement, effective Feb. 21.

The ordinance amended the municipal code to add Chapter 8.110 for COVID-19 paid supplemental sick leave (PSSL). Under the ordinance, full-time employees were eligible for up to 80 hours of paid sick leave, and part-time employees were eligible for paid sick leave equal to their average number of hours worked over a two-week period. Employers could not require eligible employees to exhaust other sick or accrued leave before using PSSL. Unused PSSL did not have to be paid out when employment terminated or the ordinance sunset.

**Permitted uses.** PSSL was available to any employee working within the city of Long Beach who could not work the following reasons:

- The employee was subject to quarantine or isolation by federal, state, or local order due to COVID-19 or was caring for someone quarantined or isolated due to COVID-19.

- The employee was advised by a healthcare provider to quarantine due to COVID-19 or was caring for someone so advised by a healthcare provider.
- The employee experienced COVID-19 symptoms and was seeking medical diagnosis.
- The employee was caring for a minor child because the child's school, day care or childcare closed or was unavailable because of COVID-19, and the employee could not secure a reasonable alternative caregiver.

The leave was available for employees who could not work or telework, and employers could exclude emergency responders and healthcare providers.

**Rate of pay.** Leave was paid at the regular rate of pay up to \$511 per day and \$5,110 in the aggregate. Leave related to care for another person could be paid at two-thirds the regular rate up to \$200 per day and \$2,000 in the aggregate.

**Exemptions and offsets.** Employers with a paid leave or PTO policy that provided at least 160 hours of paid leave annually were exempt. Other covered employers could offset the ordinance requirement for every hour of COVID-19-related paid leave — not including accrued paid leave — already provided on or after March 4, 2020.

**Miscellaneous provisions.** Retaliation was prohibited. Employers had limited rights to request documentation and could require reasonable notice only for leave that was foreseeable. The ordinance was enforceable by private action, and damages — including punitive — could be awarded.

## Los Angeles, CA (expiring Feb. 15, 2023)

On Dec. 7, 2022, the Los Angeles City Council voted to end the COVID-19 state of emergency on Feb. 1, 2023 (see Motion 32A), so the city's supplemental paid sick leave requirement will expire Feb. 15. The Los Angeles City Council initially approved an ordinance requiring employers with employees working in the city to provide COVID-19 SPSL to those employed from Feb. 3 through March 4, 2020. The mayor then issued an emergency order on April 7, 2020 (later revised on June 24, 2021), superseding the ordinance. On April 11 and May 26, 2020, and June 28, 2021, the Office of Wage Standards (OWS) issued rules implementing the mayor's order. The superseding order followed the general framework of the original ordinance but provided additional exemptions for certain employers.

**Revisions to ordinance.** On Feb. 10, 2021, the city revised the order to make SPSL available to any employee employed for at least 60 days who is unable to work or telework. The June 28, 2021, updated OWS rules reflect that change. On June 24, 2021, Los Angeles mayor revised the city's April 2020 SPSL ordinance to allow using SPSL to get COVID-19 vaccines and recover from side effects. Employers could require employees to verify their receipt of a vaccine to substantiate this use of SPSL.

The SPSL rights and remedies were in addition to and independent of any other rights, remedies and procedures available under any other law, except the federal FFCRA. The order was effective until two weeks after the local COVID-19 emergency period expired.

**Covered employers.** The emergency ordinance applied to employers with 500 or more employees in Los Angeles or 2,000 or more employees nationwide. The order exempted:

- Employers that closed or stopped operations for at least 14 days after March 4, 2020, due to a city official's COVID-19 emergency order or provided at least 14 days' paid or unpaid leave (including furloughs)
- Employers that had a policy providing at least 160 hours of annual paid leave, excluding paid holidays or bereavement leave
- Employers of healthcare providers, first responders and global parcel delivery services
- Government agencies
- Certain new businesses

**Amount of SPSL.** The city's long-standing sick leave rules require an employer to provide employees at least 48 hours of paid sick leave or one hour for every 30 hours worked. The SPSL was separate from any regular paid sick leave that the employer provided, such as the regular accrued paid sick leave required by law. With SPSL, a full-time employee (working at least 40 hours per week or classified as full-time) could receive 80 hours of supplemental leave, while part-time workers received SPSL equal to their average hours in a two-week period. An employer could offset SPSL with paid leave (excluding accrued leave) provided for similar reasons on or after March 4, 2020.

**SPSL pay rate.** SPSL originally was paid at an employee's average two-week wages between Feb. 3 and March 4, 2020. As of Feb. 10, 2021, the pay rate for SPSL hours was an employee's average two-week pay over the last 60 days of employment. In all cases, leave pay was capped at \$511 per day or \$5,110 aggregate per employee.

**Permitted uses.** SPSL was available on request from an employee who:

- Could not work or telework and had been infected with COVID-19
- Was required or recommended to isolate or quarantine to prevent the spread of COVID-19
- Was at least 65 years old or suffered from a health condition like heart disease, asthma, lung disease, diabetes, kidney disease or a weakened immune system
- Needed to care for a family member who was not sick but was in isolation or quarantine due to a public health official's or healthcare provider's requirement or recommendation

- Needed to care for a family member whose other care arrangements temporarily ceased operations due to the public health emergency
- Needed to get a COVID-19 vaccine or recover from its side effects

An employer could not require a doctor's note or other documentation for the use of SPSL. However, an employer could require employees to verify receipt of a COVID-19 vaccine if they used SPSL for this purpose.

### Vaccine leave (expired)

On June 24, 2021, a new public order required PTO for employees to get vaccinated against COVID-19. Employers had to provide this paid leave to workers employed for at least 60 days who work within the city. The PTO included travel time to and from a vaccine appointment, as well as time to recover from side effects that prevented the employee from working or teleworking. The order, effective retroactively to Jan. 1, 2021, expired on Sept. 30, 2021. However, employees taking COVID-19 vaccine leave on the expiration date could take their full leave entitlement.

**Retroactive effective date.** Because the order was retroactive, any employee who took unpaid leave to get vaccinated from Jan. 1 through Sept. 30, 2021, had to receive compensation for that time. If the employee used leave other than city- or state-mandated COVID-19 SPSL to get vaccinated, such as paid or unpaid time off or other sick leave time, those leave hours had to be restored. However, employers did not have to provide this compensation and restore other leave unless the employee made an oral or a written request.

**Amount of leave.** The amount of leave depended on the employer's size and the employee's status as full-time or part-time. Employers with 25 or fewer employees had to provide full-time employees up to four hours of paid leave for each injection and up to eight hours of paid leave to recover from any side effects. These small employers had to provide part-time employees a prorated amount, based on the average hours worked in the preceding 60 days, for injections and recovery from any side effects. The same paid leave benefits applied to full-time and part-time employees at other employers, but only if an employee had exhausted other COVID-19 supplemental sick leave allotments under state law and city ordinance.

**Rate of pay.** Exempt employees were paid at the same rate and in the same manner as other types of paid leave, but no more than \$511 per day (or \$255.50 for each four-hour period) and \$1,022 in the aggregate. Nonexempt employees were paid their regular rate of pay, the city's minimum wage or their average hourly pay (not including overtime) for the past 60 days, whichever was highest.

**Offset.** Employers could offset this paid leave requirement with any other supplemental paid leave benefit provided on or after Jan. 1, 2021, that was in addition to state-required paid leave and was paid at a rate equal to or greater than this public order requires.

## Los Angeles County, CA

### Vaccine leave

The Los Angeles County [Board of Supervisors](#) enacted an emergency ordinance ([No. 2021-0024U](#)) requiring employers to provide employees in unincorporated parts of the county paid leave for COVID-19 vaccines. The ordinance, enacted on May 18, 2021, applied retroactively to Jan. 1, 2021. Originally scheduled to expire on Aug. 31, 2021, the ordinance has been extended until 14 days after the expiration of the COVID-19 local emergency declared by the Board of Supervisors ([No. 2021-0039U](#)).

Up to four hours of leave per injection is available to full-time employees at their normal pay rate, and part-time employees receive a proportional amount based on hours worked in the two weeks prior to the injection. Employees may use the paid leave for travel time, receipt of the injection and recovery from any associated symptoms. In all cases, the vaccine-related paid leave is in addition to any paid leave under the state's Healthy Workplaces, Healthy Families Act. Before the state's COVID-related [SPSL](#) mandate expired, the county's vaccine-related paid leave was available only to employees who had exhausted their state-required SPSL.

Employers must conspicuously display a revised written [notice](#) provided by the [Department of Consumer and Business Affairs](#). The ordinance also contains recordkeeping, nondiscrimination and anti-retaliation requirements.

### SPSL

On Jan. 26, 2021, the Los Angeles County [Board of Supervisors](#) approved [amendments](#), retroactive to Jan. 1, 2021, to the [interim urgency ordinance](#) enacted in April 2020. The amendments extend SPSL until two weeks after the expiration of the COVID-19 local emergency. The amendments also expand the SPSL requirement to all employers rather than only employers with 500 or more employees nationwide. The ordinance does not apply to federal, state or local government agencies; employers subject to the federal FFCRA emergency paid leave provisions from March 18 to Dec. 31, 2020; or employers required to provide SPSL under California EO No. 51-20.

Under the ordinance, a full-time employee (working at least 40 hours per week or classified as full-time) can receive 80 hours of SPSL, while part-time workers can receive SPSL equal to their two-week average hours between Jan. 1 and April 28, 2020. Leave pay is capped at \$511 per day or \$5,110 in aggregate per employee. Covered employers can exclude emergency responder and healthcare provider employees.

Leave must be available on written request from employees unable to work or telework because they:

- Belong to a vulnerable population
- Have a family member subject to a federal, state, or local quarantine or isolation order, including a shelter-in-place order

- Have a family member subject to quarantine at the recommendation of a healthcare provider
- Have COVID-19 symptoms needing a medical diagnosis
- Have to care for a child whose school or care facility has closed due to the public health emergency
- Must isolate or quarantine as required by a public health official or healthcare provider to prevent the spread of COVID-19
- Are subject to a federal, state, or local quarantine or isolation order related to COVID-19 (e.g., is at least 65 years old or has a health condition like heart disease, asthma, lung disease, diabetes, kidney disease or a weakened immune system)
- Need to care for a family member who is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or have been advised by a healthcare provider to quarantine for COVID-19 reasons
- Need to care for a family member whose senior care, school or childcare provider ceases operations in response to a public health or other public official's recommendation

The SPSL is in addition to any paid sick leave available employees under the state's paid sick leave law, and a covered employer cannot require use of any other employer-provided paid or unpaid leave, PTO or vacation time before or instead of taking SPSL. However, SPSL can be offset by any paid leave — above and beyond regular sick or personal leave — that an employer voluntarily provides on or after March 31, 2020, if the amount equals or exceeds the ordinance's requirements and the leave is available for any reason described in the ordinance. In addition, under the amended ordinance, SPSL could be offset by paid sick leave paid under the FFCRA.

The ordinance bars retaliation and discrimination against an employee for asserting SPSL rights. SPSL can be expressly waived by a collective bargaining agreement, as long as the waiver is explicitly set forth in clear and unambiguous terms.

## **Marin County, CA (expired)**

On June 8, 2021, the Marin County Board of Supervisors adopted an urgency ordinance requiring employers with 25 or fewer employees in unincorporated areas of the county to provide SPSL for COVID-19. The ordinance was intended to fill the gap left by California's 2021 COVID-19 SPSL law (SB 95), which applied to employers with more than 25 employees. The ordinance took effect immediately and expired on Sept. 30, 2021.

**Amount of SPSL.** Covered employers had to provide up to 80 hours of SPSL to full-time employees who worked more than two hours in unincorporated areas of the county. Other employees were entitled to SPSL equal to the average number of hours worked in a two-week period over the past six months. SPSL hours were in addition to any paid sick leave available under the state's Healthy

Workplaces, Healthy Families Act and any other PTO benefits (like vacation or sick leave) established before March 16, 2020.

Employers could offset SPSL by any COVID-19 paid sick leave already provided under FFCRA, Cal/OSHA regulations, or any similar future state or federal law. In addition, if an employee had at least 80 hours of accrued paid sick leave or 160 hours of combined of paid sick leave, vacation, and time off as of June 8, 2021, the employer did not have to provide additional SPSL. If an employee had fewer than 80 hours of PTO available, employers had to supplement with enough SPSL to correct the deficiency.

**Rate of pay.** Covered employers had to pay SPSL at the employee's regular rate of pay, up to \$511 per day and \$5,110 in total.

**Permissible uses.** On receiving a written request, covered employers had to provide SPSL to employees who could work or telework for the following reasons:

- The employee was — or needed to care for someone — in isolation or quarantine to prevent the spread of COVID-19 on the advice of a healthcare provider or under a federal, state, or local order.
- The employee had — or needed to care for someone who had — COVID-19 symptoms and was seeking a medical diagnosis.
- The employee needed to care for an individual whose school, senior care provider or childcare provider closed or was unavailable in response to a public health or other public official's recommendation.
- The employee was receiving a COVID-19 vaccine or experiencing symptoms related to the vaccine.

Employers could deny a healthcare provider's or emergency responder's request for SPSL to care for an individual whose school or senior care closed if granting the leave would have created a staffing shortfall.

**Notice, poster and recordkeeping.** Covered employers had to provide employees a notice in English and Spanish about their rights under the ordinance. The notice could be displayed in the workplace, posted online or emailed, as long as the method was calculated to reach all employees. Employers must keep a record of each employee's name, hours worked and pay rate for at least three years.

## **Millbrae, CA (expired)**

On March 9, 2021, the Millbrae City Council passed an emergency ordinance (No. 786) requiring grocery and drug store essential workers to receive \$5 per hour as hazard pay in addition to their regular hourly pay. The measure also required providing those workers up to four hours of paid leave to get vaccinated. Effective on enactment, the ordinance applied to grocery and drug store owners and

operators with 750 or more employees nationwide. The ordinance had employer notice and poster requirements, as well as anti-retaliation provisions. The ordinance expired on July 7, 2021.

## Oakland, CA

The Oakland City Council has extended and modified the emergency SPSL ordinance ([No. 20-0345](#)) [approved](#) in May 2020 that requires employers to provide 80 hours of coronavirus-related paid sick leave. The updated legislation ([21-0018](#)) extends the requirement beyond the original Dec. 31, 2020, sunset date through the end of the city's COVID-19 emergency declaration, unless extended further. The ordinance contains anti-retaliation and anti-discrimination provisions enforced by the Department of Workplace and Employment Standards.

The city has updated the [notice of employee rights](#) under the emergency ordinance in multiple languages. The notice must be posted in the workplace, distributed electronically, or placed on a web-based or app-based platform calculated to reach all employees. The notice must be provided in all languages spoken by more than 10% of the employees. The city may update its SPSL [FAQs](#).

**Amount of paid leave.** SPSL is available to any employee who has provided at least two hours of service within the city of Oakland since Feb. 3, 2020, for an employer of any size. Full-time employees receive 80 hours of paid leave, and other employees receive paid leave equivalent to their highest two-week average hours worked between Feb. 3 and March 4, 2020. The modified ordinance also requires paid leave for employees who worked fewer than 14 days between Jan. 1 and Jan. 21, 2021. Those employees receive paid sick leave equal to their hours worked in Oakland over the 14-day period. Leave is paid at the employee's regular rate of pay up to \$511 per day and \$5,110 in the aggregate.

**Permissible uses.** Employers must grant the emergency paid leave to any employee who cannot work or telework for one of these reasons:

- The employee needs to care for a family member who has been diagnosed with COVID-19 or has COVID-19 symptoms.
- The employee is at least 65 years old and has a specified health condition or a heightened risk of serious illness or death if exposed to COVID-19.
- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- A healthcare provider has advised the employee to quarantine due to concerns related to COVID-19.
- The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- The employee is caring for an individual subject to quarantine or isolation under a government order or a healthcare provider's advice.

- The employee is caring for a son or daughter whose school or place of care has closed or is unavailable due to COVID-19 precautions.
- The employee is experiencing any other substantially similar condition specified by federal agencies.

Employees can take leave in one-hour increments and on an intermittent basis. An employer has limited rights to request documentation supporting the need for leave.

**Coordination with other paid sick leave.** An employee can use the emergency paid sick leave before any other leave provided by an employer or required by Oakland's nonemergency paid sick leave ordinance ([Mun. Code § 5.92.030](#)). An employer cannot require an employee to use any other leave before taking the emergency paid sick leave. However, an employer could credit any emergency paid sick leave hours taken under the federal FFCRA or the statewide SPSL law against hours available under the local SPSL ordinance, as long as the leave was paid at the employee's regular rate of pay.

**Exemptions.** Employers (excluding certain franchisees) with fewer than 50 employees between Feb. 3 and March 4, 2020, are exempt from the ordinance. Employers of healthcare providers or emergency responders can elect to exempt those employees from the emergency ordinance's requirements, similar to what FFCRA allowed. Employers are exempt from the ordinance if either of these conditions apply:

- Between Feb. 3 and May 12, 2020, the employer provided immediate access to paid personal leave (including PTO, sick leave or vacation) on terms at least as generous as the emergency ordinance requires. This exemption applies only if the paid personal leave was in addition to any paid leave the employer had to provide under a collective bargaining agreement, policy or contract.
- After Feb. 3, 2020, the employer allowed employees to accrue at least 160 hours of paid personal leave, with at least 80 hours of leave available immediately after May 12, 2020 — even if the employee had fewer than 80 hours of accrued leave available before that date. For this exemption to apply, the paid personal leave must be available for the same reasons allowed in the emergency ordinance.

**Payout of accrued paid sick leave required (revised May 5, 2021).** Oakland's nonemergency paid sick leave ordinance requires employers to provide one hour of paid sick leave for every 30 hours worked up to a maximum of 72 leave hours per year. Until now, employers did not have to pay out accrued but unused nonemergency sick leave upon separation. However, while the emergency SPSL ordinance is in effect, employers with at least 50 employees must compensate laid-off employees for all accrued but unused paid nonemergency sick leave. No similar requirement entitles separating employees to payout of unused emergency paid sick leave.

## Sacramento, CA (expired)

The Sacramento Worker Protection, Health and Safety Act (Ordinance No. 2020-0026) included SPSL, originally effective July 15 through Dec. 31, 2020, then extended through March 31, 2021, and again through June 30, 2021. Employers with 500 or more employees nationwide had to provide 80 hours of SPSL to full-time employees working within the city. For all other employees working within the city, the amount of SPSL was based on the average number of hours worked over a two-week period. Emergency responders and healthcare providers could be excluded.

**Permissible use.** An employee could use the leave if unable to work or telework for any of these reasons:

- The employee was subject to quarantine or isolation by federal, state or local order or was caring for a family member who was quarantined or isolated.
- A healthcare provider had advised the employee to quarantine due to COVID-19, or the employee was caring for a family member who had been advised to quarantine.
- The employee was older than age 65 or considered vulnerable due to a compromised immune system.
- The employee was experiencing COVID-19 symptoms and seeking a medical diagnosis.
- The employer or a specific work location had temporarily ceased operations due to a public health order or a public official's recommendation.
- The employee was caring for a minor child because a school or daycare facility had closed due to COVID-19.

**Rate of pay.** The SPSL pay rate was similar to what the federal FFCRA's emergency paid sick leave required for smaller employers. Employees using the leave for themselves received their regular rate of pay up to \$511 per day and \$5,110 in the aggregate. When using leave to care for a family member, employees received two-thirds of their regular rate up to \$200 per day and \$2,000 in the aggregate. Employers did not have to pay out unused SPSL on termination. For continuing employees, unused SPSL expired when the ordinance sunset.

**Other leave.** SPSL under the Sacramento ordinance was in addition to any other paid sick leave, PTO or vacation available to an employee. An employer could not require an employee to use other accrued paid sick leave, PTO or vacation time before taking SPSL. However, employer-provided emergency paid sick leave for COVID-19 reasons provided since March 19, 2020, could count against SPSL requirements. In addition, supplemental paid leave for food-sector workers under California EO No. 51-20 could offset Sacramento's SPSL.

## Sacramento County, CA (expired)

Sacramento County passed the Worker Protection, Health and Safety Act of 2020 (Ordinance No. 1593), providing COVID-19 paid leave to workers in unincorporated areas of the county. The ordinance was nearly identical to the one passed in July by the Sacramento City Council. The Board of Supervisors extended the emergency measure — originally effective Oct. 16 through Dec. 31, 2020 — first through March 31, 2021 (Ordinance No. 2020-0047) and again through June 30, 2021

Employers with 500 or more employees nationwide had to provide full-time employees in the county 80 hours of SPSL. Part-time employees were entitled to SPSL equal to their average hours worked over two weeks (calculated using the time worked in the six months before Oct. 1, 2020). The reasons for which employees could take SPSL and the pay rate during leave were identical to what the Sacramento city ordinance required. Emergency responders and healthcare providers could be excluded from SPSL entitlement.

Just like SPSL under the city ordinance, the county-required SPSL could be offset by emergency COVID-19 leave provided since March 19 and SPSL provided under California EO No. 51-20. Employers could require an employee to use other accrued paid sick leave, PTO or vacation before or instead of SPSL.

## San Francisco, CA

**Public health emergency leave (PHEL).** In early June 2022, San Francisco voters approved Proposition G, PHEL. The ordinance requires employers with 100 or more employees globally to provide up to 80 hours of PHEL per year to employees who work in the city and county of San Francisco. The ordinance does not apply to certain nonprofit organizations.

PHEL is available when an employee is unable to work due to:

- Recommendations or requirements of an individual or a general federal, state, or local health order
- A healthcare provider's advice to quarantine or isolate
- Actual diagnosis of the disease causing the public health emergency or the need to seek medical diagnosis of symptoms associated with that disease
- The need to care for or assist a family member — defined the same way as in San Francisco's paid sick leave ordinance (PSLO) — meeting one of the three conditions above
- An air quality emergency, if an employee is a member of a vulnerable population and primarily works outdoors

The annual allocation is based on the hours an employee regularly works in a two-week period, up to a maximum of 80 hours per year. A formula exists for variable-hour employee calculations. Unused PHEL does not carry over to the new calendar year.

For 2022, paid leave voluntarily provided by an employer could offset an employee's amount of PHEL. For 2023 and later years, PHEL can only be offset if a law requires employers to provide paid leave due to a public health threat.

The definition of a public health emergency (PHE) differs from the federal definition, which is determined by the US Department of Health and Human Services. Under the ordinance, a PHE is a local or statewide health emergency declared by a local or state health officer or an air quality emergency when the Bay Area Air Quality Management District issues a "Spare the Air" alert.

The Office of Labor Standards Enforcement (OLSE) has provided [FAQs](#) and a [website](#). OLSE also has issued a [notice](#) that employers must post in conspicuous places and send electronically when feasible. Employers must include an employee's PHEL balance in the itemized wage statement required by state law. If an employer provides unlimited PTO, the wage statement may simply indicate "unlimited."

The ordinance became operative on Oct. 1, 2022. The maximum 2022 allocation was 40 hours. Every Jan. 1 triggers a new allocation.

**Paid sick leave.** [Guidance](#) from San Francisco's OLSE supersedes earlier guidance that temporarily expanded leave rights and waived documentation requirements under the city's PSLO. The PSLO requires employers to provide at least one hour of paid sick leave for every 30 hours worked to all employees working in the city. Employees may use accrued paid sick leave when they — or a family member — are ill, injured, receiving medical care (including preventive care) or treatment, seeking a diagnosis, or unable to work for other medical reasons.

The expanded reasons for leave under the 2022 guidance differ slightly from the 2020 guidance. The expanded reasons are:

- The employee has to isolate or quarantine at the recommendation of a public health official or healthcare provider.
- The employee has a COVID-19 vaccine appointment or is experiencing vaccine side effects.
- The employee's business or work location has temporarily ceased operations in response to a public health or other public official's recommendation.
- The employee needs to care for a family member who is attending a COVID-19 vaccination appointment, experiencing vaccine side effects, or in isolation or quarantine at a public health official's or a healthcare provider's requirement or recommendation.
- The employee needs to care for a family member whose school, child, or senior care provider or workplace has temporarily ceased operations in response to a public health or other public official's recommendation.

Documentation requirements have also changed under the guidance. Employers may require a doctor's note or other documentation for the use of paid sick leave but only after five consecutive days of leave — an increase from three consecutive days. These changes are temporary and effective only during the city's novel coronavirus disease local health emergency, which was originally issued on March 6, 2020.

### **2020 amended paid sick leave rights (expired)**

March 24, 2020, guidance required covered employers to let employees use accrued sick leave for any of these additional reasons:

- The employee had to isolate or quarantine at the recommendation of a public health official or healthcare provider.
- The employee fell within the definition of a “vulnerable population” under guidelines issued by the San Francisco Department of Public Health. This category included anyone who was age 60 or older or had certain health conditions like diabetes, a weakened immune system, or heart, lung or kidney disease.
- The employee's business or work location temporarily ceased operations in response to a public health or other public official's recommendation.
- The employee needed to care for a family member who was in isolation or quarantine at a public health official's or a healthcare provider's requirement or recommendation.
- The employee needed to care for a family member whose school, child, or senior care provider or workplace had temporarily ceased operations in response to a public health or other public official's recommendation.

Employers couldn't require a doctor's note or other documentation for paid sick leave. These changes were effective only during the city's COVID-19 local health emergency.

### **Additional paid sick leave incentive program (expired)**

The Workers and Families First Program announced by the mayor offered incentives for businesses to provide an additional five days of sick leave pay to employees. All San Francisco businesses were eligible, with up to 20% of funds reserved for small businesses with 50 or fewer employees. As of April 5, 2020, the program had exhausted its funding, but businesses could sign up for a waiting list. However, the program has now closed and is no longer accepting applications.

Under the program, the city contributed up to one week (40 hours) at \$15.59 per hour (the San Francisco minimum wage), or \$623 a week, per employee toward paid sick leave. The employer had to pay the difference between the minimum wage and an employee's full hourly wage.

The program was available only if an employee had exhausted available sick leave and was ineligible for or had exhausted federal or state supplemental sick leave, and the employer agreed to extend sick leave beyond current benefits.

### **Emergency paid sick leave (expired)**

Effective April 17, 2020, an emergency ordinance required private employers with 500 or more employees to provide paid sick leave during the COVID-19 local public health emergency. The amended Public Health Emergency Leave Ordinance (PHELO) provided emergency paid sick leave similar to the FFCRA's provisions, but for employees of larger employers not covered by the federal law. In February 2021, the board enacted another 60-day extension of the measure with minor amendments, including a prospective exception for certain nonprofit employers. The ordinance expired on April 12, 2021.

Under the ordinance, a full-time employee (as of Feb. 25, 2020) received 80 hours of emergency paid sick leave, and a part-timer (as of Feb. 25, 2020) received paid leave equal to the average number of hours worked in a two-week period over the six months ending Feb. 25, 2020. The leave had to be paid in the same manner as leave under the city's PSLO (Admin. Code § 12W.3(h)). Leave could be used if the employee:

- Belonged to a vulnerable population
- Was or had a family member subject to a federal, state, or local quarantine or isolation order, including a shelter-in-place order
- Was subject to or had a family member subject to quarantine at the recommendation of a healthcare provider
- Had COVID-19 symptoms needing a medical diagnosis
- Had to care for a child whose school or care facility closed due to the public health emergency

The leave was in addition to any PTO the employer provided on or before April 17. An employer could not change any PTO policies on or after April 17, 2020, except to provide additional paid leave. However, an employer could reduce the PHELO-required leave by any paid leave hours (except previously accrued hours) taken on or after Feb. 25, 2020, for the same purposes. Unused leave did not have to be paid out at termination of employment. Retaliation for using the leave is prohibited.

Employers had to provide the official poster (available on the OLSE website) in a manner calculated to reach all employees. FAQs about the PHELO are also available on the OLSE website.

### **San Jose, CA (expired)**

An emergency ordinance (No. 30513), effective Jan. 1 through June 30, 2021, expanded the original San Jose emergency ordinance (No. 30390) that required private employers exempt from the

FFCRA's mandate to provide emergency paid sick leave during the COVID-19 public health emergency. The revised ordinance required all employers to provide up to 80 hours of paid sick leave to full-time employees who had worked at least two hours in the city. Part-time employees had to receive sick leave equal to their average hours worked over a two-week period. The revised ordinance also removed the previous limitation that restricted eligibility to employees who leave their residences to perform essential work (as defined by the Santa Clara County Public Health Officer).

An employee could use paid sick leave when unable to work (or telework) for any of these reasons:

- The employee was subject to a COVID-19 quarantine or isolation order from a federal, state, or local authority or was caring for someone quarantined or isolated due to COVID-19.
- The employee was quarantined or caring for someone quarantined due to COVID-19 at the advice of a healthcare provider
- The employee had COVID-19 symptoms and was seeking a medical diagnosis.
- The employee was caring for a minor child whose school or day care closed due to COVID-19.
- The employee was caring for a minor child whose childcare provider was unavailable due to COVID-19 precautions.

The amended emergency ordinance added a childcare provider's unavailability to the list of permissible uses of emergency paid sick leave.

The ordinance's pay requirements were similar the FFCRA's standards: Employees using sick leave for their own illness or quarantine had to receive their regular rate of pay up to \$511 a day and \$5,110 in aggregate. When using sick time to care for another person, employees had to receive two-thirds of their regular pay rate up to \$200 a day and \$2,000 in aggregate.

Employers already providing some combination of paid personal leave at least equivalent to the ordinance's requirements did not need to provide more paid leave. Employers that provided some but not an equivalent amount of paid leave had to make up the difference. It's not clear whether employers could credit previously provided FFCRA paid sick leave against the revised city ordinance requirement. The [Office of Equality Assurance](#) posted [FAQs](#) and an [opinion letter](#) on the ordinance.

## **San Mateo city, CA (expired)**

On March 1, 2021, the San Mateo City Council [adopted](#) an emergency ordinance ([No. 2021-8](#)) requiring grocery and drug store essential workers to receive \$5 per hour as hazard pay in addition to their regular hourly pay. The measure also required providing up to four hours of paid leave for those workers to get vaccinated. Effective on enactment, the ordinance applied to grocery and drug store owners and operators with 750 or more employees nationwide. The ordinance had employer [notice](#)

and poster requirements, as well as anti-retaliation provisions. The city published [FAQs](#) about the ordinance. The ordinance expired July 13, 2021.

## San Mateo County, CA (expired)

[Ordinance No. 20-506](#) required employers with 500 or more employees nationwide to provide SPSL to employees in unincorporated areas of the county. Full-time employees could take 80 hours of paid leave, while part-time employees could take the equivalent of their average hours worked in a two-week period. Employees using SPSL were paid at their regular rate, capped at \$511 per day and \$5,110 in the aggregate.

On Dec. 8, 2020, the Board of Supervisors [extended](#) the emergency COVID-19 paid sick leave ordinance — originally effective from July 8 through Dec. 31, 2020 — through June 30, 2021. The board also clarified that if federal, state or other local legislation requires employers to provide emergency paid sick leave for the same reasons to employees covered by the county ordinance, that leave will offset amounts required by the San Mateo County ordinance.

**Permissible use.** An employee could request SPSL when unable to work or telework for any of these reasons:

- The employee was or was caring for someone in isolation or quarantine to prevent the spread of COVID-19 at the advice of a healthcare provider or under a federal, state, or local order.
- The employee had or was caring for someone who had COVID-19 symptoms and was seeking a medical diagnosis.
- The employee needed to care for an individual whose school, childcare provider or senior care provider closed or was unavailable due to a public health or other public official's recommendation.

**Limitations for select employees.** Food-sector employees covered by California EO Order No. 51-20 were excluded from SPSL entitlement. In addition, employers could limit the use of SPSL by healthcare providers, certain aviation security workers and emergency responders. Nevertheless, these employees were entitled to use SPSL if they could not work or telework either of these reasons:

- The employee was advised by a healthcare provider to isolate or quarantine to prevent the spread of COVID-19.
- The employee was experiencing COVID-19 symptoms, was seeking a medical diagnosis, and did not meet the Centers for Disease Control and Prevention (CDC) return-to-work criteria for healthcare personnel with confirmed or suspected COVID-19 infection.

**Other leave.** SPSL was in addition to any other paid sick leave available to the employee under the state's [paid sick leave law](#), any PTO provided before March 16, 2020, and any other form of leave (vacation, sick or personal) provided by an employer policy. Employers could not require the use of other paid or unpaid leave, PTO or vacation time before or instead of taking SPSL. Nevertheless, the

required SPSL hours could be offset by any emergency paid leave for COVID-19-related purposes voluntarily provided between March 17 and June 30, 2020, or any COVID-19-related supplemental paid leave provided pursuant to another jurisdiction's laws.

## **Santa Rosa, CA (expired)**

An urgency ordinance ([No. 2020-006](#)) adopted by the city council required private employers with more than 500 employees nationwide to provide up to 80 hours of paid sick leave to employees who worked at least two hours in the city. This temporary paid sick leave (PSL) requirement was effective July 7, 2020, through Dec. 31, 2020. On Feb. 2, 2021, the [city council](#) voted to replace the expired ordinance with a new [PSL requirement](#) (Ordinance No. 2021-001) covering nearly all employers, with a limited exception for employers with fewer than 50 employees. The new ordinance provided paid leave similar to the original ordinance through Sept. 30, 2021, when federal tax credits for FFCRA paid leave expired.

**Eligible employees.** The temporary paid sick leave was available only to employees who performed “allowed or essential work” — work activities and services permitted by [orders](#) of the Sonoma County Public Health Officer. Full-time employees could take 80 hours of paid leave, while part-time employees could take paid leave equivalent to their average hours worked over a two-week period.

**Pay rate for emergency leave.** Employees taking PSL initially received their regular pay rate up to \$511 per day and \$5,110 in the aggregate. Under the 2021 replacement ordinance, the emergency leave pay rate was similar to the federal FFCRA's pay rate for emergency paid sick leave. Employees using the leave for themselves received their regular rate of pay up to \$511 per day and \$5,110 in the aggregate. When using leave to care for a family member, employees received two-thirds of their regular rate up to \$200 per day and \$2,000 in the aggregate. Employers do not need to pay out or make unused sick leave available after expires.

**Permissible uses.** An eligible employee could use PSL when unable to work for any of these reasons:

- The employee was subject to quarantine or isolation by federal, state or local order due to COVID-19.
- The employee was quarantining on the advice of a healthcare provider.
- The employee experienced symptoms of COVID-19 and was seeking medical diagnosis.
- The employee was caring for someone who was quarantined, isolated or otherwise unable to receive care due to COVID-19.
- The employee was caring for a minor child whose school or day care closed or whose childcare provider was unavailable due to COVID-19.

**Leave already provided.** The COVID-19-related PSL was in addition to any paid leave an employer normally provided. However, a covered employer that had already provided some combination of paid leave at least equivalent to the ordinance's requirements was exempt. Any short period of pandemic-related paid leave an employer had already provided in addition to normal paid leave could offset the ordinance's requirements. Employees using PSL could not be required to provide a written note from a healthcare provider.

## **Sonoma County, CA (expired)**

Originally effective Aug. 18, 2020, [Ordinance No. 6320](#) required employers with 500 or more employees locally or nationally to provide SPSL to employees in unincorporated areas of the county. The ordinance extended the FFCRA's emergency paid sick leave requirements to large employers, with no exemption for healthcare providers and emergency responders. The ordinance did not apply to federal, state or local government agencies.

On Jan. 26, 2021, the Board of Supervisors extended Ordinance No. 6320's 2020 year-end expiration date through June 30, 2021 ([Ordinance No. 6334](#)). On Feb. 9, 2021, the board expanded paid sick leave coverage to all employees in the unincorporated areas of the county — not just those working for employers with 500 or more employees — to close the coverage gap created by the FFCRA's expiration ([Ordinance No. 6336](#)). The stated goal was to encourage employees experiencing COVID-19 symptoms or caring for a family member with COVID-19 to stay at home. These amendments also created a limited exception for healthcare providers and emergency responders that the original ordinance omitted.

**June 2021 update.** On June 8, 2021, the board again extended the SPSL ordinance through Sept. 30, 2021 ([File 2021-0561](#)) and amended it. The amended ordinance required employers to provide full-time employees a new allotment of 80 SPSL hours for use from Jan. 1–Sept. 30, 2021, and a proportional amount for part-time employees. Employees could use SPSL for COVID-19 vaccine appointments or recovery if too ill to work or telework, in addition to the long-standing permitted uses noted below.

Employers could offset this new allotment with paid leave provided under the state's 2021 [supplemental paid sick leave law](#), the [Cal/OSHA exclusion pay requirements](#) or any voluntarily provided FFCRA paid leave. In addition, if an employee had at least 80 hours of accrued paid sick leave or 160 hours of combined of paid sick leave, vacation and time off as of June 8, 2021, the employer did not have to provide additional paid SPSL. If an employee had less than 80 hours of PTO available, employers had to supplement with enough SPSL to correct the deficiency.

**Amount of SPSL.** Any employee of a covered employer who worked for more than two hours in the county's unincorporated areas was eligible for SPSL. Full-time employees normally scheduled 40 or more hours a week could take 80 hours of paid leave, while part-time employees could take the equivalent of their average hours worked in a two-week period (calculated over the previous six

months). Employees on SPSL for any reason received their regular rate of pay, capped at \$511 per day and \$5,110 in the aggregate. Employers did not have to pay out unused SPSL.

**Permissible uses.** Employers had to grant SPSL on an employee's written request (including email or text message) when the employee could not work or telework for any of these reasons:

- The employee was or needed to care for an individual in isolation or quarantine to prevent the spread of COVID-19 on the advice of a healthcare provider or under a federal, state, or local order.
- The employee had or needed to care for an individual who had COVID-19 symptoms and was seeking a medical diagnosis.
- The employee needed to care for an individual whose school, senior care provider or childcare provider closed or was unavailable in response to a public health or other public official's recommendation.

**Notice requirement.** Covered employers had to post a notice of SPSL rights in English and Spanish in the workplace or on any intranet or app-based platform or provide the notice by email. The ordinance did not designate a county agency to publish a model, so employers were responsible for creating this notice.

**Other leave.** The SPSL was in addition to any other paid sick leave available to the employee under the state's [paid sick leave law](#), any PTO provided before March 16, 2020, and any other form of leave (vacation, sick or personal) provided under an employer policy. Employers could not require use of other paid or unpaid leave, PTO, or vacation time before or instead of taking SPSL. Nevertheless, employers could offset an employee's SPSL hours by any paid sick leave, vacation or other PTO available to the employee as of Aug. 18, 2020. For the offset to work, the employer had to provide enough SPSL so an employee had 80 hours of paid sick leave time available or 160 hours of combined paid leave (sick, vacation and PTO). Supplemental paid sick leave for food-sector employees covered by California EO No. 51-20 did not offset SPSL, and the ordinance had no exemption for unionized employees.

## South San Francisco, CA (expired)

In early March, the South San Francisco City Council [approved](#) an urgency ordinance ([No. 1618-2021](#)) amending the municipal code (Ch. 8.77) to require that grocery and drug store essential workers receive \$5 per hour as hazard pay per hour in addition to their regular hourly pay. The temporary amendment also required providing those workers up to four hours of paid leave to get vaccinated. The requirements applied to grocery and drug store owners and operators with 500 or more employees nationwide. The ordinance had employer [notice](#) and poster requirements, as well as anti-retaliation provisions. The ordinance was retroactive to Feb. 11, 2021, and expired on May 26, 2021.

## Colorado

Interpretive Notice & Formal Opinion (INFO) #6B — last updated Jan. 19, 2023 — from the Colorado Department of Labor and Employment (CDLE) clarifies paid sick leave requirements during the COVID-19 PHE. The Healthy Families and Workplaces Act (HFWA) requires all employers in the state to provide all employees up to 80 hours of PHE leave during a declared PHE. This supplemental paid sick leave (SPSL) is a one-time allotment during the PHE, but unused SPSL does not expire as long as the PHE is ongoing. Since Jan. 1, 2021, all Colorado employers have been required to provide SPSL for needs related to COVID-19. The obligation continues until four weeks after the COVID-19 PHE ends. From Nov. 11, 2022, to Jan. 8, 2023, SPSL was also available for respiratory syncytial virus (RSV) and similar respiratory illnesses (see this HFWA webpage).

Employees continue to earn up to 48 hours per year of accrued paid sick leave during the PHE. Unused accrued paid sick leave can count toward the 80 hours of SPSL when a COVID-19-related leave occurs. Employees may use SPSL before accrued paid sick leave if both provisions apply. For example, an employee with 30 hours of accrued but unused paid sick leave who contracts COVID-19 is entitled to 50 hours of SPSL, which can be used before taking accrued paid sick leave.

Employers generally may require reasonable documentation of a valid reason for an absence lasting four consecutive days, but not when an employee is taking PHE leave. Employers may, however, require return-to-work documentation if they have a good-faith basis to believe the employee was exposed to a contagious disease that may persist past the PHE leave (for example, if PHE leave was taken to care for family member with COVID-19).

**HFWA.** The HFWA replaced the state's Health Emergency Leave with Pay (HELP) rules described below. In addition to a general accrued paid sick leave mandate beginning in 2021, the law requires all employers in Colorado, regardless of industry or size, to provide up to 80 hours of SPSL during a public health emergency declared by the governor or a federal, state, or local health agency. Employers can count any unused accrued paid sick leave toward the supplemental requirement. Employees can use SPSL until four weeks after the public health emergency expires. SPSL can be used:

- To self-isolate due to symptoms or a diagnosis of a communicable disease or the need to obtain preventive care, diagnosis, or treatment
- To care for a family member under the same circumstances
- To comply with the employer's or a health official's instructions to stay away from the workplace after exposure to a communicable disease or to care for a family member under the same circumstances
- To care for a child or family member whose childcare provider or school is unavailable or has closed due to a public health emergency

- To avoid potential workplace exposure when a health condition puts the employee at high risk of the communicable disease

Employees are eligible for one bank of SPSL during the public health emergency. [Interpretive guidance](#) (Info No. 6B) from the CDLE provides information about HFWA. Separate CDLE guidance ([Info. No. 6C](#)) provides additional information on the public health emergency paid leave provision (CO Rev. Stat. § 8-13.3-405) and its continuing application during the COVID-19 public health emergency.

### 2020 supplemental paid sick leave (expired)

The HFWA required employers to provide COVID-related SPSL in 2020 to any employee not already covered by the FFCRA. This provision was effective July 14 to Dec. 31, 2020. Interpretive CDLE guidance ([Info. No. 6A](#)) issued March 29, 2022, provided additional details, including the following:

- Employees could use the paid leave if they:
  - Had COVID-19 symptoms and were seeking a medical diagnosis
  - Had been ordered by a federal, state, or local government official or advised by a healthcare provider to quarantine or isolate due to a risk of COVID-19
  - Were caring for someone subject to COVID-19 precautions, whether an individual ordered to quarantine or isolate or a child whose school or place of care had closed or was unavailable
- Employees could take up to two weeks (80 hours) of paid leave at their regular rate for their own COVID-19 symptoms, quarantine or isolation. Leave to care for someone else was paid at two-thirds of the employee's regular rate.
- Paid leave already provided under federal law, state law or employer policy in 2020 for the specified COVID-19 reasons could offset the HFWA-required amounts.
- Employer policies providing at least as generous paid leave for the specified COVID-related reasons satisfied the law's requirements.
- Paid leave was not available to laid-off or furloughed workers or employees whose business permanently or temporarily closed for reasons other than a government quarantine or isolation order.
- Employers had to notify employees about their emergency leave rights under HFWA (providing [Info. No. 6A](#) satisfied this requirement) and display an [informational poster](#) provided by the Division of Labor Standards and Statistics.

**HELP rules.** From March 11 to July 14, 2020, the [HELP rules](#) required certain employers to provide paid sick leave for quarantine or isolation orders and COVID-19 testing. The 2020 effective dates for covered businesses were:

- March 11: Leisure, hospitality, food service, childcare, education and home healthcare industries; nursing homes; and community living facilities
- March 26: Retail establishments that sell groceries
- April 3: Employers in the food and beverage manufacturing industries
- April 27: All retail establishments; real estate sales and leasing businesses; offices and office work; elective medical, dental and health services; and personal care services (including hair, beauty, spas, massage, tattoos, pet care or substantially similar services)

These employers had to provide up to two weeks (maximum of 80 hours over 14 calendar days) of sick leave paid at 2/3 of the regular pay rate to an employee who either:

- Had flu-like symptoms or respiratory illness symptoms and needed to undergo COVID-19 testing
- Had been instructed by a healthcare provider or an authorized government official to quarantine or isolate due to the risk of having COVID-19

Paid sick leave ended if an employee received a negative COVID-19 test result after being asymptomatic for 72 hours, but no earlier than seven calendar days (10 calendar days for healthcare workers).

The rules did not require additional paid leave if an employer's existing paid leave policy met the HELP requirements. However, an employee who had exhausted paid leave under the employer's policy and then qualified for paid leave under the HELP rules was entitled to the HELP leave. When an employer was subject to federal or local law in addition to the HELP rules, the law providing the most generous employee benefits or job protections applied.

The amended rules expired on enactment of the HFWA, but the DLE will continue to investigate complaints of violations while the rules were in effect.

## **Cook County, Illinois**

Employers in Cook County (including Chicago) that require COVID-19 vaccinations must pay employees for their time to get vaccinated. Under the [Vaccination Rights for Employees and Employer Obligations](#) ordinance (No. 21-3171), effective July 1, 2021, employers cannot require workers to obtain voluntary or required vaccines outside of workhours and must pay for up to four hours per dose for appointments occurring during a workday or shift. Employees of employers *not requiring vaccination* can use accrued paid sick leave or PTO to get vaccinated. Employers cannot discriminate or take adverse action against an employee for exercising the right to get vaccinated.

A county [website](#) provides a [COVID-19 vaccination rights and obligations poster](#). The website also has FAQs on the new ordinance and the county's earned sick leave ordinance that took effect in 2017.

## Maryland (expired)

Effective June 1, 2021, the Maryland Essential Workers' Protection Act ([2021 Ch. 736](#), HB 581) required "essential employers" to provide public health emergency leave (PHEL) to "essential workers" for COVID-19-related reasons. The paid leave was in addition to any other paid leave required by state law. But employers did not have to provide PHEL unless state or federal funding was available to cover their associated costs. When funding was available, essential employers had to provide up to 112 hours of paid PHEL only during a declared emergency. Maryland's COVID-19 general state of emergency [ended](#) July 1, 2021, although the governor [reinstated](#) a 30-day state of emergency focusing on hospital and emergency services on Jan. 4, 2022.

Qualifying reasons related to the public health emergency were:

- To isolate after getting diagnosed with, awaiting test results for, or seeking medical or preventive care for a communicable disease related to the emergency
- To isolate or care for a family member in isolation after a public health official or other health professional determines the employee's or family member's symptoms or exposure to a communicable disease related to the emergency merits staying out the workplace or the community to avoid jeopardizing the health of others
- To care for a family member diagnosed a communicable disease related to the emergency
- To care for a child or other family member whose care provider is unavailable or whose facility or school has physically closed due to the emergency

An "essential worker" was anyone who (i) performed a duty or work responsibility that could not be performed remotely or was required to be at the worksite during an emergency, and (ii) provided services that the essential employer determined to be essential or critical to its operations. An "essential employer" was anyone employing an "essential worker" in industries and sectors that the governor or a federal or state agency identified as critical to remain in operation during the emergency.

## Massachusetts (expired)

On March 1, 2022, the Executive Office for Administration and Finance [announced](#) that the end of the COVID-19 temporary emergency paid sick leave program, effective March 15, 2022. Under the Act Providing for Massachusetts COVID-19 Emergency Paid Sick Leave ([2021 Ch. 16](#), HB 3702), employers had to make paid leave available to employees for COVID-related illnesses, quarantine and vaccinations. Employers could apply for reimbursement from the state. The obligation to provide paid leave had to continue until the earlier of April 1, 2022, or the exhaustion of the COVID-19 Emergency Paid Sick Leave Fund. Accordingly, employers do not have to offer emergency sick leave to employees after March 15, 2022. Employers had until April 29, 2022, to apply for reimbursement from the state for the cost of qualifying leave taken between May 28, 2021, and March 15, 2022.

## 2021 COVID-19 emergency paid sick leave (expired)

Effective May 28, 2021, Massachusetts law required employers to provide COVID-19 emergency paid sick leave. Employers were reimbursed leave costs from a newly established \$75 million COVID-19 Emergency Paid Sick Leave Fund. The law had been set to expire Sept. 30, 2021, but the governor signed an extension on Sept. 29 ([2021 Ch. 55, HB 4127](#)). Under the extension, emergency paid leave was available to employees until the earlier of April 1, 2022, the emergency fund's exhaustion, or a notice from state regulators that the emergency fund would soon be exhausted. The law extending the emergency paid leave also expanded the list of permissible leave uses to include caring for a family member who is getting a COVID-19 vaccine or recovering from the side effects.

The Executive Office of Labor and Workforce Development posted [guidance](#) for employers, including [FAQs](#), a [sample leave request form](#), and an updated [notice](#) that employers had to provide to employees and post in a conspicuous location at the workplace.

**Amount of emergency leave.** An employee who worked 40 hours or more per week received 40 hours of COVID-19 emergency paid sick leave. Employees who worked fewer hours received COVID-19 emergency paid sick leave equal to their average number of regularly scheduled weekly workhours over a 14-day period. For employees with irregular schedules, employers needed to provide one week of leave using the employee's weekly work schedule over the six months immediately before the leave. If the employee worked for the employer less than six months, then leave was equal to the average number of weekly hours the employee was reasonably expected to work when hired. Employees could take leave on an intermittent basis and in hourly increments. Employees who could telework weren't entitled to emergency paid sick leave.

**Pay during emergency leave.** Pay up to a cap of \$850 per week and employment benefits had to continue during the employee's leave. Benefits included, but were not limited to, group life, health and disability insurance; sick leave; annual or vacation leave; education benefits; and pensions.

**Employer reimbursement.** An "eligible employer" that provided COVID-19 emergency paid sick leave was reimbursed (up to the \$850 weekly maximum per employee) from the COVID-19 Emergency Paid Sick Leave Fund by submitting an application designed by state regulators. The application supplied detailed information about the leave and supporting documentation, including the employee's written leave request to the employer giving the date(s) and reason for leave, plus additional documentation if leave was due to a quarantine order or quarantine advice. Eligible employers could expect to receive reimbursement within 30 business days of submitting the application. Any employer-paid sick leave wages eligible for the FFCRA tax credit were not eligible for reimbursement from the state's COVID-19 Emergency Paid Sick Leave Fund.

**Permissible uses.** Emergency paid sick leave had to be available to an employee for the following COVID-19-related reasons:

- An employee's need to (i) self-isolate and self-care after a COVID-19 diagnosis; (ii) seek or obtain medical diagnosis, care or treatment for COVID-19 symptoms; or (iii) obtain COVID-19 immunization or recovering from an injury, disability, illness or condition related to such immunization
- An employee's need to care for a family member who (i) was self-isolating due to a COVID-19 diagnosis; (ii) needed medical diagnosis, care or treatment for COVID-19 symptoms; or (iii) was obtaining COVID-19 immunization or recovering from an injury, a disability, an illness or a condition related to such immunization
- A quarantine order or a determination by a public official or health authority with jurisdiction, the employee's employer, or a healthcare provider that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's COVID-19 exposure or symptoms, regardless of whether the employee was diagnosed with COVID-19
- An employee's need to care for a family member subject to a quarantine order or a determination by a public official or health authority with jurisdiction, the family member's employer, or a healthcare provider that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's COVID-19 exposure
- An employee's inability to telework due to a COVID-19 diagnosis and symptoms

**Employee notice and documentation.** Employees needing COVID-19 emergency paid sick leave had to notify the employer as soon as practicable or foreseeable. After the first workday an employee received COVID-19 emergency paid sick leave, an employer could require the employee to follow reasonable notice procedures to continue receiving the paid sick leave. Employers had to treat all health information related to the emergency leave as confidential medical information and keep it in a separate file from other personnel information.

**Coordination with other leave.** An employer that had a separate COVID-19 sick leave policy providing leave for the same purposes under the same conditions and in an amount sufficient to meet the law's requirements did not need to provide additional COVID-19 emergency paid sick leave. Employers could reduce the required amount of emergency paid sick leave by the amount of wages or wage replacement that an employee received for the same period under any other government program or law. However, the emergency leave couldn't be reduced by other job-protected paid or unpaid time off required under the state's earned sick time law, any existing employer policy or program, a collectively bargained agreement, or federal law. Nonetheless, the COVID-19 emergency paid sick leave could be reduced if the aggregate amount would exceed the employee's average weekly wage. An employer couldn't require an employee to use other paid leave before taking the COVID-19 emergency paid sick leave, unless federal law required otherwise.

**Anti-retaliation provisions.** Employers were prohibited from interfering with, retraining or denying an employee's ability to take emergency paid sick leave. Employers also were barred from taking any adverse action against employees for exercising their rights or supporting the rights of another employee under the law.

## Michigan (expired)

Michigan's [EO No. 2020-36](#) required individuals in close contact with someone who tested positive for COVID-19 or displayed one or more of the principal symptoms of COVID-19 to remain home. Employers had to let employees use any accrued time under the state's [Paid Medical Leave Act](#) (PMLA). The order prohibited discharge, discipline or other retaliation against employees who stayed home because they were ill, had close contacts who were sick, or were at particular risk of infecting others with COVID-19.

The initial EO was replaced by [EO No. 2020-166](#), which was subsequently replaced by [EO No. 2020-172](#). The last order cited additional legal authority and updated [CDC](#) guidance on the proper period of quarantine after a diagnosis of or the onset of symptoms associated with COVID-19. The order also contained an updated a list of the disease's primary symptoms. The order, like the original, was in effect until the [end](#) of the declared states of [emergency](#) and [disaster](#).

Michigan's PMLA, first effective March 29, 2019, requires covered employers to provide one hour of paid sick leave for every 35 hours worked, capped at 40 leave hours per year. Under the EO, employees ordered to stay home had to be treated as if they were taking sick leave under the PMLA. If the employee required to stay home had no paid leave accruals, the leave could be unpaid.

The original EO permitted leave to end if an employee received a negative COVID-19 test result, but otherwise required leave to extend until seven days after the employee first noticed symptoms or tested positive for COVID-19 and three days after the employee's symptoms resolved. Under the last EO, leave ended only after 24 hours had passed since the resolution of fever without the use of fever-reducing medications, 10 days had passed since symptoms first appeared or since the employee took the test that yielded the positive result, and other symptoms had improved. For employees with potential exposure to the virus, leave had to last until either the symptomatic contact received a negative COVID-19 test or 14 days passed since the last close contact with a sick or symptomatic individual.

## Nevada

Effective June 9, 2021, state law ([SB 209](#)) requires employers with at least 50 employees in the state to provide up to four hours of paid leave for employees getting a two-shot COVID-19 vaccine or two hours of paid leave for a one-dose vaccine. This vaccine-related paid time is in addition to the regularly accruing PTO required by state law ([NV Rev. Stat. § 608.0197](#)). However, unlike the PTO requirement, paid vaccine leave extends to temporary, seasonal or on-call employees. Employers providing COVID-19 vaccines on site during regular work hours and employers in their first two years of operation are exempt. The COVID vaccine paid leave requirement expires on Dec. 31, 2023.

Employees must give their employers 12 hours advance notice about their need for vaccine leave. The law contains anti-discrimination and anti-retaliation provisions, as well as recordkeeping

requirements. The [Office of the Labor Commissioner](#) has published a health and safety [bulletin](#) describing the leave benefit that employers must post in a conspicuous location in each workplace.

In addition, amendments to the state's existing PTO law require employers to let employees use paid leave for caregiving, preventive care, medical care, diagnosis or treatment, and any other personal health-related needs. This permanent amendment to the PTO mandate took effect June 9, 2021.

## New Jersey

Emergency legislation ([2020 Ch. 9](#), AB 3848) prohibits employers in the state from terminating or refusing to reinstate an employee who requests or takes time off from work because of a licensed medical professional's written recommendation that the employee has or is likely to have an infectious disease. The law took effect March 20, 2020, and continued for the duration of the PHE and state of emergency, both of which were initially declared by the governor in [EO No. 103](#). The PHE ended in March 2022, but the state of emergency continues (see [EO No. 292](#)). Violations could lead to reinstatement orders, fines up to \$2,500 per instance and employee-initiated court action.

Two laws (2020 Chs. [17](#) and [23](#), SB 2304 and SB 2374), amend New Jersey's [earned sick leave law](#) to allow use of accrued sick time during a governor-declared state of emergency, extend job protections under the [Family Leave Act](#) (FLA), and expand the use of [temporary disability insurance](#) (TDI) and [family leave insurance](#) (FLI) for reasons related to communicable diseases. The amendments, effective March 25, 2020, are not specific to the COVID-19 pandemic and do not have an expiration date.

**Earned sick leave.** Employees can use accrued paid sick leave for a public health emergency that closes down their workplace or their child's school or day care facility. Employees also can use earned sick leave to care for themselves or a family member. With the amendments, employees can now use accrued paid sick leave if their workplace or child's school or day care has closed due to an emergency declaration or if they are subject to or need to care for a family member who is subject to a recommendation or an order to quarantine or isolate.

**FLA, TDI and FLI.** Under the amendments, FLA job protections are available when a communicable disease epidemic requires an employee to care for a child whose school or childcare has closed. FLA protections and FLI benefits are available to employees caring a family member quarantined because of a communicable disease or suspected exposure to the disease. Employees may also be eligible for TDI without a waiting period if they have been advised to isolate or quarantine due to suspected exposure to a communicable disease or if they need in-home care or treatment because their presence in the community may jeopardize the health of others. Employers can require certifications, subject to certain restrictions.

[COVID-19 FAQs for employees](#) from New Jersey's Department of Labor and Workforce Development provide more information.

## New York

New York passed its first COVID-19-related emergency paid leave in March 2020 and temporarily expanded the state's existing paid family leave (PFL) and disability benefit programs. In March 2021, the state passed a law requiring paid leave for employees to receive COVID-19 vaccines.

### Paid leave for vaccines

Legislation (2021 Ch. 77, [AB 3354](#)) effective March 12, 2021, requires all employers to provide up to four hours of paid leave per injection for employees to receive COVID-19 vaccines. [Guidance](#) from the state [Labor Department](#) confirms that this paid leave requirement applies to any COVID-19 vaccine an employee receives, including booster shots. Employees may take more paid vaccination leave if required by a collective bargaining agreement or employer policy. The leave must be provided at the employee's regular rate of pay and is in addition to any other paid leave available to the employee, including under the state's [paid sick leave \(PSL\) law](#) and the temporary PSL provisions described below. Retroactive paid leave for employees who received a COVID-19 vaccine before March 12, 2021, is not required. Originally set to sunset on Dec. 31, 2022, the requirement was extended through Dec. 31, 2023, under [legislation](#) (2022 Ch. 234, AB 9513) enacted June 28, 2022.

### PSL

Effective March 18, 2020, New York emergency legislation (2020 Ch. 25, [SB 8091](#)) provides temporary paid leave for employees subject to a mandatory or precautionary quarantine or isolation order due to COVID-19. This includes COVID-19-related orders from the state, the state Health Department, a local board of health or any authorized government entity. The law also expands the state's existing PFL and disability benefit programs to certain employees. New York City's and Westchester County's paid sick time mandates are not preempted by the temporary state law entitlements.

In addition, [amended](#) PFL regulations (NY Comp. Codes R. & Regs tit. 12 § [355.9](#)) clarify that employees may take family leave to care for a family member diagnosed with COVID-19. Coordination of New York's and federal FFCRA leave was complicated.

The state's emergency quarantine leave law is unrelated to the paid sick leave (PSL) law (2020 Ch. 56, [Part J of AB 9506-A](#)). The PSL measure, effective Sept. 30, 2020, requires employers to provide up to 56 hours of paid sick leave per year. For more details, see [New York passes paid sick leave mandate](#) (April 9, 2020).

**Employer-directed isolation requires paid leave.** According to [guidance](#) published by the state Department of Labor on Jan. 20, 2021, if an employer requires an employee who is not otherwise subject to a mandatory or precautionary order of quarantine or isolation to remain out of work due to exposure or potential exposure to COVID-19 — regardless of whether the exposure or potential exposure occurred at the workplace — the employer must continue to pay the employee. Paid leave at the employee's regular rate of pay continues until the employee is permitted to return to work or

becomes subject to a mandatory or precautionary order of quarantine or isolation. If the employee becomes subject to a mandatory or precautionary order of quarantine or isolation, the employee is entitled to emergency paid sick leave as required by the COVID-19 sick leave law.

**Up to three rounds of emergency leave available.** The January 2021 guidance also indicates that emergency paid leave is available for up to three orders of quarantine or isolation. The second and third instances qualify for emergency paid leave only if based on a positive COVID-19 test supported by documentation from a licensed medical provider or testing facility. Supporting documentation is not required if the employer provides the test.

**Amount of emergency leave.** Emergency paid sick leave is in addition to any employer-provided PSL available to employees. The state Department of Labor has authority to issue related [guidance](#) and investigate [complaints](#). Leave requirements vary by employer size on Jan. 1, 2020, as follows:

- Private employers with 100 or more employees and all public employers must provide at least 14 days of paid sick leave.
- Employers with 11 to 99 employees must provide at least five days of paid sick leave and then grant unpaid leave through the end of the quarantine/isolation period. Employers with up to 10 employees and a net income greater than \$1 million are subject to the same requirement.
- Small employers with up to 10 employees and net income not exceeding \$1 million must provide unpaid sick leave for the entire period of quarantine/isolation.

Although the legislation doesn't specify how to count employees, the [Workers' Compensation Board](#) has confirmed that workforce size includes all employees nationwide on Jan. 1, 2020. While quarantine/isolation, employees of employers with fewer than 100 employees are eligible for PFL and disability benefits after exhausting any paid sick days provided under this emergency legislation.

**Expanded PFL and disability benefits.** For employers with fewer than 100 employees, a combination of expanded PFL entitlement and disability benefits provides wage replacement to employees unable to work due to a mandatory or precautionary quarantine/isolation order. Regardless of employer size, expanded PFL is available to employees needing to care for a minor child who is subject to a mandatory or precautionary quarantine/isolation order. Disability benefits also are available without a waiting period to employees unable to work because of a quarantine or an isolation order.

Benefits from both programs are available on the first day of unpaid leave and can be received concurrently. In 2021, a maximum \$971.61 PFL benefit is available per week. The weekly benefit available under the emergency disability benefit expansion is the difference between the maximum weekly PFL benefit and the employee's total average weekly wage, up to a \$2,884.62 maximum per week. The expanded benefits under the PFL and disability programs are temporary for leave taken due to COVID-19.

**Teleworkers not eligible.** An employee who is asymptomatic or has not been diagnosed and is physically able to work while quarantined or isolated is not eligible for the COVID-related paid sick leave or expanded PFL and disability benefits.

**Personal travel may affect eligibility.** The COVID-19-related paid sick leave and expanded PFL and disability benefits may not be available to employees who are subject to quarantine or isolation orders because of personal travel to a level-two or higher country as designated by the CDC. If employees had advance notice of the travel limitations, they can use employer-provided accrued paid leave or take unpaid sick leave during the travel-related quarantine/isolation order, but they don't qualify for benefits under this law. The same applies for employees voluntarily traveling to a state subject to the governor's travel advisory who must get tested and quarantine on return under EO No. 205 (see COVID-19 FAQs).

**Job protection.** Employees returning to work after COVID-19-related leave must be restored to the position held before the leave, with the same pay and terms and conditions of employment. Discrimination and retaliation against employees who take leave is prohibited.

**Quarantine or isolation orders.** The COVID-related paid leave and benefits are available to an employee subject to a "mandatory or precautionary order of quarantine or isolation." This includes any such order related to COVID-19 from the state, the state Health Department, a local board of health or any authorized government entity. The state has provided guidance to local health departments on when quarantine or isolation orders are appropriate. The state departments of health and labor provided guidance in May and June 2020 on the availability of COVID-19 sick leave for healthcare employees without the need for an order of quarantine or isolation.

**Coordination with federal COVID-19 emergency leave benefits.** When the federal FFCRA paid leave was in effect, the New York COVID-related paid sick leave, PFL and disability benefits were only available to the extent they exceeded the FFCRA paid leave. An employee eligible under both laws could claim any additional leave and benefits available under New York's law that exceeded what the federal law allowed. New York private employers with 500 or more employees were not subject to the federal law's paid leave mandates but did have to comply with New York's laws.

**Guidance.** New York regulators have issued FAQs and employer guidance on the emergency COVID-19 paid sick leave, PFL, and disability benefits.

## **New York City (expired)**

An amendment (Int. 2448-A) to New York City's Earned Safe and Sick Time Act (NYC Admin. Code § 20-911 *et seq.*) required employers to provide additional paid leave for workers to get their children vaccinated. Effective retroactively to Nov. 2, 2021, all employers had to provide New York City employees an additional four hours of paid leave for each vaccine injection for each child under age 18 (and any older child incapable of self-care). Employees could use the paid leave to take their child for a vaccine or to care for their child experiencing vaccine side effects.

The COVID-19 child vaccination time had to be paid at the employee's regular rate of pay and was in addition to the employee's accrual or use of existing sick time. In a [press release](#), the Department of Consumer and Worker Protection (DCWP) commissioner said the amended law was important at year-end when workers' leave balances were low. DCWP's [COVID-19 and Paid Sick Leave flyer](#) provided an overview of sick leave required by state and city law. The city requirement to provide additional COVID-19 child vaccination paid leave time expired on Dec. 31, 2022.

## Philadelphia, PA

The Philadelphia City Council renewed its previously expired [public health emergency leave](#) (PHEL) ordinance through 2023. Retitled COVID-19 leave, the [ordinance](#) (amending Philadelphia Code § 9-4116) requires employers with 25 or more employees to provide up to 40 hours of paid leave for pandemic-related reasons. Signed by the mayor on March 9, 2022, the requirement is effective through Dec. 31, 2023. Employers had to provide a notice of rights to employees by March 24, 2022.

The 2021 [PHEL](#) ordinance expired on June 26, 2021, after the [end](#) of the statewide [proclamation](#) of disaster emergency.

### 2022–2023 COVID-19 leave

The new COVID-19 paid leave entitlement is in addition to any other paid leave benefits offered by a covered employer and can't be reduced by any paid leave previously received by a covered employee. Covered employers cannot require the use of other paid leave first and must provide eligible employees paid leave on request when they are unable to work due to one or more of the following reasons:

- A public official, a public health authority, a healthcare provider or an employer determines the employee's presence would jeopardize the health of others because the employee has been exposed to COVID-19 or is exhibiting symptoms.
- The employee needs to care for a family member after a public official, a public health authority, a healthcare provider or an employer determines the family member's presence would jeopardize the health of others because the family member has been exposed to COVID-19 or is exhibiting symptoms.
- The employee needs to self-isolate or care for a family member who is self-isolating because of a COVID-19 diagnosis, positive test result or symptoms.
- The employee needs to seek a diagnosis, care, or treatment related to COVID-19 symptoms or to care for a family member doing the same.
- The employee needs to care for a child whose school or place of care has closed or whose childcare provider is unavailable due to precautions taken in response to COVID-19.

- The employee needs to obtain a COVID-19 vaccination (including a booster) or recover from side effects related to the shot.

Eligible employees can use the new entitlement of COVID-19 paid leave until Dec. 31, 2023, unless the city council amends the ordinance to include an earlier expiration date.

**Eligible employees.** Eligible employees include anyone who (i) is working in Philadelphia when the ordinance took effect, (ii) normally works within Philadelphia but is currently teleworking because of COVID-19, or (iii) works from multiple locations but spends at least 51% of worktime in Philadelphia. Employees working 40 hours or more per week are entitled to 40 hours of COVID-19 leave. Employees working fewer hours are entitled to paid leave equal to their average hours scheduled or worked (whichever is greater) in a seven-day period. Employees with variable schedules are entitled to their average daily hours scheduled (including leave time) over the past 90 days multiplied by seven. Employers do not have to provide COVID-19 leave to teleworkers if existing employer policies provided at least 80 hours of paid leave in 2022 that employees can use for the same purposes and under the same conditions.

**PTO policies.** Employers already providing at least 120 hours of paid leave in 2022 that could be used for the same purposes and under the same conditions as the COVID-19 paid leave did not have to provide additional PTO. Employers that operated on a 7.5-hour workday and a 37.5-hour workweek for full-time employees and had a PTO policy providing at least 112.5 hours of paid leave in 2022 were similarly excluded from providing COVID-19 leave.

**Concurrent use.** Employers can substitute any COVID-19 paid leave required by state or federal law to the extent the leaves coincide and concurrent use is permitted. Employers also could substitute leave provided by an employer policy adopted specifically for COVID-19 reasons in 2022. In both cases, employers had to provide additional COVID-19 paid leave if the 2022 ordinance's requirements exceeded the paid leave required by state or federal law or provided by the employer's policy.

## 2021 PHEL (expired)

As of March 29, 2021, employers with employees working in Philadelphia had to provide paid COVID-19-related sick leave. The 2021 PHEL ordinance replaced the prior version that expired on Dec. 31, 2020 (see below). The 2021 ordinance required employers with 50 or more employees to provide up to 80 hours of paid leave. The required paid leave was in addition to any paid leave provided under existing employer policies and was not reduced by any pandemic-related paid leave provided in 2020. Employers had to notify employees about the new leave rights by April 13. The ordinance was effective until one week after the governor's proclamation of disaster emergency related to COVID-19 expired.

**Eligible employees.** PHEL-eligible employees included anyone employed for at least 90 days who (i) worked within Philadelphia, (ii) normally worked within Philadelphia but is currently teleworking because of COVID-19, or (iii) worked from multiple locations but spends at least 51% of work time in

Philadelphia. Leave was paid at the employee's regular rate of pay or the minimum wage, whichever is greater. Employees working 40 hours or more per week were entitled to 80 hours of PHEL. Employees working fewer hours were entitled to paid leave equal to their average hours scheduled or worked (whichever is greater) in a 14-day period. Employees with variable schedules were entitled to their average daily hours scheduled (including leave time) over the past 90 days multiplied by 14.

**Permissible use.** An eligible employee could use PHEL when unable to work for any of these reasons:

- A public official, a public health authority, a healthcare provider or an employer determined the employee's presence would jeopardize the health of others because the employee had been exposed to COVID-19 or was exhibiting symptoms of COVID-19.
- The employee needed to care for a family member after a public official, a public health authority, a healthcare provider or an employer determined the family member's presence would jeopardize the health of others because the family member had been exposed to COVID-19 or was exhibiting symptoms of COVID-19.
- The employee needed to isolate or care for a family member who was isolating because of a COVID-19 diagnosis or symptoms or was seeking a diagnosis, care, or treatment related to COVID-19 symptoms.
- The employee needed to care for a child whose school or place of care had closed or whose childcare provider was unavailable due to precautions taken in response to the public health emergency.
- The employee needed to obtain a COVID-19 vaccination or recover from an injury, a disability, an illness, or a condition related to the vaccination.

**Coordination with other paid leave benefits.** PHEL was in addition to all other employer-provided paid leave benefits and was not reduced by any paid leave an employee previously received, including any public health emergency leave provided in 2020. An employer could not require an employee to use other paid leave before using PHEL, unless state or federal law required otherwise. However, employers already providing at least 160 hours of paid leave in 2021 that could be used for the same purposes and under the same conditions as PHEL did not have to provide additional PTO.

Employers could substitute any COVID-19 paid leave required by state or federal law to the extent the leaves coincided and concurrent use was permitted. Likewise, employers could substitute leave provided by an employer policy adopted on or after March 6, 2020, that provides paid time specifically for COVID-19 reasons in 2021. In both cases, employers had to provide additional 2021 PHEL if the ordinance's requirements exceeded the paid leave required by state or federal law or provided by the employer's policy.

**Teleworking provision.** Employers did not have to provide PHEL to teleworkers if existing employer policies provide at least 80 hours of paid leave in 2021 that employees could use for the same purposes and under the same conditions as PHEL.

## 2020 PHEL (expired)

An [amendment](#) (No. 200303) to Philadelphia’s paid sick leave ordinance — the [Promoting Healthy Families and Workplaces](#) (discussed [later](#)) — provided paid PHEL, effective Sept. 17 through Dec. 31, 2020. In addition to the PHEL requirements discussed below, the ordinance contained notice, poster, recordkeeping, job protection and anti-retaliation provisions. A city [webpage](#) provides a form for filing a complaint about violations.

The amendment required employers to provide up to 112 hours of paid sick leave during the COVID-19 pandemic to Philadelphia workers (including transportation, food-delivery network and home care workers) who didn’t qualify for FFCRA emergency leave. The city’s paid PHEL was available to workers who needed to care for:

- Themselves or a family member experiencing COVID-19 symptoms and seeking a medical diagnosis
- Themselves or a family member when advised to quarantine by a healthcare provider
- Themselves or a family member during a quarantine or an isolation order from the federal, state, or local government
- A child whose school or care provider had closed or was unavailable due to precautions related to the public health emergency

Workers were eligible for paid PHEL if they worked at least 40 hours during a year within the boundaries of the city. The PHEL amendment extended to workers of large employers exempt from the federal FFCRA and to healthcare providers or emergency responders excluded from the FFCRA’s emergency paid leave by smaller employers subject to the federal law. The leave was only available to workers who could not work or telework.

**Amount of leave and pay rate.** Covered individuals working at least 40 hours per week were entitled to the greater of 80 hours or the average hours worked in a 14-day period, up to a maximum of 112 hours of paid PHEL. Covered individuals working fewer than 40 hours per week were entitled to paid leave equal to their wages and hours in an average 14-day period. Special rules applied to workers with varying schedules. Pay during PHEL was equal to the worker’s regular rate (but no less than minimum wage) and with the same benefits, including healthcare benefits. If a covered individual was laid off or terminated due to the public health emergency but rehired within six months of separation, the employee’s unused PHEL and unused accrued paid sick time had to be reinstated.

**Concurrent use of other emergency leave.** Employers could require PHEL to run concurrently with other paid emergency or sick leave for a public health emergency that the employer had to provide under a federal or state law, unless concurrent use was otherwise prohibited. Covered employers had to provide any additional public health emergency leave mandated by the city ordinance that exceeded the requirements of other federal or state laws.

**Coordination with existing paid leave policy.** Covered employers did not have to provide additional paid leave if their existing policy provided paid sick leave for the same purposes, under the same conditions, and in amounts that satisfied or exceeded the city's PHEL ordinance.

**Future public health emergency leave uncertain.** The amendment provided for PHEL during (and for one month after) future public health emergencies declared by a federal, state or local official. However, the amendment sunset on Dec. 31, 2020, making this provision moot.

### Additional compensation for healthcare employees

On Sept. 9, 2020, an amendment (No. 200306) to Philadelphia's Promoting Healthy Families and Workplaces ordinance took effect, providing lost wages and medical expenses to healthcare professionals who contract a communicable disease during a pandemic or epidemic affecting the city. Healthcare employers (including but not limited to hospitals, nursing homes and home healthcare providers) must make these benefits available to healthcare employees — including pool employees — who worked at least 40 hours in the three months prior to contracting the disease.

### Pittsburgh, PA (expired)

The end of the statewide proclamation of disaster emergency signed by the governor on May 20, 2021 and adopted by the General Assembly on June 10, 2021, caused Pittsburgh's original temporary emergency ordinance to sunset on June 26, 2021. A new temporary COVID-19 paid sick leave ordinance (File No. 2021-1721), effective on July 27, 2021, mirrored the original ordinance and expired July 27, 2022. Besides the permissible uses identified in the original ordinance, a covered employee could use the emergency paid leave when unable to work or telework because the employee or a family member needed to get a vaccination or a vaccine booster. Employees could use the paid leave for reasons related to COVID-19 or a variant. Whether employers had to provide a new allotment of leave to employees who used all leave available in 2021 under the prior ordinance was unclear.

**Original ordinance.** Effective Dec. 9, 2020, a Pittsburgh temporary emergency ordinance (No. 2020-0927) amended the city's Paid Sick Days Act to require that employers with 50 or more employees provide paid sick leave for COVID-19-related reasons, regardless of and in addition to any accrued paid sick days. The ordinance didn't specify whether to count employees working in Pittsburgh or working anywhere. Employers had to make the maximum required amount of paid COVID-19-related sick time available to employees after 90 days of employment. Employees working in the city — including those teleworking due to the pandemic — could use the COVID-19 sick time until one week

after the official termination or suspension of the public health emergency. The requirement to provide COVID-19 emergency paid sick leave ended when the disaster declaration in Pennsylvania or Pittsburgh expired, whichever occurred first.

**Paid sick time.** Employees working 40 or more hours per week were entitled to at least 80 hours of COVID-19 sick time. All other employees had to receive an amount equal to their scheduled work time in a 14-day period. COVID-19 sick time was in addition to any paid leave or sick time provided by the employer or required by the city's Paid Sick Days Act. Employees could choose to use the COVID-19 sick time before any accrued paid sick leave. Employers could not require the use of other paid leave before COVID-19 sick time, unless state or federal law required otherwise.

**Permissible uses.** Employees could use COVID-19 sick time when unable to work or telework because they were subject to or needed to care for a family member who was subject to the following:

- A determination by a public official, a public health authority, a healthcare provider or an employer that the individual's presence on the job or in the community would jeopardize the health of others because the individual had been exposed to COVID-19 or had symptoms of a communicable disease, regardless of whether the individual had been diagnosed with COVID-19
- The need to self-isolate due to a COVID-19 diagnosis or symptoms or to seek or obtain medical diagnosis, care, or treatment for symptoms of an illness related to COVID-19

**Coordination with other leave.** Employers could substitute COVID-19 paid leave provided by an emergency paid leave policy adopted after March 13, 2020, or required by a federal or state law to meet the city's requirements, if concurrent use is permitted. But employers had to provide additional COVID-19 paid sick leave if the city's requirements exceeded the amount provided by the employer's emergency policy or required by the federal or state law.

## Washington (expired)

Under Gov. Jay Inslee's [Proclamation 20-67](#), food production workers not covered by the FFCRA or other federal or state sick leave programs could take emergency SPSL for COVID-19-related reasons. Covered employers included orchards, fields, dairies, fruit and vegetable packing warehouses, meat and seafood processors and packers, agricultural operations (with few exceptions), and farm labor contractors. Food production employers could not operate between Aug. 18 and Nov. 13, 2020, unless they provided this paid leave.

Full-time employees could take up to 80 hours of SPSL at a rate equal to \$430 for 40 hours or a maximum of \$860 for 80 hours. Part-time employees received paid leave equal to their total number of hours normally scheduled during a two-week period.

Covered workers could take paid leave when:

- Subject to a federal, state, or local quarantine or isolation order related to COVID-19

- Advised by a healthcare official or provider to quarantine or self-isolate due to COVID-19 concerns or a positive diagnosis
- Prohibited from working due to health concerns related to potential transmission of COVID-19
- Experiencing COVID-19 symptoms and seeking a medical diagnosis

The order expired Oct. 31, 2022, when the governor announced the end to the state's public emergency proclamation (No. 20-25.20).

## Seattle, WA

FAQs from Seattle's Office of Labor Standards (OLS) clarify how the city's Paid Sick and Safe Time Ordinance (PSST) applies during the COVID-19 public emergency and detail the city's related amendments. The ordinance requires employers with one or more employees working in the city to provide paid leave so employees can care for themselves or a family member who has a physical or mental health condition, a medical appointment or a critical safety issue. Under the original ordinance, employees also could use accrued paid leave when a public official closes their place of business or their child's school or place of care for health reasons.

An OLS bulletin issued May 20, 2021, informs Seattle employers that workers can use PSST leave to attend a vaccine appointment for themselves or family members during work hours. A flyer is posted to the OLS website, in addition to an updated model PSST policy incorporating the 2020 amendments. Employers must provide each employee written notice of their PSST policies and procedures.

**Amendments.** Amendments adopted March 16, 2020, require employers to allow the use of accrued paid sick leave if a family member's place of care or school is closed and remove the requirement that the closure occur for a health-related reason subject to a public official's order. In addition, employers with 250 or more full-time-equivalent employees must allow the use of PSST when their place of business is closed for any health or safety reason. The guidance also covers mandatory use of PSST, including for employees returning from a different country, exhausted accruals, paid leave donation and other issues.

**Emergency rule.** On April 8, 2020, the OLS adopted an emergency rule that barred employers from requiring employees on PSST leave during the civil emergency to provide documentation from a healthcare provider. The agency said such a requirement would be "an unreasonable burden for workers and our healthcare system." The rule expired June 7, 2020.

**Gig workers.** Effective July 13, 2020, gig workers for transportation and food delivery network companies can access PSST under an emergency COVID-19 city ordinance (No. 126091). Eligible gig workers who work in Seattle at least once in the 90 calendar days before taking the leave can receive their average daily compensation for PSST used in 24-hour increments for any covered reason, including:

- They need to care for their own or a family member's physical or mental health condition, including keeping a doctor's appointment.
- They need to care for themselves, a family member or a household member for reasons related to domestic violence, sexual assault or stalking.
- Their family member's school or place of care has closed.
- Their company reduces, suspends or discontinues operations for health- or safety-related reasons.

The ordinance applies to companies like Lyft, Uber, Grubhub, Postmates, DoorDash and Instacart that hire 250 or more gig workers worldwide. Covered entities have the option of calculating accrued PSST retroactively (one day for every 30 days worked in whole or in part in Seattle since Oct. 1, 2019) or simply providing five days of PSST on July 13, 2020, and beginning accruals prospectively. Companies had to report the option chosen to the OLS in writing by July 27, 2020. The ordinance providing PSST for gig workers automatically expires three years after the mayor-declared civil emergency or the COVID-19 public health emergency ends, or on Dec. 31, 2023, whichever is latest.

## Washington, DC (expired)

Amendments to Washington, DC's Accrued Sick and Safe Leave Act provided paid leave for employees and their children to get COVID-19 vaccinations and recover from any side effects. The emergency legislation amending the law took effect Nov. 18, 2021, and was replaced by temporary legislation (DC Act 24-255) that took effect on Feb. 18, 2022, and expired Oct. 1, 2022.

**Vaccination leave.** For any employee who started work at least 15 days before the leave request, employers had to provide up to two hours of paid leave per injection (including boosters) and up to eight hours of paid leave for any side effects occurring within 24 hours of each injection (including boosters). Employees could use the paid leave for themselves or a child under age 18. The paid vaccination leave requirement was in addition to any other paid leave provided under an existing employer leave policy, contract or collective bargaining agreement. Vaccination leave was capped at 48 hours per employee in a year, beginning Nov. 5, 2021.

## COVID-19 paid sick leave (expired)

In May 2020, a Washington, DC, emergency act expanded the city's existing Accrued Sick and Safe Leave Act to provide paid leave during the COVID-19 emergency (the public health emergency together with the public emergency). Although the city's public health emergency ended July 24, 2021, the mayor has continuously extended the public emergency. Effective Oct. 27, 2021, the city council amended the paid public health emergency leave provision, redefining the COVID-19 emergency as the period from March 11, 2020, through Nov. 5, 2021 (2021 DC Law 24-39).

**Emergency paid sick leave.** Beginning April 10, 2020, an employer (other than a healthcare provider) with between 50 and 499 employees had to provide paid leave for the same purposes covered by the federal FFCRA's emergency paid sick leave provision:

- A federal, state, or local quarantine or an isolation order
- A quarantine recommendation from a healthcare provider
- COVID-19 symptoms needing a medical diagnosis
- The need to care for an individual in quarantine or isolation or experiencing COVID-19 symptoms
- The need to care for a child whose school or care facility has closed for COVID-19 reasons

Paid leave extended to employees who had worked for at least 15 days before the leave request. Full-time employees working in the city received up to 80 hours of paid leave, and part-time employees got paid leave equal to their usual number of hours worked in a two-week period. The leave had to be paid at 100% of the employee's regular rate (as opposed to the two-thirds rate in some cases under the FFCRA), but no lower than minimum wage and with no cap.

**Coordination with other leave.** An omnibus COVID-related bill enacted on June 8, 2020, amended the coordination of the emergency paid sick leave with other available paid leave. Employees could only use the emergency paid leave concurrently with or after exhausting any other paid leave available under federal or the city's law or the employer's policies. An employer could reduce the pay required for emergency sick leave by the amount of pay an employee concurrently received under another leave law or policy. If an employee took emergency paid leave after exhausting other paid leave, the employee's emergency leave entitlement could be reduced by the paid leave hours already taken.

## 3

# COVID-19 guidance for pre-existing paid leave benefits

## Arizona

The state's Industrial Commission last updated its [FAQs](#) about COVID-19 and earned paid sick time on Aug. 12, 2021. Under Arizona's earned paid sick time law (Ariz. Rev. Stat. §§ [23-371](#) to [23-381](#)), employers with 15 or more employees in the state must provide up to 40 hours of earned paid sick time per year, and smaller employers have to provide up to 24 hours. One of the allowed uses of earned, paid sick time is for a public health emergency, including one that closes the school or care facility for an employee's child. The FAQs confirm that an employee may use this paid sick time for his/her or a family member's COVID-19 vaccination.

The FAQs note that the state governor declared a [public health emergency](#) related to COVID-19 on March 11, 2020. The governor also issued an [EO](#) to help health officials and administrators combat the spread of the virus and to reduce the financial burdens on Arizonans by lowering associated healthcare costs.

Earned, paid sick time must be available for these reasons:

- A public official has closed an employee's place of business due to the public health emergency.
- An employee or a family member contracts or needs to be tested for the virus.
- An employee or a family member is quarantined after exposure to COVID-19 — regardless of whether the employee or family member has actually contracted the virus — and a healthcare provider or public health official has determined that the employee's or family member's presence in the community may jeopardize the health of others.
- An employee needs to care for a child whose school has closed.

The FAQs also contain information about emergency paid leave formerly available through the FFCRA.

## California

In March 2021, DIR published [COVID-19 testing and vaccine FAQs](#) addressing three common employee questions. First, if an employer requires an employee to get tested or vaccinated, the

employer must pay the employee for the time, including travel time, spent to comply and cannot require the employee to use paid leave. The time spent waiting for COVID-19 test results does not have to be compensated, but employees may be able to use paid leave while waiting for the results. Employees also may be able to use paid leave for voluntarily getting tested or vaccinated. Second, employers requiring COVID testing or vaccination must pay for the cost, including travel cost, if testing and vaccination is not made available at the worksite. Third, employees are entitled to reasonable accommodations for disabilities or sincerely held religious beliefs and may have anti-retaliation protections when using paid sick leave to get vaccinated.

## Connecticut

Beginning in 2022, employees in Connecticut were potentially eligible for paid leave benefits through the state's new [paid family and medical leave program](#), as well under the state's [paid sick leave law](#). The state provided guidance under both for employees in need of COVID-19-related leave.

**PFML.** An [FAQ](#) from the Connecticut Paid Leave Authority clarifies that medical leave benefits are only available for an eligible employee exposed to or diagnosed with COVID-19 if the [serious health condition](#) criteria are met. The employee must provide documentation from a healthcare provider demonstrating that the COVID-19 exposure or diagnosis meets any of the following:

- Requires an overnight stay in a hospital or other medical facility
- Incapacitates the employee for more than three consecutive full calendar days and requires ongoing medical treatment
- Results in or exacerbates a chronic condition that causes occasional periods of incapacity and requires healthcare treatment at least twice a year

An eligible employee may receive paid family leave benefits to care for a family member exposed or diagnosed with COVID-19 only if the family member's healthcare provider certifies the family member's conditions meets one of the three conditions above.

**Paid sick leave.** The Connecticut Department of Labor has published [COVID-19 FAQs](#) for workers and employers that address a number of topics, including the use of accrued paid sick leave during the pandemic. The state's paid sick leave law requires employers with 50 or more employees to provide up to 40 hours of paid leave per year. Employees can use this paid leave for their own or their child's or spouse's illness or medical care. According to the FAQs, paid sick leave will cover certain absences related to COVID-19.

## Illinois

In March 2021, the Illinois Department of Labor issued employer guidance titled [Compensation, paid leave and the COVID-19 vaccine](#). The guidance is divided into three sections:

- **Mandatory vaccine programs.** If an employer requires employees to get vaccinated, an employee's time spent obtaining the vaccine is likely compensable, even if it isn't during work hours. Employers should combine mandatory vaccination with paid leave for employees to receive required doses of the COVID-19 vaccine or compensate employees for the time spent to get the vaccine.
- **Optional vaccine programs.** Employees who voluntarily get the vaccine should be allowed to use sick leave, vacation time or other PTO for both doses. Employers should also consider offering flextime for employees to become vaccinated without having to take unpaid time. Alternatively, employers should allow employees to take unpaid time off.
- **Vaccine requirements for employees' family members.** The [Employee Sick Leave Act \(ESLA\)](#) entitles employees to use employer-provided sick leave benefits for absences due to a family member's medical appointments. A COVID-19 vaccine appointment qualifies as a medical appointment under the ESLA if the employer allows employees to use sick leave benefits to get vaccinations. Those employers should let employees use sick leave benefits to take a qualifying family member to receive the COVID-19 vaccine.

To encourage employees to obtain the COVID-19 vaccine, the state DOL recommends that employers review their leave and vaccination policies and revise them to provide leave, time and flexibility.

## Chicago, IL (repealed)

On April 22, 2021, the Chicago City Council [passed](#) an ordinance ([No. 2021-1219](#)) prohibiting adverse action against employees and independent contractors for taking time off to get vaccinated. Employers must allow workers to use any available paid sick leave, accrued or other PTO to voluntarily get the vaccine. If the employer requires the vaccine, each worker must receive up to four paid hours per dose for vaccine appointments during work hours.

Employers violating the ordinance risk administrative action and a fine of between \$1,000 and \$5,000. In addition, workers wrongfully retaliated against have the right to bring a civil action, seeking reinstatement, treble damages, litigation costs and attorney's fees. The [Office of Labor Standards](#) has published a [poster](#) summarizing the ordinance.

The ordinance took effect upon passage. The measure remained in effect until Feb. 28, 2022, when the Chicago Commissioner of Health [determined](#) that the public health threat posed by COVID-19 diminished enough that the ordinance could safely be repealed.

## Massachusetts

[FAQs](#) from the Massachusetts attorney general clarify employee rights and employer obligations under the state's existing paid sick leave law in the context of COVID-19. Massachusetts employers must provide up to 40 hours of accrued paid sick time each year for employees to use — to take care of themselves or family members or to comply with a required or recommended quarantine. The state's sick leave law does not cover absences caused by school, childcare or work closures due to a

public health emergency. Nevertheless, employers are encouraged to allow liberal use of earned sick time — and vacation or PTO — during the pandemic to support full compliance with the recommendations of health professionals.

**Vaccines.** Updated FAQs issued Dec. 10, 2021, address employee and employer questions about COVID-19 vaccines. Massachusetts employers can require employees to get vaccinated but must make reasonable accommodations for disabilities and sincerely held religious beliefs. If an employer requires employees to receive the vaccine at a specific location or on a specific date, their time (including travel time) getting the vaccine is compensable. If the employer, however, is only requiring proof of vaccination and does not mandate when, where and how employees obtain it, the time is likely not compensable. Employees can use earned sick leave to recover from any side effects from the vaccine.

## Minnesota

No state law requires employers to provide paid sick leave. However, a Minnesota Department of Labor [fact sheet](#) notes that when employers provide paid sick time for an employee's own illness, they generally must allow an employee to use sick leave to care for an ill minor child, an adult child, a spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or step-parent.

In addition, employers with employees in [Duluth](#), [Minneapolis](#) or [St. Paul](#) must provide paid sick leave that can be accrued over time or front-loaded at the start of the year. Specifics differ for each ordinance. Each city has provided FAQs for employers to clarify how these ordinances apply to COVID-19-related absences.

**[Duluth FAQs.](#)** Employees in Duluth can use accrued paid sick time to seek coronavirus screening or treatment, care for symptoms or infection, and undergo testing or quarantine after close personal contact with an infected or symptomatic person. Employees can use sick leave to care for themselves or a covered family member. The ordinance doesn't cover use of paid sick time when a family member's school or childcare facility has closed or when the employee's workplace has closed by order of a public official due to the virus. However, the FAQs note that an employer can allow the use of paid sick leave for reasons not covered by the ordinance.

**[Minneapolis FAQs.](#)** Employees in Minneapolis can take accrued sick leave for absences related to coronavirus symptoms, testing or infection. Employees can use paid sick time to care for themselves or a family member. They also can use paid sick time when a family member's school or childcare facility has closed or when the employee's workplace has closed by order of a public official due to the virus. Preemptive closures or quarantine are not covered uses under the ordinance.

**[St. Paul FAQs.](#)** Employees in St. Paul can use accrued sick leave if their workplace has closed or they need to care for a child whose school or place of care has closed because of COVID-19. Employees at greater risk of severe COVID-19 complications can use sick leave for preventive care related to an underlying medical condition. Employers, at their discretion, can provide more paid leave

if an employee has exhausted all accrued sick leave. An employer cannot *require* an employee to telecommute or work from home instead of taking paid sick leave, but an employer can offer the choice.

## Nevada

Nevada's Office of the Labor Commissioner has issued COVID-19 [guidance](#) on the state's paid leave law ([2019 Ch. 592](#)). An employer cannot require employees to use accrued paid sick leave when unable to work due to a mandatory government quarantine, but employees can choose to use paid or other applicable leave. The Office of the Labor Commissioner's [website](#) that features links to COVID-19 resources for employers.

## New York

On Sept. 22, 2021, the state Department of Labor updated its [guidance](#) reminding employers that employees can use paid sick leave to recover from COVID-19 vaccine side effects. New York's [paid sick leave law](#) requires employers with five or more employees or net income of more than \$1 million to provide paid sick leave. The paid sick leave requirement is addition to the state laws providing COVID-19 [emergency paid sick time](#) and [COVID-19 vaccination paid leave](#).

## Oregon

Oregon's sick leave law requires employers to provide employees at least one hour of paid sick time for every 30 hours worked. The state's Bureau of Labor and Industries has published [FAQs](#) for employers and employees about sick time and the coronavirus. Employees can use accrued sick time when a public health emergency closes their place of work or when they have to care for child whose school or childcare center has closed due to the public health emergency. Employees also can use paid sick leave to care for their own illness or an ill family member (including parents, grandparents and grandchildren).

**Vaccines.** The bureau has also published [FAQs](#) for employers and employees about COVID vaccinations and the workplace. Most Oregon employers can require workers to receive a COVID-19 vaccine but must accommodate workers with a disability or a sincerely held religious belief that inhibits their ability to get vaccinated. In addition, some employees in Oregon are exempt from such a requirement, including:

- Licensed or certified healthcare providers
- Employees of a healthcare facility
- Employees of a licensed healthcare provider or a clinical laboratory
- Firefighters, law enforcement officers, corrections officers, or parole and probation officers

In addition, an individual employment contract or collective bargaining agreement may prohibit an employer from requiring workers to get vaccinated.

Oregon law requires employers to pay for time spent by an employee waiting for and receiving the vaccine at the worksite during normal work hours. Employees do not have to get paid if they choose to get a required vaccination outside of work hours and off premises. An employee choosing to get a required vaccination off the worksite but during work hours can use any available sick leave.

Employers can offer financial incentives for workers to get vaccinated but must provide equal pay for workers who cannot get a vaccination because of a religious conviction or a disability.

## **Philadelphia, PA**

Supplemental [regulations](#), effective through Dec. 31 under the [Promoting Health Families and Workplaces law](#), allow expanded use of accrued leave under the city's [paid sick leave law](#). Employees may use accrued leave to undergo a COVID-19 evaluation and a two-week quarantine if they have symptoms of the virus, had direct contact with an infected individual or have recently traveled in a high-risk country. Quarantining may also apply to employees considered high risk by a medical professional.

Additional leave rights extend to employees caring for family members at home due to COVID-19-related travel restrictions or closures, such as a school's or day care provider's closure or a state-ordered business closure. The regulations also detail what documentation an employer may require, such as public statements from government officials or a signed employee statement of existing symptoms or need to stay home. Employers can't require a note from a health professional, consistent with CDC [guidance](#).

## **Rhode Island**

The Department of Labor and Training has issued a [workplace fact sheet](#) on COVID-19, reminding workers that they may be eligible for temporary disability or family caregiver insurance benefits if they or their family members have been affected by COVID-19. The state is waiving the seven-day minimum claim period for COVID-19 claims and the need for medical certification if a worker is under quarantine.

## **Vermont**

Vermont's paid sick time law requires employers to provide up to 40 hours of accrued paid leave every year. [COVID-19 FAQs](#) from the state's Department of Labor remind employers and employees that accrued paid sick leave can be used by employees who have COVID-19 or need to care for a sick family member. Under the law, employees can also use accrued sick time when a family member's school or business is closed for public health or safety reasons.

## Washington

The Department of Labor & Industries has posted answers to [common questions about paid sick leave and COVID-19](#). Employees can use paid sick leave if a public official closes their place of business or their child's school or place of care due to COVID-19. Employees can also use PTO for these purposes if paid sick leave is part of the PTO program. However, employers cannot require employees to use to their paid sick leave to cover virus-related absences. The employee can choose when to use accrued paid sick leave.

### PFML temporary amendments

The state has temporarily amended ([2021 Ch. 109](#), [HB 1073](#)) the hours-worked eligibility criteria for paid leave under the state's paid family and medical leave (PFML) program. The amendment makes it easier for workers to qualify for PFML, even if they missed work in 2020 or 2021 due the pandemic.

The program typically requires employees to have worked 820 hours in either (i) the first four of the last five completed calendar quarters or (ii) the last four completed calendar quarters immediately preceding the leave. For leaves beginning anytime in 2021 through March 31, 2022, employees who could not satisfy the hours-worked criteria were still eligible for paid leave if they worked 820 hours in either (i) 2019 or (ii) the second, third and fourth quarters of 2019 and the first quarter of 2020. The temporary change did not apply to workers who voluntarily separated from employment for reasons unrelated to COVID-19 or were terminated due to misconduct.

Employers with 150 or fewer employees may be eligible for a one-time grant to alleviate the cost of having an employee on leave due to relaxed eligibility criteria. Eligible employers can use a \$3,000 grant to hire a temporary worker to replace the absent employee. Alternatively, employers can receive a \$1,000 grant to reimburse wage-related costs from having the employee on leave. The grants are not available to employers with private PFML plans. The legislation took effect on April 21, 2021, and will expire June 30, 2023.

## 4

# Related resources

### Non-Mercer resources

- [COVID-19 resource page](#) (Centers for Disease Control and Prevention)
- [COVID-19 healthcare emergency temporary standard \(ETS\) webpage](#) (Occupational Safety and Health Administration (OSHA))
- [OSHA COVID-19 vaccination and testing: ETS](#) (Federal Register, Nov. 5, 2021)
- [CMS interim final rule: Medicare and Medicaid programs; omnibus COVID-19 healthcare staff vaccination](#) (Federal Register, Nov. 5, 2021)
- [Fact sheet: Biden administration announces details of two major vaccination policies](#) (White House, Nov. 4, 2021)
- [COVID-19 workplace safety: Guidance for federal contractors and subcontractors](#) (Safer Federal Workforce Task Force, Sept. 24, 2021)
- [Path out of the pandemic](#) (White House, Sept. 9, 2021)
- [OSHA occupational exposure to COVID-19; ETS](#) (Federal Register, June 21, 2021)
- [Interim final rule, Occupational exposure to COVID-19; ETS](#) (Federal Register, June 21, 2021)
- [Pub. L. No. 117-2](#), the American Rescue Plan Act of 2021 (Congress, March 11, 2021)
- [Pub. L. No. 116-260](#), the Consolidated Appropriations Act, 2021 (Congress, Dec. 27, 2020)
- [Pub. L. No. 116-127](#), the Families First Coronavirus Response Act (Congress, March 18, 2020)
- Arizona: [FAQs about COVID-19 and earned paid sick time](#) (Industrial Commission, Aug. 13, 2021)
- California: [COVID-19 prevention ETSs resources](#) (DIR)
- California: [COVID-19 website for employers and employees](#) (EDD)
- California: [Adopted nonemergency COVID-19 regulation](#) (OSHSB, Dec. 15, 2022)
- California: [COVID-19 ETSs FAQs](#) (DIR, November 2022)
- California: [2022 Ch. 736, AB 152](#) (Legislature, Sept. 29, 2022)

- California: [Revised COVID-19 prevention emergency temporary standards](#) (Cal/OSHA, April 21, 2022)
- California: [2022 COVID-19 SPSL FAQs](#) (DIR, March 2022)
- California: [2022 COVID-19 SPSL poster](#) (DIR, Feb. 16, 2022)
- California: [2022 Ch. 4, SB 114](#) (Legislature, Feb. 9, 2022)
- California: [COVID-19 prevention ETSs](#) (DIR, Dec. 8, 2021)
- California: [PSL FAQs](#) (DIR, July 2021)
- California: [Executive Order 8-21](#) (Governor's Office, June 11, 2021)
- California: [COVID-19 prevention ETSs](#) (DIR, June 17, 2021)
- California: [2021 COVID-19 SPSL FAQs](#) (DIR, April 2021)
- California: [2021 COVID-19 SPSL poster](#) (DIR, March 2021)
- California: [2021 Ch. 13, SB 95](#) (Legislature, March 19, 2021)
- California: [COVID-19 testing and vaccine FAQs](#) (DIR, March 2021)
- California: [COVID-19 SPSL leave posters in English and Spanish](#) (Labor Commissioner, December 2020)
- California: [FAQs on labor laws related to COVID-19](#) (Labor Commissioner, December 2020)
- California: [2020 Ch. 45, AB 1867](#) (Legislature, Sept. 9, 2020)
- California: [Executive Order No. 51-20](#) (Governor's Office, April 16, 2020)
- California: [Executive Order No. 25-20](#) (Governor's Office, March 12, 2020)
- California: [Healthy Workplaces, Healthy Families Act of 2014](#) (CA Lab. Code §§ 245–249)
- Dale City, CA: [Ordinance No. 1445](#) (City Council, March 8, 2021)
- Long Beach, CA: [Resolution ending COVID-19 SPSL Ordinance No. 20-0017](#) (City Council, Feb. 14, 2023)
- Long Beach, CA: [COVID-19 SPSL Ordinance No. 20-0017](#) (City Council, June 9, 2020)
- Los Angeles, CA: [Declaration of end of state of emergency](#) (City Council, Jan. 11, 2023)
- Los Angeles, CA: [Vaccine paid sick leave due to COVID-19](#) (Mayor, June 24, 2021)

- Los Angeles, CA: [Rules and regulations implementing public order on SPSL due to COVID-19](#) (Office of Wage Standards, June 28, 2021)
- Los Angeles, CA: [COVID-19 SPSL Ordinance No. 20-0147-S39](#) (City Council, March 25, 2020)
- Los Angeles County, CA: [Urgency Ordinance No. 2021-0039U](#) (Board of Supervisors, Aug. 10, 2021)
- Los Angeles County, CA: [COVID-19 Vaccine Ordinance No. 2021-0024U](#) (Board of Supervisors, May 18, 2021)
- Los Angeles County, CA: [COVID-19 SPSL Ordinance, amended](#) (Board of Supervisors, Jan. 21, 2021)
- Los Angeles County, CA: [COVID-19 SPSL Ordinance](#) (Board of Supervisors, April 24, 2020)
- Marin County, CA: [COVID-19 SPSL Ordinance](#) (Board of Supervisors, June 8, 2021)
- Millbrae, CA: [Ordinance No. 786](#) (City Council, March 9, 2021)
- Oakland, CA: [Emergency paid sick leave posters](#) (Contracts and Compliance Division, Aug. 5, 2022)
- Oakland, CA: [Ordinance No. 21-0018](#) (City Council, Jan. 19, 2021)
- Oakland, CA: [FAQs on COVID-19 emergency paid sick leave ordinance](#), (Office of the City Attorney, July 22, 2020)
- Oakland, CA: [Ordinance No. 20-0345](#) (City Council, May 12, 2020)
- Sacramento County, CA: [Ordinance No. 2020-0047](#), extending the county's Worker Protection, Health and Safety Act (Board of Supervisors, Dec. 15, 2020)
- Sacramento County, CA: [Ordinance No. 1593](#), the Worker Protection, Health, and Safety Act of 2020 (Board of Supervisors, Sept. 1, 2020)
- Sacramento, CA: [Ordinance No. 2020-01470](#), extending SPSL in the city's Worker Protection, Health and Safety Act (City Council, Dec. 15, 2020)
- Sacramento: [Ordinance No. 2020-0026](#), the Worker Protection, Health and Safety Act (City Council, June 30, 2020)
- San Francisco, CA: [Paid sick leave ordinance webpage](#) (OLSE)
- San Francisco, CA: [PHEL FAQs](#) (OLSE, Sept. 30, 2022)

- San Francisco, CA: [Proposition G, Public Health Emergency Leave \(PHEL\)](#) (Elections Department, June 7, 2022)
- San Francisco, CA: [Draft meeting minutes](#) (Board of Supervisors, Feb. 9, 2021)
- San Francisco, CA: [Ordinance No. 270-20](#) (Board of Supervisors, Dec. 15, 2020)
- San Francisco, CA: [PHELO FAQs](#) (OLSE, April 2, 2021)
- San Francisco, CA: [Ordinance No. 200355](#) (Board of Supervisors, April 17, 2020)
- San Francisco, CA: [Ordinance No. 200313](#) (Board of Supervisors, April 17, 2020)
- San Francisco, CA: [Guide to reimbursement under the Workers and Families First Program](#) (City and county government, April 8, 2020)
- San Francisco, CA: [Workers and Families First paid sick leave program FAQs](#) (Office of Economic & Workforce Development, March 30, 2020)
- San Francisco, CA: [Paid sick leave & the coronavirus](#) (OLSE, March 24, 2020)
- San Francisco, CA: [Workers and Families First Program](#) (Mayor's Office, March 16, 2020)
- San Jose, CA: [Urgency COVID-19 Paid Sick Leave Ordinance website](#) (Public Works, Jan. 5, 2021)
- San Jose, CA: [COVID-19 paid sick leave urgency ordinance revised](#) (City Clerk's Office, Jan. 5, 2021)
- San Jose, CA: [COVID-19 paid sick leave FAQs](#) (Office of Equality Assurance, April 16, 2020)
- San Jose, CA: [Ordinance No. 30390](#) (City Clerk's Office, April 7, 2020)
- San Mateo, CA: [Ordinance No. 2021-8](#) (City Council, March 1, 2021)
- San Mateo County, CA: [Ordinance No. 20-930](#) (Board of Supervisors, Dec. 8, 2020)
- San Mateo County, CA: [Ordinance No. 20-506](#) (Board of Supervisors, July 7, 2020)
- Santa Rosa, CA: [Urgency ordinance extending paid sick leave requirements](#) (City Council, Feb. 2, 2021)
- Santa Rosa, CA: [Ordinance No. 2020-006](#) (City Council, July 7, 2020)
- Sonoma County, CA: [File 2021-0561](#) (Board of Supervisors, June 8, 2021)

- Sonoma County, CA: [File No. 2021-0075](#), Adoption of local COVID-19 paid sick leave ordinance applicable to all employees in the unincorporated areas of the county (Board of Supervisors, Feb. 9, 2021)
- Sonoma County, CA: [File No. 2021-0035](#), Potential extension of Urgency Paid Sick Leave Ordinance (Board of Supervisors, Jan. 26, 2021)
- Sonoma County, CA: [Ordinance No. 6320](#), Urgency Paid Sick Leave Ordinance (Board of Supervisors, Aug. 18, 2020)
- South San Francisco, CA: [Ordinance No. 1618-2021](#) (City Council, March 3, 2021)
- Colorado: [Info. No. 6B](#), Employer/employee rights and obligations under the Healthy Families and Workplaces Act (HFWA) (Department of Labor and Employment, Jan. 19, 2023)
- Colorado: [Info. No. 6A](#), Paid leave under the HFWA (Department of Labor and Employment (DLE), March 29, 2022)
- Colorado: [Info. No. 6C](#), How HFWA paid leave differs in 2020, 2021, and beyond, and how it differs from federal law, prior Colorado law, and Paid Family/Medical Leave (Department of Labor and Employment, Dec. 30, 2021)
- Colorado: [2020 Ch. 205](#), the HFWA (Legislature, July 14, 2020)
- Colorado: [Health emergency leave with pay \(HELP\) webpage](#) (DLE, July 14, 2020)
- Colorado: [Health emergency leave with pay \(HELP\) rules](#) (DLE, March 11, 2020, as amended on March 26, April 3, April 27 and July 14, 2020)
- Connecticut: [FAQ on COVID-19 and state paid sick leave](#) (Paid Leave Authority, Oct. 6, 2022)
- Connecticut: [FAQs about coronavirus \(COVID-19\) for workers and employers](#) (Labor Department, Oct 14, 2021)
- Illinois: [Employer guidance: Compensation, paid leave and the COVID-19 vaccine](#) (Labor Department, March 2021)
- Chicago, IL: [Substitute Ordinance No. 2021-1219](#) (City Council, April 23, 2021)
- Cook County, IL: [COVID-19 Vaccination Rights for Employees and Employer Obligations ordinance](#) (Board of Commissioners, June 24, 2021)
- Maryland: [2021 Ch. 736, Essential Workers' Protection Act](#) (Legislature, May 30, 2021)
- Massachusetts: [FAQs about COVID-19](#) (Attorney General's Office, Dec. 10, 2021)
- Massachusetts: [2021 Ch. 55, HB 4127](#) (Legislature, Sept. 29, 2021)

- Massachusetts: [COVID-19 emergency paid sick leave — notice to employees](#) (Executive Office of Labor and Workforce Development, Oct. 5, 2021)
- Massachusetts: [2021 Ch. 16, House Bill 3702](#) (Legislature, May 28, 2021)
- Michigan: [Executive Order No. 2020-172](#) (Governor's Office, Aug. 27, 2020)
- Michigan: [Executive Order No. 2020-166](#) (Governor's Office, Aug. 7, 2020)
- Michigan: [Executive Order No. 2020-36](#) (Governor's Office, April 3, 2020)
- Michigan: [Paid Medical Leave Act FAQs](#) (Bureau of Employment Relations, Feb. 25, 2019)
- Minnesota: [Worker protections related to COVID-19](#) (Department of Labor and Industry, May 25, 2021)
- Duluth, MN: [Earned Sick and Safe Time and COVID-19 FAQs](#) (City Clerk, March 17, 2020)
- Minneapolis, MN: [COVID-19 and the Sick And Safe Time ordinance FAQs](#) (Department of Civil Rights, March 18, 2020)
- St. Paul, MN: [Earned Sick and Safe Time — COVID-19 FAQs](#) (Department of Human Rights and Equal Economic Opportunity, April 9, 2020)
- Nevada: [SB 209](#) (Legislature, June 9, 2021)
- Nevada: [Office of Labor Commissioner website](#)
- Nevada: [COVID-19 and paid leave guidance](#) (Labor Commissioner's Office, March 11, 2020)
- New Jersey: [COVID-19 FAQs for employees](#) (Department of Labor & Workforce Development)
- New Jersey: [2020 Ch. 23, SB 2373](#) (Legislature, April 14, 2020)
- New Jersey: [2020 Ch. 17, SB 2304](#) (Legislature, March 25, 2020)
- New Jersey: [2020 Ch. 9, AB 3848](#) (Legislature, March 20, 2020)
- New Jersey: [Executive Order No. 292](#) (Governor's Office, March 4, 2022)
- New Jersey: [Executive Order No. 280](#) (Governor's Office, Jan. 11, 2022)
- New Jersey: [Executive Order No. 244](#) (Governor's Office, June 4, 2021)
- New Jersey: [Executive Order No. 103](#) (Governor's Office, March 9, 2020)
- New York: [Paid leave for COVID-19 vaccinations](#) (Labor Department, Oct. 13, 2022)
- New York: [2022 Ch. 234, AB 9513](#) (Senate, June 28, 2022)

- New York: [Guidance on use of paid sick leave for COVID-19 vaccine recovery time](#) (Labor Department, Sept. 22, 2021)
- New York: [2021 Ch. 77, A03354](#) (Assembly, March 12, 2021)
- New York: [Guidance on use of COVID-19 sick leave](#) (Labor Department, Jan. 20, 2021)
- New York: [Paid leave for COVID-19](#) (Workers' Compensation Board)
- New York: [Guidance on use of COVID-19 sick leave for healthcare employers](#) (Departments of Health and Labor, June 25, 2020)
- New York: [Guidance on use of COVID-19 sick leave for healthcare employers](#) (Departments of Health and Labor, May 17, 2020)
- New York: [2020 Ch. 25, SB 8091, Emergency COVID-19 paid sick leave law](#) (Senate, March 18, 2020)
- New York City: [Int. 2448-A](#) (City Counsel, Dec. 24, 2021)
- Oregon: [COVID-19 vaccinations and the workplace](#) (Bureau of Labor & Industries)
- Oregon: [COVID-19 FAQs for employers and employees](#) (Bureau of Labor & Industries)
- Philadelphia, PA: [COVID-19 pandemic paid sick leave resources](#) (Department of Labor, Jan. 6, 2023)
- Philadelphia, PA: [Paid sick leave resources](#) (City government, Aug. 11, 2022)
- Philadelphia, PA: [Ordinance No. 220051-A](#) (City Council, March 9, 2022)
- Philadelphia, PA: [Public health emergency leave ordinance](#) (City Council, March 29, 2021)
- Philadelphia, PA: [Paid sick leave public health emergency amendment, No. 200303](#) (City Council, Sept. 17, 2020)
- Philadelphia, PA: [PSL pandemic amendment for healthcare and pool employees, No. 200306](#) (City Council, Sept. 9, 2020)
- Philadelphia, PA: [Supplemental emergency regulation on COVID-19 and Ch. 9-4100 of the Philadelphia Code](#) (Mayor's Office of Labor, March 16, 2020)
- Philadelphia, PA: [City Code Ch. 9-4100, the Promoting Healthy Families and Workplaces \(2015 Ordinance No. 141026\)](#) (City Council, Feb. 12, 2015)
- Pittsburgh, PA: [Temporary emergency COVID-19 paid sick leave](#) (City Council, July 27, 2021)
- Pittsburgh, PA: [COVID-19 emergency paid sick FAQs](#)

- Pittsburgh, PA: [Temporary emergency COVID-19 paid sick leave](#) (City Council, Dec. 8, 2020)
- Rhode Island: [COVID-19 workplace fact sheet](#) (Department of Labor and Training, March 25, 2020)
- Vermont: [COVID-19 FAQs for employer and employees](#) (Department of Labor)
- Vermont: [Earned sick time law FAQs](#) (Department of Labor, Oct. 22, 2019)
- Washington: [Proclamation 20-25.14](#) (July 1, 2021)
- Washington: [2021 Ch. 109, HB 1073](#) (April 21, 2021)
- Washington: [Proclamation 20-67](#) (Governor's Office, Aug. 13, 2020)
- Washington: [Paid sick leave and COVID-19 webpage](#) (Department of Labor & Industries)
- Seattle, WA: [Paid sick and safe time webpage](#) (Office of Labor Standards)
- Seattle, WA: [Paid sick and safe time for gig workers ordinance](#) (City Council, June 12, 2020)
- Seattle, WA: [Emergency Human Rights Rule 70-080](#) (Office of Labor Standards, April 8, 2020)
- Seattle, WA: [Paid sick and safe time amendments](#) (City Council, March 16, 2020)
- Washington, DC: [2021 Act 24-255](#), COVID Vaccination Leave Emergency Amendment Act of 2021 (City Council, Dec. 22, 2021)
- Washington, DC: [2021 Act 24-209, § 2\(c\)](#), COVID Vaccination Leave Emergency Amendment Act of 2021 (City Council, Nov. 5, 2021)
- Washington, DC: [2021 DC Law 24-39, § 3\(d\)](#), Public Emergency Extension and Eviction and Utility Moratorium Phasing Temporary Amendment Act of 2021 (City Council, Oct. 27, 2021)
- Washington, DC: [2021 DC Law 24-9, § 105\(a\)\(2\)](#), Coronavirus Support Temporary Amendment Act of 2021 (City Council, June 24, 2021)
- Washington, DC: [2020 DC Act 23-326, § 105\(a\)\(2\)](#), Coronavirus Support Emergency Amendment Act of 2020 (City Council, May 27, 2020)
- Washington, DC: [Mayor's Order 2021-096](#) (July 24, 2021)

## **Mercer Law & Policy resources**

- [Roundup: Coronavirus \(COVID-19\) updated resources for employers](#) (regularly updated)
- [2022 state paid family and medical leave contributions and benefits](#) (Jan. 19, 2022)
- [Tracking federal COVID-19 laws affecting employee benefits, jobs](#) (March 30, 2021)

- [COBRA help, dependent care items in COVID-19 bill near enactment](#) (March 10, 2021)
- [Paid sick leave mandates continue to expand at state level](#) (Feb. 8, 2021)
- [2021 state paid family and medical leave contributions and benefits](#) (Jan. 20, 2021)
- [DOL and IRS issue guidance on COVID-19 emergency paid leave](#) (Jan. 15, 2021)
- [Colorado enacts paid sick leave law, emergency leave requirements](#) (Aug. 19, 2020)
- [Virus aid legislation includes cost-sharing curbs, new leave rights](#) (March 18, 2020)
- [New California laws affect health insurance, leave, other HR policies](#) (Feb. 19, 2020)

## **Other Mercer resources**

- [Navigating coronavirus](#) (regularly updated)
- [How plan sponsors can prepare for end of COVID emergency declarations](#) (Feb. 2, 2023)
- [Employer vaccine-or-test rule on hold, healthcare worker mandate expands](#) (Jan. 13, 2022)
- [OSHA's vaccination or testing mandate is back in effect](#) (Dec. 20, 2021)
- [Federal contractor vaccine deadline shifted](#) (Nov. 18, 2021)
- [OSHA's vaccine and testing guidance: Your top 5 questions answered](#) (Nov. 4, 2021)
- [Public employers: Does the president's vaccine mandate apply?](#) (Sept. 23, 2021)
- [Employers need to start preparing for vaccine mandates now](#) (Sept. 9, 2021)
- [Paid leave: Five considerations for a second COVID wave and beyond](#) (Aug. 20, 2020)
- [Paid leave: Five things to consider as COVID cases rise](#) (Aug. 13, 2020)
- [Designing a COVID-19 emergency leave policy: Four key considerations](#) (March 17, 2020)
- [Update: Rapid action plan on paid leave during the pandemic](#) (March 12, 2020)
- [COVID-19 and paid leave: Three scenarios to plan for](#) (March 5, 2020)

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