
Los Angeles Seeks to Close the Federal COVID-19 Paid Sick Leave Gap

By Guillermo M. Tello / Mar 31, 2020

On Friday, March 27, 2020, the Los Angeles City Council unanimously approved the [COVID-19 Supplemental Paid Sick Leave ordinance](#), which now awaits Mayor Eric Garcetti's signature.

Like the emergency paid sick leave recently passed by Congress and signed into law by President Donald Trump as part of the Families First Coronavirus Response Act (FFCRA), the ordinance provides employees with 80 hours of COVID-19 related paid sick leave. While the FFCRA's and the Los Angeles City ordinance's paid sick leave provisions are similarly fashioned to help employees deal with economic hardships they face from having to take time off from work to deal with COVID-19 related issues, the two are not identical.

The FFCRA expressly excludes employers with 500 or more employees. This gap in coverage has received much media coverage and criticism. In response, the Los Angeles City ordinance expressly provides that it "applies only to an Employer with 500 or more employees nationally." Put simply, the City of Los Angeles intends to close the FFCRA's coverage gap for any employee "who performs any work within the geographic boundaries of the City for an Employer." Under the ordinance, eligible employees could receive supplemental paid sick leave of up to \$511.00 per day and a maximum of \$5,110.00 in the aggregate. The precise amount each eligible employee receives will be calculated based on the employee's average two-week pay for February 3, 2020, through March 4, 2020.

To qualify for this supplemental paid sick leave, an employee must:

1. Have been employed with the same employer from February 3, 2020, through March 4, 2020; and
2. Request verbally or in writing paid sick leave for any of the following reasons:
 - The employee has been required, or is under recommendation, to isolate or self-quarantine to prevent the spread of COVID-19;
 - The employee is at least 65 years old or has a serious health condition, such as heart disease, asthma, lung disease, diabetes, kidney disease, or a weakened immune system;
 - The employee needs to care for a family member who is not sick but has been required, or is under recommendation, to isolate or self-quarantine; or
 - The employee needs to care for a family member whose senior care provider or whose school or child care provider temporarily ceases operations in response to public health recommendation;

Also important to note is that an employer cannot require any employee to submit a doctor's note or other documentation to support the request for this supplemental paid sick leave.

The ordinance will be in effect until December 31, 2020.

Clark Hill's Labor and Employment Practice Group attorneys will continue to provide critical updates as businesses around the country try to navigate these uncharted waters and can assist in any way needed. For more information, please visit Clark Hill's [COVID-19 Resources webpage](#).