

Sick Leave Urgency Ordinance No. 30512**4.2.15****PURPOSE**

The purpose of this Policy is the set forth how the City will implement the City's Revised COVID-19 Paid Sick Leave Ordinance.

SCOPE OF APPLICATION

The Ordinance and Policy apply to City employees that meet the eligibility criteria provided in the "policy" section below.

AUTHORITY

City of San Jose [Urgency Ordinance No. 30512](#) (herein after "Ordinance"), approved by the San Jose City Council on January 5, 2021, is in effect retroactively from January 1, 2021 through June 30, 2021. The Ordinance extended the City of San Jose [Urgency Ordinance No. 30390](#), which was in effect from April 7, 2020 through December 31, 2020.

POLICYGeneral Requirement

Generally, the City's Revised Sick Leave Ordinance does not apply to any Employer that provides its Employees with some combination of paid personal leave at least equivalent to the paid sick time required by the Ordinance. An Employer that provides some combination of paid personal leave less than the paid sick time required by the Ordinance is required to comply with the Ordinance to the extent of such deficiency.

The City of San Jose provides sick leave to all City employees, as well as vacation and personal/executive leave to all benefited employees. Additionally, the City provided Emergency Paid Sick Leave and administrative leave to City employees pursuant to Federal law and City policy respectively between March 17, 2020 and December 31, 2020, for qualifying COVID-related reasons. Accordingly, eligible City employees are entitled to additional COVID-19 sick leave under this policy to the extent that there is a deficiency between the amount of combined paid leave provided to the employee and the amount of paid sick time required by the Ordinance.

Eligibility

An employee is eligible for leave pursuant to the City's Sick Leave Urgency Ordinance **only if** they:

- Did not have a combined total of 80 hours (or prorated amount for part-time employees) of accrued paid leave (vacation, sick, personal/executive leave) available on April 7, 2020; and/or
- Have not accrued enough paid leave (vacation, sick, personal/executive leave) to reach a cumulative total of 80 hours (or prorated amount for part-time employees) since April 7, 2020 when combined with their available balances as of April 7, 2020; and/or
- Did not receive administrative leave/emergency paid sick leave pursuant to EPSLA for a qualifying reason as defined above that when combined with other leave available or accrued as describe above total 80 hours (or prorated amount for part-time employees) of paid leave.

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Moreover, the Ordinance is only applicable to employees who have worked at least two hours for the City of San Jose and who are required to leave their own residence to perform work for the City and are unable to telecommute.

An eligible full-time employee may receive up to 80 hours of paid sick leave to the extent the Employee is unable to work due to a need for leave because of any of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is either:
 - a. subject to a federal, state, or local quarantine or isolation order related to COVID-19, or
 - b. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.

Benefit

Compensation is provided for pursuant to the Ordinance as follows:

- An employer covered by the Ordinance shall compensate an employee for sick leave hours used in accordance with this Ordinance at not less than the greater of the Employee's regular rate of pay or the applicable minimum wage rate.
- An employer covered by the Ordinance can limit the amount it pays the employee for sick leave hours used in accordance with this Ordinance to \$511 a day not to exceed an aggregate of \$5,110 for the period commencing April 2, 2020 through the expiration date of this Ordinance. Notwithstanding the foregoing, the covered employer can limit the amount it pays the employee for sick leave hours used to care for another person to two-thirds of the Employee's regular compensation rate up to \$200 a day not to exceed an aggregate of \$2,000 for the period commencing April 2, 2020 through the expiration date of this Ordinance.

PROCEDURES

Employee Employees who require leave for a COVID-related reason as defined in the "Eligibility" section of this Policy and who have not been provided with 80 hours of leave (or prorated amount for part-time employees) as outlined in the "Eligibility" section of the Policy may submit an [application](#) to the Office of Employee Relations.

Office of Employee Relations The Office of Employee Relations will review the application and will confirm employee eligibility.

The Office of Employee Relations will notify employees if eligible for leave or not, and will inform eligible employees how to code their time.

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Employee Eligible employees will code their timecards based on instructions provided by the Office of Employee Relations.

Approved:

/s/ Jennifer Schembri
Director of Employee Relations
Director of Human Resources

January 21, 2021
Date

Approved for posting:

/s/ Jennifer Maguire
Assistant City Manager

January 21, 2021
Date