Chapter 10-47 ~~TEMPORARY~~COVID-19 PAID SICK- LEAVE ~~REQUIREMENTS FOR CERTAIN PRIVATE EMPLOYERS~~ORDINANCE

10-47.010 Definitions.

As used in this chapter, the following capitalized terms shall have the following meaning:

(A)   "Allowed or Essential Work" means work activities and services - as permitted in the Orders issued by the Sonoma County Public Health Officer.

(B)   "Employee" means a person employed by an Employer (as defined below) and who has worked at least two (2) hours within the geographic boundaries of the City of Santa Rosa for such Employer. An employee who works part of their hours within Santa Rosa city limits is entitled to paid sick leave hours equal to the number of hours he/she works on average over a two (2) -week period in Santa Rosa.

(C)   "Employer" means any person, including corporate officers or executives, who directly or indirectly (including through the services of a temporary services or staffing agency or similar entity) employs or exercises control over the wages, hours or working conditions of any employee, unless exempt by law.

10-47.020 Covered Employers.

(A)   This chapter applies to all Employers ~~with 500 or more employees nationally~~, except as provided below.

(B)   ~~To the extent that this~~This chapter ~~provides additional benefits~~does not apply to ~~Employees, it applies to Employers that are already subject to the Act~~any government Employer, except ~~as provided below.~~ it does apply to the City of Santa Rosa.

(C)   This chapter does not apply to ~~any government Employer.(D)   This chapter does not apply to~~ an Employer with less than 50 Employees that would ~~qualify~~have qualified for the exemption under the Act. This exemption only applies to Employees who are caring for a child under Section 10-47.050(A)(5).

(D)   If the Employer can show that the need for an Employee's requested leave is due to the Employee's intentional violation of a health order, then the Employer may deny the benefit.

10-47.030 Sick Leave Requirement.

Employers subject to this ~~Chapter~~chapter under Section 10-47.020 must provide the paid sick-leave benefit described in this chapter to each Employee who performs Allowed or Essential Work. This benefit is effective immediately on the effective date of the ordinance codified in this chapter.

10-47.040 Sick Leave Hours.

(A)   A fulltime Employee is entitled to eighty (80) hours of paid sick leave. These hours are available on the effective date of the sick leave benefit.

(B)   A part-time Employee is entitled to sick leave hours equal to the number of hours he/she works on average over a two (2) -week period. These hours are available on the effective date of the sick leave benefit.

10-47.050 Scope of Benefit.

Paid sick leave hours are subject to the requirements set forth in this Section 10-47.050.

(A)   An Employee can use paid sick leave for any of the following purposes:

(1)   The Employee is subject to quarantine or isolation by federal, state or local order due to COVID-19, or

(2)   The Employee is advised by a health-care provider to self-quarantine due to COVID-19 or is caring for someone who is so advised by a health-care provider (a written note from a medical provider is not required), or

(3)   The Employee experiences symptoms of COVID-19 and is seeking medical diagnosis, or

(4)   The Employee is caring for someone who is quarantined or isolated, or otherwise unable to receive care due to COVID-19, or

(5)   The Employee is caring for a minor child because a school or daycare is closed, or the child care provider is not available due to COVID-19.

(B)   The Employer will pay the Employee for properly used sick leave at the Employee's regular rate of pay up to $511 aper day not to exceed an aggregate of $5,110, if an Employee qualifies under subsections (A)(1)-(3), above, and at two-thirds of the Employee's regular rate of pay up to $200 per day not to exceed an aggregate of $2,000, if an Employee qualifies under subsections (A)(4)-(5), above.

(C)   An Employer cannot require an Employee to find a replacement as a condition of using sick leave.

(D)   An Employee is not entitled to carryover sick leave between years and is not entitled, under any circumstances, to be paid for unused sick leave. Unused sick leave will not be available after the sunset of the ordinance codified in this chapter and ceases to exist after December 31, 2020.

10-47.060 Exemption/Offset.

(A)   This chapter does not apply to any Employer that has already provided its Employees, on the effective date of the ordinance codified in this chapter, with some combination of paid personal leave at least equivalent to the paid sick time required by this chapter for a COVID-related leave per Section 10.47.050. An Employer that provides some combination of paid sick leave less than the paid sick time required by this chapter is required to comply with this chapter to the extent of such deficiency. This chapter is intended to provide additional COVID-related paid sick leave beyond what an Employer normally provides.

10-47.070 Enforcement.

(A)   An Employee claiming a violation of this chapter may bring an action in Superior Court of the State of California against an Employer and may be awarded:

(1)   Reinstatement to the position the Employee was discharged in violation of this chapter.

(2)   Any benefit provided by this chapter that is unlawfully withheld, calculated at the Employee's average rate of pay.

(3)   Other legal or equitable relief the court may deem appropriate.

(B)   If an Employee is the prevailing party in any legal action taken pursuant to this chapter, the court may award reasonable attorneys' fees and costs as part of the costs recoverable.

10-47.080 Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this chapter, for requesting to use or actually using sick leave under this chapter, for participating in proceedings related to this chapter, for seeking to enforce his or her rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter.