



## San Diego Sick Leave Law Updated

San Diego's Earned Sick Leave and Minimum Wage Ordinance was amended with the "Implementing Ordinance" amendment. This amendment adds additional requirements, and created a system where complaints can be reported and resolved. The new regulations went into effect on September 2<sup>nd</sup>, 2016, so business owners should start to acquaint themselves with the new requirements.

### Summary of the Changes

The biggest change in the amendment is the addition of the total accrual cap to 80 hours. Previously, the law allowed employers to set a limit on how much leave could be used every year, but there was no quantitative amount, and required accrued and unused leave to carry over to the next year. Employees can also frontload 40 hours of sick time and eliminate any carryover. Employees with reduced schedules cannot get pro-rated as well, so everyone needs to get 40 hours regardless of their full-time, part-time, or temporary status. Sick leave can begin being used on the 91<sup>st</sup> day of an employee's employment, and records are to be provided to employees "on a regular basis."

### Notice Requirements

Notice requirements were also expanded to require notice of the employer's legal name and any fictitious business name. Employers must also provide notice languages in English, along with any other language that more than 5% of employee speak in the office. Notice must be provided at the time of hire or by October 1<sup>st</sup>, 2016, whichever is later as well. Employers must also provide information on how they follow the law's requirements.

### Increased Penalties

Finally, the amendment establishes policies for employees to report violations of the law. Penalties, including posting and anti-retaliation, have increased across the board and a limit of \$10,000 for first time offenders has been established, along with percentile increases for subsequent violations in the future.

### Next Steps for Employers

1. To remain in compliance, employers should ensure their employees are made aware of their rights, through postings or other communication.
2. Employers should also revise their policies and handbook to include these new policies.
3. Contact HR Knowledge if you need further clarification or have any questions on this new amendment.

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