



**HAND IN HAND**  
THE DOMESTIC  
EMPLOYERS NETWORK

# San Francisco Paid Sick Leave Requirements for Domestic Employers

All San Francisco and California employees, regardless of their immigration status, including domestic workers, have the right to paid sick leave. Domestic workers include nannies or regular babysitters, housecleaners, and home attendants[1].

## Here's what you need to know to provide paid sick leave to your domestic employee working in San Francisco:

- 1 hour of sick leave is accrued (earned) for every 30 hours worked from the start date of employment. Alternatively, employers may offer paid sick leave as a lump sum at the start of the year.
- There is no limit on the number of hours of accrued sick leave an employee can use in one year. (Note that in the rest of California, an employer may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment.)
- Employers may require that 90 days pass after the date of hire before allowing employees to use sick leave.
- Employees have the right to use sick leave in increments (i.e. they do not have to take the full day off).
- Any unused accrued sick time rolls over to the following year, but an employer may limit or cap the overall amount of sick leave an employee may accrue to 10 days or 80 hours, whichever is more.
  - For example, if an employee has accrued 80 hours, gets sick, and uses 10 hours of paid sick leave, when they return to work they will have 70 hours and begin accruing again up until the 80 hour cap.
- The employer must list how much unused paid sick leave the employee has available on their paystub. (If an employer provides unlimited paid sick leave or unlimited paid time off to an employee, the employer may satisfy this section by indicating "unlimited" on the notice or the employee's itemized wage statement.)



- The employer must keep records of hours worked and paid sick leave used by their employee(s) for at least four years. (For the rest of California, it is 3 years. CA Labor Code 247.5.)
- An employer cannot deny an employee the right to use accrued sick days, fire or threaten to fire, or in any way discriminate against an employee for using accrued sick days.

## Sample Calculations

<b>Hours Worked</b>	<b>=</b>	<b>Paid Sick Leave Hours Earned</b>
10 hours worked in a month	=	1 hour every 3 months
30 hours worked in a month	=	1 hour every month
40 hours worked in a week	=	8 hours every 6 weeks
60 hours worked in a week	=	8 hours every 4 weeks

## Sick leave may be used for the following reasons:

- To recover from a personal illness (mental or physical).
- To attend a medical appointment (for preventive care or diagnosis and care or treatment of an existing health condition, including an annual physical or vaccination) for themselves or a family member.
- To care for a family member or "designated person" (definitions follow below) when those persons are ill, injured, or receiving medical care (including preventive care, treatment, diagnosis, or other medical reason).
- To take time to address issues relating to domestic violence, sexual assault, or stalking, including time for medical and psychological assistance as well as legal relief/aid, domestic violence shelter support, rape crisis center support, and other programs.
- For the purposes related to bone marrow donation or organ donation. An employee may use paid sick leave to care for or assist a family member or designated person that is donating bone marrow or an organ. (In California, leave time related to bone marrow or organ donation is more extensive. Learn more at CA Labor Code Section 1510.)

[1] Other terms for home care workers include caregiver, personal care assistant, home care attendant, home attendant, personal attendant, and home health aide. In Home Support Services (IHSS) employees are subject to different sick leave rules but in CA are entitled up to 40 hours or 5 days of paid sick leave for every 12 months of employment (Labor Code 246 (e)).



## Definitions

- **Family Member:** Under the San Francisco ordinance, a “family member” is defined as a “child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse or registered domestic partner under any state or local law. These relationships include not only biological relationships but also relationships resulting from adoption, step-relationships, and foster care relationships.”
- **Designated Person:** Under CA law (which includes San Francisco), the definition of “family member” also may include a “designated person.” A designated person is a person identified by the employee at the time the employee requests paid sick days. (An employer may limit an employee to one designated person per 12-month period for paid sick days.) CA Labor Code 245.5 (c)

## Additional Resources

- For a full set of details on the San Francisco Paid Sick Leave Ordinance, see [sfgov.org/olse/paid-sick-leave-ordinance-pslo](https://sfgov.org/olse/paid-sick-leave-ordinance-pslo).
- For more information about all your legal requirements as a California domestic employer and tips on how to be a fair employer, see Hand in Hand's California page at [domesticemployers.org/californiaresources](https://domesticemployers.org/californiaresources).

## Notes on the Law

San Francisco and the state of California have both passed paid sick leave policies and have similar features. Generally, compliance with the San Francisco Paid Sick Leave ordinance makes an employer in compliance with the California Paid Sick Leave requirements. Whenever they are in conflict, the law that is more generous prevails. This document attempts to capture the more generous provisions of the two. However, this document is not an official legal document and should not be used as a substitute for competent legal advice from a licensed professional attorney. Hand in Hand is not a legal service provider. This document is made available by Hand in Hand for educational purposes only.