



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, house cleaners 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.
- Employees can use accrued sick leave 90 days after the date of hire.
- Domestic employees may accrue up to 40 unused hours of paid sick leave [2]. (For example, if employee x has accrued 40 hours and then gets sick and uses 10 hours of paid sick leave, when they return to work they will have 30 hours and begin accruing again up until the 40 hour cap.)
- There is no limit on the number of hours of accrued sick leave an employee can use in one year.
- 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.
- The employer must list how much unused paid sick leave the employee has available on their paystub.
- The employer must keep records of hours worked and paid sick leave used by their employee(s) for at least four years.

[1] Other terms for homecare worker include caregiver, personal care assistant, homecare attendant, home attendant, personal attendant, and home health aide.

[2] Workers hired through a company with more than 10 employees, are entitled to accrue up to 72 hours of paid sick leave.

Sample calculations:

Number of Hours Worked	=	Number of Paid Sick Leave Hours Earned
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.
- To attend a medical appointment (for preventive care or diagnosis, care or treatment of an existing health condition, including an annual physical or vaccination) for themselves or a family member.
- During the COVID pandemic, to attend a COVID 19 vaccination appointment or recover from vaccine side effects.
- 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, or 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, programs and rape crisis center.
- 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 to another person.

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 the San Francisco ordinance, “if an employee has no spouse or registered domestic partner, the employee may designate one person for whom the employee may use paid sick leave to provide aid or care. This designation must be on file with the employer before the employee may use paid sick leave for this purpose, unless the employer has failed to take affirmative steps to offer the employee an opportunity to list a designated person.”

Additional Resources:

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

Notes on the Law:

San Francisco and the state of California have both passed paid sick leave policies and they 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.

