

## OAKLAND, CALIFORNIA

### PAID SICK LEAVE LAW (Measure FF)

Oakland Municipal Code Chapter 5.92. City Minimum Wage, Sick Leave, and Other Employment Standards

Applies to employees eligible for a minimum wage under California law who **work at least two hours in Oakland** during a week.

**For every 30 hours worked, an employee shall accrue one hour of paid sick leave** up to a cap of 72 hours of accrued paid sick leave.



**EFFECTIVE: 3/2/2015**

An employer may not retaliate against an employee for taking paid sick leave.

### Paid Sick Leave – Use of

- When an employee is physically or mentally unable to perform his/her duties due to illness, injury, pregnancy or medical condition;
- To obtain a professional diagnosis or treatment of his/her medical condition or undergo a physical examination; and
- To aid or care of a child, parent, legal guardian or ward, sibling, grandparent, grandchild, or spouse, registered domestic person or a “Designated Person” who is ill, injured, or receiving medical care, treatment or diagnosis.

Employee can use paid sick time in one (1) hour increments.

Employer may take only reasonable measures to verify or document that an employee’s use of paid sick leave is lawful, and may not require an employee to incur expenses in excess of five dollars to show his or her eligibility for such paid leave.

#### Family Member

Child (includes a child of a domestic partner and a child of a person standing in loco parentis); parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse or registered domestic partner under any state or local law (includes relationships resulting from adoption, step-relationships, and foster care).

#### Designated Person

If an employee has no spouse or registered domestic partner, the employee may designate one person for whom s/he 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.

The opportunity to designate shall be offered to an employee no later than thirty (30) days after he/she begins to accrue paid sick leave. Employee will have ten (10) workdays to make the designation. Thereafter, employees may change a designation or make a designation for the first time on an annual basis with a window of ten (10) workdays.

### Paid Sick Leave – Employee Notice Requirement

- Employee must accumulate sick time (see below) before requesting use of sick leave.
- Employee must give reasonable notification of absence from work for which paid sick leave is or will be used (notify customer and Superior branch representative) as soon as possible.

### Paid Sick Leave – Accrual

- Paid sick leave shall begin to accrue as of March 2, 2015. For employees hired after March 2, 2015, the employee will commence accruing leave on their first day of work but shall not be entitled to use paid sick leave until after 90 calendar days of employment.

**90-day time period is regardless of where the employee worked—it just has to be 90 days with the company.**

**Paid Sick Leave – Accrual (Cont.)**

- For every 30 hours worked, an employee shall accrue one hour of paid sick leave. Leave shall accrue only in hour-unit increments.
- Hours worked includes overtime for non-exempt employees; for salaried employees, it is based on regular hour work week
- Unused paid sick time carries over into the next year but is limited by a 72-hour cap
- Employees may not have more than 72 hours of accrued paid sick leave saved at any time
- Once employees hit their cap (i.e., 72 hours), they no longer accrue paid sick leave until they use some of the hours they have “in the bank”
- If an employee uses paid sick leave and falls below the cap, even during the same year, he/she starts accruing paid leave again
- For hourly employees, paid sick leave hours are paid out at employee’s regular hourly rate; for exempt employees, employers must follow state and federal law to determine how much is owed to the employee

Note: If an employer has a paid leave policy, such as PTO or vacation policy, that makes available to employees leave that may be used for the same purposes specified in the Measure (or for any purpose) and that is sufficient to meet the Measure’s requirements for paid sick leave accrual, then it is not required to provide additional paid sick leave.

**Paid Sick Leave – Upon Termination**

- Accrued unused paid sick leave **is not paid out** upon termination, resignation, retirement, or other separation from employment

Note: Only paid out if using a PTO or vacation policy to comply with the Measure

**Oakland Zip Codes Included – In SAP mark subarea as “Oakland”**

94601	94614	94661
94602	94615	94666
94603	94617	
94604	94618	
94605	94619	
94606	94621	
94607	94622	
94609	94623	
94610	94624	
94611	94649	
94612	94659	
94613	94660	

# OFFICIAL NOTICE

## OAKLAND MINIMUM WAGE

**\$12.86** PER HOUR

Rate Effective Date: January 1, 2017

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Beginning January 1, 2017, employees who perform at least two (2) hours of work ***in a particular workweek and*** within the geographic limits of the City of Oakland **must** be paid wages of not less than **\$12.86 per hour**.

Oakland's minimum wage requirement, pursuant to Measure FF and set forth in the Oakland Municipal Code section 5.92.020, applies to any employee (part-time or full-time) who performs work within the City of Oakland. Each year, the minimum wage will increase, effective January 1, by an amount corresponding to the prior calendar year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.

Under Section 5.92 et seq., employees who assert their rights to receive the City's minimum wage are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City's Contracts and Compliance Division. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

If you have questions, need additional information, or believe you are not being paid correctly, please contact your employer or the City of Oakland's Contracts and Compliance Division at:

Contracts and Compliance  
250 Frank H. Ogawa Plaza, Suite 3341, 3<sup>rd</sup> Floor  
Oakland, CA 94612  
Telephone: 510-238-6258  
E-Mail: [minwageinfo@oaklandnet.com](mailto:minwageinfo@oaklandnet.com)

# **OFFICIAL NOTICE**

## **OAKLAND PAID SICK LEAVE**

Effective Date: March 2, 2015

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Pursuant to Measure FF and Oakland Municipal Code section 5.92.030, all employers must provide paid sick leave to each employee (part-time, full-time, and temporary) who performs at least two (2) hours of work in a particular workweek and within the geographic limits of the City of Oakland. Employees begin accruing paid sick leave on March 2, 2015 for employees working for an employer on or before that date. Employees who are hired after March 2, 2015 may not use any paid sick leave until after ninety (90) calendar days of employment.

Employees accrue one (1) hour of paid sick leave for every thirty (30) hours worked in the City of Oakland. Employees of employers for which fewer than ten (10) persons (including full-time, part-time, and temporary employees) work for compensation during any given week may have up to forty (40) hours of accrued paid sick leave saved at any time. Employees of other employers may have up to seventy-two (72) hours of accrued paid sick leave at any time. Employers may provide greater sick leave benefits than that mandated by Section 5.92.030. An employee's accrued paid sick leave will carry over from year to year but is not paid out at the time of separation of employment. Employees may use their accrued paid sick leave for their own medical care or to aid or care for a family member or designated person.

Under Section 5.92 et seq., employees who assert their rights to paid sick leave are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City's Contracts and Compliance Division. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

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# **OFFICIAL NOTICE**

# **OAKLAND SERVICE CHARGE LAW**

Effective Date: March 2, 2015

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Pursuant to Measure FF and Oakland Municipal Code section 5.92.040, Hospitality Employers who collect service charges from customers must pay the entirety of those charges to the hospitality workers who performed those services for which the charge was collected. A Hospitality Employer is a business who owns, controls, or operates any part of a hotel, restaurant, or banquet facility within the City of Oakland. A hospitality worker is any individual who works for a Hospitality Employer and who performs a service for which a Hospitality Employer imposes a service charge.

A service charge includes all separately designated amounts collected by a Hospitality Employer from customers that are for service performed by hospitality workers or are described in such a way that customers might reasonably believe that the amounts are for those services, including without limitation to charges designated as a “service charge,” “delivery charge,” or “portage charge.” Any tip, gratuity, money, or part of any tip, gratuity or money that has been paid or given to or left for the hospitality worker by a customer over and above the actual amount due for services rendered or for goods, food, drink or articles sold or served to the customer are excluded from Section 5.92.040.

Under Section 5.92 et seq., employees who assert their rights under Oakland’s Service Charge law are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City’s Contracts and Compliance Division. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

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