

HELP ME MAKE SENSE OF THE SANTA MONICA SICK LEAVE REQUIREMENTS!

If you have one or more employees that work 2 or more hours per week in Santa Monica, the Sick Leave law applies to your business and to those employees. The minimum wage law including paid sick leave provisions can be found at: smgov.net/minimumwage.

How do I know if I'm a large employer or a small employer?

You're a small employer if: You had an average of 25 or fewer employees during the previous calendar year.
See example below.

You're a large employer if: You had an average of 26 or more employees during the previous calendar year.
See example below.

What if my staff size fluctuates?

Calculate your average staff size by taking the quarterly average of your staff over the four quarters of the prior calendar year, then averaging those four numbers. *See example below.*

NOTE: This calculation is NOT the same as when calculating if an employer is an A.L.E. (Applicable Large Employer) as stipulated in the A.C.A. (Affordable Care Act). F.T.E.s (Full Time Equivalents) are not used to determine the size of an employer in the City of Santa Monica's Sick Leave provision.

OVERVIEW

SICK LEAVE PROVISIONS (AS OF JANUARY 1 EACH YEAR)		
Year	Businesses with 26 or more employees	Businesses with 25 or fewer employees
2017	40 hours	32 hours
2018	72 hours	40 hours

EXAMPLE

AVERAGE # OF EMPLOYEES CALCULATION		
	Business #1	Business #2
Q1	20	25
Q2	24	26
Q3	27	27
Q4	21	24
Yearly Average	23.00	25.50
Large or Small Employer?	Small	Large

THE CHECKLIST ON THE OPPOSITE SIDE CAN HELP MAKE SURE THAT YOUR SICK LEAVE POLICY MEETS THE REQUIREMENTS OF THE CITY OF SANTA MONICA MINIMUM WAGE ORDINANCE'S SICK LEAVE PROVISION, WHICH IS EFFECTIVE JAN 1, 2017.



HONEST WORK. FAIR PAY.
Santa Monica's Minimum Wage

For details on minimum wage and all other provisions,
visit smgov.net/minimumwage.

DOES YOUR SICK LEAVE POLICY WORK IN SANTA MONICA?

A Checklist:

- ☐ All of my employees who work within Santa Monica two or more hours per week receive paid sick leave benefits, including part-time, seasonal, and temporary staff.
- ☐ In 2018, my employees can earn 40 hours of sick leave (small employer) or 72 hours (large employer).
- ☐ My employees earn a minimum of 1 hour of paid sick leave time for every 30 hours worked (if I'm accruing paid sick leave)
- ☐ I know how to calculate whether I am a large or small employer. See flip side, if not.
- ☐ My employees can begin using their accumulated leave 90 calendar days after their hire date (or by internal policies, if sooner).
- ☐ If I use the accrual method, my employees will carry over accrued, unused sick leave hours up to the accrual cap.
- ☐ If I use the frontloading method, my employees will receive the minimum applicable amount of paid sick leave at the beginning of the year (calendar year, fiscal year, or year of employment), for all employees, regardless of part-time or full-time status.
- ☐ My employees can use their leave for all of the reasons outlined by the State use guidelines.
More details: http://www.dir.ca.gov/dlse/paid_sick_leave.htm
- ☐ I keep the records specified by the Ordinance for a minimum of three years, including, but not limited to: employee name, hire date, paid leave accrued, paid leave used, etc.
- ☐ I have posted the City of Santa Monica Legal Notices in my workplace in English and Spanish. If 5% or more of my employees speak a language other than English, I have posted notices in that language. Notices available for download at smgov.net/minimumwage.
- ☐ I provide my employees with their total balance of paid leave hours regularly (on each paystub, etc.)
- ☐ I understand that I cannot reasonably deny employees their right to take paid leave. Employees must inform me of their intention to use paid leave as soon as they can, but I cannot require employees to provide advance notice if doing so is not possible (for example, they become ill right before work).
- ☐ I understand that I cannot require employees to find a replacement co-worker or provide a doctor's note.
- ☐ I am not required to allow employees to cash out unused sick days when they quit, retire, are terminated, or laid off.

More questions? Ask Us!

Minimum.Wage@SMGov.net

This list reflects the minimum requirements set by the Santa Monica Minimum Wage Ordinance. The sick leave provisions of the Ordinance go into effect 1/1/2017. More generous policies are permitted. This checklist is provided as a quick reference for Employers. The text of the law can be found in the Santa Monica Municipal Code (Sections 4.62.025 and 4.63.025 (hotels)). It is the Employer's responsibility to remain up-to-date and in compliance if changes occur in this and other ordinances. You can find the ordinance, rules, and more at SMGov.net/MinimumWage.



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