



One of the major provisions of the **Families First Coronavirus Response Act (FFCRA)**, enacted last month by the federal government, is the requirement that all employers with **under 500 employees** must provide their employees with supplemental Paid Sick Leave, in addition to any that they may currently be providing. The FFCRA allows the leave for employees unable to work (or unable to telework) due to a range of COVID-19-related reasons. Click here for more information on Paid Sick Leave under the FFCRA; <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

Late on Tuesday, April 7th, Los Angeles Mayor Eric Garcetti, utilizing the Mayor's Emergency Authority, issued a Public Order requiring that employers in the City of Los Angeles with **500 or more employees** must provide **80 hours of Supplemental Paid Sick Leave** for COVID-19-related reasons to employees who perform any work within the geographic boundaries of the City of Los Angeles and who were continuously employed by the same employer from February 3, 2020 to March 4, 2020.

The full, six-page Order can be accessed here:

<https://www.lamayor.org/sites/g/files/wph446/f/page/file/SUPPLEMENTALPAIDSICKLEAVE.pdf>

It goes into effect immediately, and will remain in effect until two calendar weeks after the expiration of the COVID19 local emergency period.

It is important to note that the Mayor's order differs substantially from the Ordinance passed by the Los Angeles City Council on March 27th. The Mayor stressed in his Order that the response to the current crisis "must also anticipate that workers could suffer through layoffs if this City imposes excessive burdens and costs upon businesses..." The modifications, he wrote, "strike a necessary balance" between the public health crisis and economic upheaval.

The modification in the Mayor's Order that differ from the City Council's Ordinance include:

- The Order includes **Los Angeles businesses with 2,000 or more employees nationwide** in addition to 500 or more employees within the City of Los Angeles.
- The Order **specifically caps the total amount that can be paid** out to an employee for the supplemental Paid Sick Leave at \$511 per day and \$5,110 in the aggregate.
- The Order **allows for more exemptions from the new requirement**, now encompassing emergency and health services personnel, critical parcel delivery services, new businesses (started in LA after September 4, 2019), government employees working within the course and scope of their public service employ, businesses and organizations closed or not operating for a period of 14 or more days due to a city official's emergency order and employers with "generous leave or paid time off policies that provide a minimum of 160 hours per year. The City Council's Ordinance only exempted first responders.
- The Order **allows for an "employer offset,"** meaning that If an employee has been granted Paid Sick Leave since March 4, 2020 for COVID-19 related purposes, any hour will be offset against the 80-hour requirement.
- If as of April 7, 2020, a **collective bargaining agreement** is in place, and it does not address COVID-19 related Paid Sick Leave, the employer must comply with the order until the CBA is amended to expressly waive the terms of the Order.

All Los Angeles City employers with 500 or more employees should read the full text of the Order carefully for all the provisions.

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