



Local Authority to Expand Paid Sick Leave in California



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Equity is at the core of what
we do & who we are.

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ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

Paid Sick Leave VS. Paid Family Leave

Sick Leave: Paid sick leave laws require employers to allow people to take paid time off for illness or injury for themselves or their family members.

Family Leave: A generic term referring to any of a variety of government- or employer-sponsored paid leave policies, including maternity, paternity, parental, adoptive, and family leave, which allow parents to take time off work to care for newborn and young children.

General Local Authority

Local Health Officers & Local Governing Bodies



- City and county governing bodies have broad authority to regulate for public health and safety
 - Must not conflict with state law
 - More stringent / protective local policies generally do *not* conflict with state law.
- County laws generally apply within only the unincorporated areas
- Local health officers are critical but have more limited direct regulatory authority

Additional Legal Authority During a Declared Emergency



- **Local health officers**

"Any preventive measure that may be necessary to protect the public health from any public health hazard."

- **Local governing bodies**

"Orders and regulations necessary to provide for the protection of life and property"

- **Geographic scope of county authority**

Local Paid Sick Leave Policies

- State law authorizes more comprehensive local paid sick leave policies¹
- LHOs may have sufficient authority to expand emergency paid sick leave, but unprecedented
- Clear authority for cities & counties to expand paid sick leave benefits
- Potential for a county emergency paid sick leave policy to apply within incorporated cities
 - Legally untested
 - Limited to duration of declared emergency



¹ California Labor Code § 249(d)



Local Paid Sick Leave Policies

Considerations and Suggestions

Expanding Paid Sick Leave

- **Option 1:** Adopt separate policies in each jurisdiction through local governing bodies
- **Option 2:** Adopt emergency policies through county boards of supervisors that apply within unincorporated and incorporated areas
- **Option 3:** Local health officer unilaterally expands paid sick leave

Additional Considerations:



Establish a robust record & explain the evidence



Ensure the strongest available protections apply



Proactively consult, partner, and coordinate



Periodically reassess the policy



Lay foundation for long-term policy change



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Assessing Legal Authority for Local Health Officers' and Local Governments' Responses to COVID-19 in California

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If you have any questions or concerns related to the contents of this memorandum, please contact Derek Carr, Senior Attorney, ChangeLab Solutions at dcarr@changelabsolutions.org or Manel Kappagoda, Vice President of Strategic Initiatives, ChangeLab Solutions, at mkappagoda@changelabsolutions.org.

Legal & Policy Analysis

- ✓ Overview of general and emergency powers of local health officers and local governments in California
- ✓ Suggestions and considerations related to:
 - ✓ Paid sick leave
 - ✓ Eviction moratoriums
 - ✓ Essential workers
 - ✓ Criminal justice settings
 - ✓ Shifting from response to recovery

changelabsolutions.org/product/legal-authority-local-health-officers-local-governments-responses-covid-19-california



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Additional Resources from ChangeLab Solutions

COVID-19 Response and Recovery Blog Series

changelabsolutions.org/covid-19-response-recovery

Coronavirus Law & Policy Resources

changelabsolutions.org/blog/covid-19-resources

**Blueprint for Changemakers: Achieving Health Equity Through
Law & Policy**

changelabsolutions.org/product/blueprint-changemakers

Paid Family Leave Ensures Health Equity for All

changelabsolutions.org/product/paid-family-leave-ensures-health-equity-all

Public Health Law Academy

changelabsolutions.org/good-governance/phla

Preemption, Public Health, and Equity

changelabsolutions.org/good-governance/preemption



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Thank you!

Questions?

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