



# Paid Parental Leave Ordinance

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Office of Labor Standards Enforcement

# What is the Paid Parental Leave Ordinance?

- Passed unanimously by Board of Supervisors on April 21, 2016 and implemented beginning 2017.
- First of its kind in the United States
- Requires employers to supplement an employee's California Paid Family Leave (PFL) benefits
- Provides eligible employees working in San Francisco with additional compensation from their employer while they are taking PFL.



# Covered Employers

Applies to employers worldwide that have employee(s) who work(s) in San Francisco

- Employ Threshold Number of Employees:  
Global count of twenty (20) or more employees
- An Employer with fluctuating workforce – number of employees goes up and down over time – should average employees over PPLO Lookback period
- Covered employers must display poster (available on our website) and provide the PPLO form to any employee who is expecting to become a parent (Rule 4)

**Note: Government entities are not covered employers**



# Covered Employees

1. Works in San Francisco
2. Commenced work for a covered employer at least 180 days before leave period
3. Work at least 8 hours per week in San Francisco for a covered employer
4. Work in San Francisco at least 40% of weekly hours for a covered employer
5. Apply for and receive California Paid Family Leave (PFL) benefits from the Employment Development Department (EDD)
6. The employee does not have to be covered by other state or federal leave laws to receive the benefit



# Key Term: PPLO LookBack Period

- The 12 weekly, 6 semi-monthly or bi-weekly, or 3 monthly pay periods before the first day of an employee's leave
- Is used to determine if an employer is covered when the number of employees fluctuate
- Is used to determine if an employee is covered when hours fluctuate
- Is used to calculate the average Normal Weekly Wage when wages fluctuate.
- When in doubt, call OLSE with questions about whether employer and employee are covered by the PPLO
- Is used to determine if an employee is covered when work location(s) changes



# Steps for Employers

1. Post the Notice
2. Provide the PPLO form to any employee who indicates that they will be or have become a parent (Other employer obligations under federal & state law)
3. Determine employee eligibility
4. Calculate and pay employee



## EMPLOYER'S Guide to the San Francisco Paid Parental Leave Ordinance

### Step 1

#### Give Notice to Employees

Post OLSE's annual notice.

Include information about supplemental pay under the SF Paid Parental Leave Ordinance (SF PPLO) in employee handbook.

### Step 2

#### Give Employee SF Paid Parental Leave Form (SF PPL Form)

The form is available at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).

Give your employee a copy as soon as they ask about parental leave or notify you that they are expecting a newborn, adopted, or foster child. If the company has vacation or PTO policies, review those with the employee now.

### Step 3

#### Determine Employee's Eligibility

The employee is eligible if they: (1) started work for you at least 180 days before the leave; (2) work for at least 8 hours and 40% of their total week hours in San Francisco; (3) have applied for and are eligible for EDD Paid Family Leave.

### Step 4

#### Calculate & Pay Supplemental Compensation

You will need the employee's Normal Weekly Wages and EDD Weekly Benefit amount. This information will be on the completed SF PPL Form and EDD Notice of Computation, which the employee receives from the EDD.

Calculation instructions are available on the OLSE website.

**Remember to Maintain Records and that Retaliation is Prohibited Under the Ordinance**

Please contact the Office of Labor Standards Enforcement at [plco@sfgov.org](mailto:plco@sfgov.org) or at (415) 554-4190 with any further questions or online at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).



# Steps for Employees



## Step 1

### Apply for EDD Paid Family Leave

Apply for PFL through the Employment Development Department (EDD) online at [www.californiapaidfamilyleave.com](http://www.californiapaidfamilyleave.com) or with a [paper application](#). If you do not have a driver's license or ID, use a paper application.

Check box A22, allowing EDD to disclose your benefit amount to your employer.

## Step 2

### Complete SF Paid Parental leave Form (SF PPL Form)

Your employer should give you the form. You can also find it online at [www.sfgov.org/pplp](http://www.sfgov.org/pplp).

If you have multiple employers, complete a form for each employer.

## Step 3

### Give Employer SF PPL Form and EDD Notice of Computation

The EDD will send you a Notice of Computation that includes your weekly benefit amount. If you were paid State Disability Insurance (SDI) before PFL, use the Notice of Computation the EDD sent you for your SDI claim.

## Step 4

### Notify Employer When You Receive First PFL Payment

Your employer may ask for your Notice of Payment or Electronic Benefit Payment Notification.

Please contact the Office of Labor Standards Enforcement at [oplo@sfgov.org](mailto:oplo@sfgov.org) or at (415) 554-4150 with any further questions or online at: [www.sfgov.org/osl](http://www.sfgov.org/osl).

1. Apply for California Paid Family Leave, on-line or in paper form
2. Complete the San Francisco Paid Parental Leave (PPL) form
3. Submit the completed SF PPL form and the Notice of Computation to Employer
4. Maintain records and receipts from EDD



# Paid Family Leave (PFL)

- Employee funded benefit
- **Eight weeks** of partial wage replacement to employees while:
  1. caring for a seriously ill family member; OR
  2. bonding with a newborn, adopted or foster child
- Benefit, depending on income, is 60% to 70% up to cap
- Both parents can take the same or different time
- Can be taken consecutively or intermittently
- Must be taken within one year of birth, adoption or placement

PFL Questions: Call 855.342.3645





# How to Provide Supplemental Compensation

1. Employee returns SF PPL form
  - a. review Section II
2. Calculation Instructions
  - a. EDD weekly rate
  - b. Employee's Normal Gross Weekly Wages

The sum of the EDD PFL benefit & employer provided supplemental compensation equals 100% of employee's gross wages to a cap (the cap changes each year)

Example:

If an employee earns \$1,000 per week and the EDD replaces \$700 then the employer will owe \$300 per week for up to eight weeks (\$2,400).

**Payment is due at next regularly scheduled pay period**



# Paid Parental Leave Ordinance: Common Compliance Issues

- Notifying employees about their rights: *as soon as you become aware that an employee expects to become a parent via birth, adoption, or fostering*, provide them with the PPLO form and document that you provided the form.
- Common misconceptions:
  - Paid Family Leave and PPLO compensation are only for birth mothers (not true!!)
  - An employee has to take their eight weeks all at once (not true!!)
  - If an employee hasn't worked for 180 days, I don't need to notify them of their rights (not true!! The employee may become covered by PPLO at a later date, while they're eligible for PFL!!)

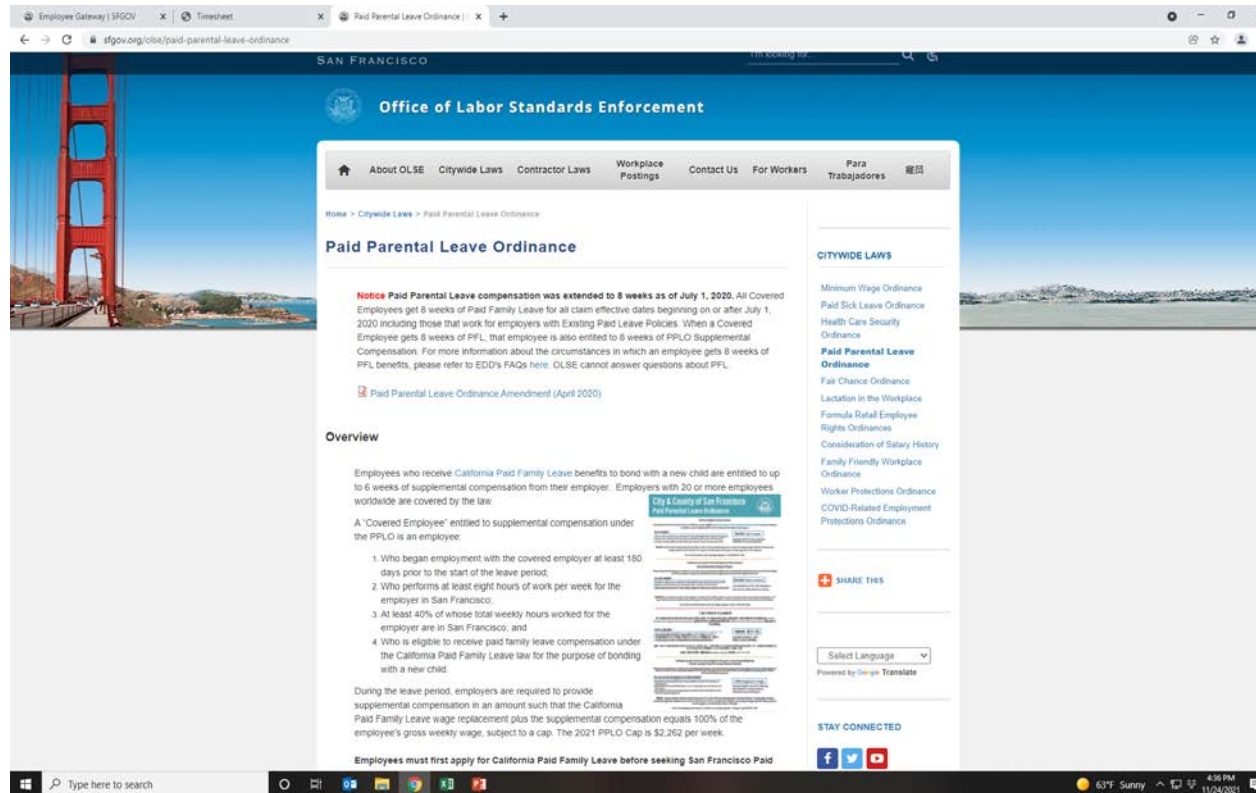
# Paid Parental Leave Ordinance Best Practices

- Update your Employee Handbook/Portal about PPLO
- Keep records of the PPLO form: language (English/Spanish/Chinese/other), date provided to employee, date returned by employee.
- Communicate with the employee before, during and after leave
- Maintain all EDD records and payroll records
- Use the Calculation Instructions on the PPLO website
- Pay the employee supplemental compensation at regularly scheduled pay periods
- Contact the OLSE if you have questions



# Navigating the Website

<https://sfgov.org/olse/paid-parental-leave-ordinance>



Office of Labor Standards Enforcement

# Employer Resources on PPLO Website

- Official Notice – required to be posted
- Webinar slides and audio presentations
- Downloadable Excel calculators
- Written Calculation Instructions
- FAQs
- Rules
- Employee & Employer documents in multiple languages

<https://sfgov.org/olse/paid-parental-leave-ordinance>



# Questions?

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