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San Francisco Military Leave Pay Protection Act Requires Employers To Pay Employees While on Military Duty

Effective February 19, 2023, San Francisco employers with 100 or more employees worldwide will be required to pay employees who are military reservists and who are called for military duty the difference between their military salary and their civil salary as employees.

The [Military Leave Pay Protection Act](#) (MLPPA) covers employees who work in San Francisco and are a members of the United States Armed Forces, the National Guard, or other uniformed service organization of the United States. The ordinance will apply to all full-time, part-time, and temporary employees who are qualified military members.

Employers will be required to pay the difference between the employee's gross military pay and the amount of gross pay the employee received while working their regular work schedule. The paid leave can be taken in daily increments of one or more days at a time, for up to 30 days in a calendar year. Companies can offset the paid leave under the ordinance with any law or policy of the company that covers military leave. If an employee does not return to the company after 60 days of release from military duty, then an employer can treat any compensation given to the employee under the ordinance as a loan payable with interest.

The San Francisco Office of Labor Standards and Enforcement (OLSE) may investigate violations and enforce penalties against employers that violate the ordinance. Also, the city of San Francisco and covered employees may bring civil actions against employers that violate the ordinance.

San Francisco employers should update their policies to comply with the ordinance, which will go into effect on February 19. Companies with questions about this ordinance should reach out to experienced counsel with questions.

Authors

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