

# West Hollywood Employers Now Must Provide 96 Hours of Paid Time Off for Full-Time Employees

**California Employment Law Update Blog** on July 1, 2022

As of Friday, July 1, non-hotel employers with full-time employees in West Hollywood must provide up to 96 hours of compensated time off (“CTO”) each year. (Part-time West Hollywood employees must receive a prorated number of CTO hours based on their hours worked.) These requirements already went into effect for hotel employers on January 1, 2022.

The CTO may be used for vacation, sick leave, and/or “personal necessity” (which is not defined). At least 50 percent of the hours must be for vacation or personal necessity leave.

Employers have some flexibility in how to implement this new policy. The 96 hours can be provided to employees as a lump sum up-front each year, or employees may accrue them throughout the year. If employers opt for the accrual model, employees will begin to accrue the CTO starting their first day of employment, but employers may limit employees from using the CTO to up to their 120th day (sixth month) of employment (except for using the CTO for sick leave, which must become available to employees no later than their 90th day of employment).

Employers may choose to “cap” employees’ accrued but unused CTO at 192 hours or more. Once an employee reaches this cap, they will stop accruing additional CTO until they use some of their accrued CTO. However, for employees who have reached this cap, the employer must provide a cash payment once every 30 days for that employee’s accrued CTO over the cap. Employees may also choose to “cash out” their accrued CTO instead of using it to take time off.

In line with existing California law on paid time off, vacation and personal necessity CTO under this ordinance is considered wages, and an employee’s unused accrued vacation and/or personal necessity CTO, if any, must be paid out to the employee upon separation.

A new Uncompensated Leave policy also took effect in West Hollywood on July 1, 2022. Employers now must provide at least 80 hours of Uncompensated Leave to full-time employees (and a prorated number of hours to part-time employees) that can be used for the employee's own sick leave or to care for a sick immediate family member when that employee has exhausted their available CTO. Like CTO, an employer may front-load Uncompensated Leave or have employees accrue it, so long as employees may use this leave no later than their 120th day (sixth month) of employment. Employers may "cap" Uncompensated Leave at 80 hours each year.

Employers who can show that these new leave policies would cause hardship may apply for a waiver of up to one year, depending on the level of hardship caused.

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