

CITY OF SAN RAFAEL POLICIES AND PROCEDURES



Subject:	Paid Sick Time
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Approved By:	Cristine Alilovich, City Manager

PAID SICK TIME POLICY FOR TEMPORARY/SEASONAL EMPLOYEES

PURPOSE:

In accordance with the Healthy Workplaces/Healthy Families Act of 2014, the City of San Rafael recognizes that employees will need days off from work from time to time to address their medical needs. This document establishes the policies and procedures the City of San Rafael shall adhere to with regard to paid sick time in accordance with California Labor Code section 245 *et seq.* The 2015 Paid Sick Leave law provided 3 days (up to 24 hours) for employees who were not previously receiving a comprehensive leave benefit. Effective January 1, 2024, the state increased the three-day benefit to a five-day (up to 40 hours) benefit.

RESPONSIBILITY:

This policy applies to temporary, part-time, and seasonal employees who are not eligible for any other form of “comprehensive leave” benefit provided by the City to other employee groups.

Exclusions: Employees not covered by this policy are those who are eligible for the more generous “comprehensive leave” benefit provided by the City pursuant to a memorandum of understanding (represented employees), employee salary resolution (non-represented employees) or employment agreement. Fixed-Term employees (exempt and non-exempt) are provided sick leave as outlined in the salary resolution. Retired annuitants working for governmental entities are also exempt from this paid sick leave law.

REFERENCES:

- Healthy Workplace Healthy Family Act of 2014 (AB 1522)
- California Labor Code section 245 *et seq.*
- SB 616

DEFINITIONS:

- A. Employee: For the purposes of interpretation of this policy, “employee” shall mean any person in a temporary, part-time, and/or seasonal classification as outlined in the City’s Temporary, Seasonal, Retiree or Fixed-Term Employees Salary and Benefit Plan, except employees listed under “exclusions” above.

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- B. First Day of Employment: For the purposes of this policy, the “first day of employment” shall be July 1, 2015, for any employee hired prior to July 1, 2015.
- C. Designated Person: For purposes of this policy, a “designated person” is a person identified by the employee at the time the employee requests paid sick days. An employee may only designate one person per 12-month period for paid sick days.

POLICY:

Beginning January 1, 2024, employees covered by this policy (“Employees”) are entitled to use up to 40 hours or five days per year of paid sick leave. Forty (40) hours shall be the maximum benefit except in situations where a day in an Employee’s regular work schedule is longer than an 8-hour day (e.g. an Employee who works four, 10-hour days per week.) In such cases, a “day” shall be the equivalent of the hours in the Employee’s regularly scheduled workday.

Paid sick leave made available under this policy has no cash value, and the City of San Rafael does not pay Employees for available sick leave at separation.

PROCEDURE:

- 1) The City of San Rafael will provide paid sick leave to employees under the following conditions:
 - An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment.
 - An employee is allowed to use up to 5 days or 40 hours of paid sick leave in a 12-month period.
 - Any unused accrued paid sick leave does carryover year to year while continuously employed. The total amount of paid sick leave that an employee may accrue is 80 hours.
- 2) In accordance with California’s Paid Sick Leave law, an employee may use accrued paid sick leave for the following reasons:
 - For the employee’s own diagnosis, care, or treatment of an existing health condition or preventative care.
 - For the diagnosis, care, or treatment of an existing health condition or preventative care, including annual physicals or flu shots, for an employee’s family member, including:
 - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis)*
 - *Spouse or Registered Domestic Partner*
 - *Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child)*
 - *Grandparent*
 - *Grandchild*
 - *Sibling*
 - *Designated Person (a person identified by the employee at the time the employee requests paid sick days. An employee may only designate one person per 12-month period for paid sick days.)*
 - To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - *A temporary restraining order or restraining order*

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- *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children*
 - *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking*
 - *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking*
 - *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking*
 - *To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation*
- 3) An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable. The City will not condition the use of sick leave on the Employee finding someone to cover his/her work hours.
- 4) Employees must use sick leave in at least one (1) hour increments.
- 5) Employees will only receive paid sick time for the number of hours they would have worked during their scheduled shift. For example, if the Employee was scheduled for a four-hour shift, they will be compensated with four hours of paid sick time only.
- 6) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement, or other separation from employment.
- 7) The City will limit the use of paid sick days to 40 hours or 5 days in each year of employment.
- 8) If an employee separates from employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

ATTACHMENTS:

- A. DLSE Paid Sick Leave Posting
- B. Fact Sheet on Paid Sick Leave

APPROVED BY:

Cristine Alilovich, City Manager

Date