



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Subject:	Paid Sick Time
Resolution No.	N/A
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Prepared By	Deirdre Dolan, Human Resources Director
Approved By:	Nancy Mackle, 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.*

RESPONSIBILITY:

This policy applies to temporary, part-time, and seasonal employees (exempt and non-exempt) who, on or after July 1, 2015, work for the City of San Rafael for 30 or more days within 12 months from the beginning of employment and who are not eligible for any 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 benefits resolution (non-represented employees) or employment agreement.

REFERENCES:

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

DEFINITIONS:

- 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.
- 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.

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POLICY:

Employees covered by this policy (“Employees”) are entitled to 3 days or 24 hours of paid sick time annually which may be used within a 12 month period or term of employment. Twenty-four (24) 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 work day.

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) Effective July 1, 2015, California’s Paid Sick Leave law requires the City of San Rafael to 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 or beginning July 1, 2015, whichever is later. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment. Employees hired prior to July 1, 2015 are eligible to use accrued sick leave beginning September 29, 2015.
 - An employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period.
 - An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.
- 2) In accordance with California’s Paid Sick Leave law, an employee may use 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of 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 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*
 - 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:

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- *A temporary restraining order or restraining order*
 - *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 24 hours or 3 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.

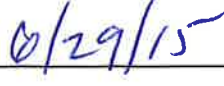
ATTACHMENTS:

- A. Healthy Workplace/Health Families Act of 2014 poster

APPROVED BY:



Nancy Mackle, City Manager



Date

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 1/2" x 11" letter size paper)

**HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014
PAID SICK LEAVE****Entitlement:**

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
- Accrued paid sick leave shall carry over to the following year of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.