



COUNTY OF KINGS
California
POLICY MANUAL

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SUBJECT

PAID SICK LEAVE for EXTRA HELP EMPLOYEES

By Action of the Board of Supervisors

- Resolution
 Ordinance
 Policy
 Emergency Action

DEPARTMENT

Human Resources Department

Effective Date: July 1, 2015

Revision Date:

Citation: State Law

Overview:

I. PURPOSE

The purpose of this policy is to comply with the minimum requirements of AB1522, the Healthy Workplaces, Healthy Family Act of 2014, California Labor Code Sections 245 – 249, which entitles all employees who work more than thirty (30) days within a year to paid sick leave. The County will implement this policy in accordance with the requirements of current law, any future legislated amendments, and applicable memoranda of understanding.

II. DEFINITIONS

A. Employee:

For purposes of this policy only, an employee shall include an individual who is employed by the County in an extra help capacity.

B. Extra Help Appointment:

Any appointment which is temporary or seasonal in character and is not an appointment to a permanently allocated position.

C. Family Member:

For purposes of this policy only, family member shall include any of the following:

- Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.) This definition of a child is applicable regardless of age or dependency status.
- Spouse or Registered Domestic Partner
- Parent (including biological, adoptive, or foster parents, 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

D. Paid Sick Leave:

Time that is compensated at the same rate of pay as the employee normally earns during regular work hours.

III. APPLICABILITY

While the law applies to all County employees, this policy specifically addresses paid sick leave for employees in an extra help capacity.

IV. GENERAL POLICY

Paid sick leave shall be earned by extra help employees and may be used as herein provided.

V. POLICY GUIDELINES

A. Sick Leave – Accrual Method:

Effective July 1, 2015, 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 at the rate of .03334 per hour worked. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the County.

An employee can accrue paid sick leave up to a maximum of 6 days or 48 hours. Once the appropriate accrual limit has been reached, the employee shall cease to earn additional sick leave until the employee's accumulated sick leave balance falls below the limits listed above.

B. Hours Worked Calculation:

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 from the County.

C. Use of Sick Leave:

An employee is only allowed to use a maximum of three (3) days or 24 hours of paid sick leave in a calendar year. Sick leave can only be used on days the employee is scheduled to work.

Sick leave accruals can be used for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or their family member, as defined.

Sick leave can also be used to obtain 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;
- 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; and
- 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.

D. Notification:

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 is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall comply with their department's notice requirements and provide notice of the need for the leave to their supervisor as soon as is practicable. An employee can request to use their sick leave orally or in writing. An employee may determine how much paid sick leave he or she needs to use up to the level of accrued leave available for use. Individuals covered by this policy shall not be required to provide proof of illness for the 24 hours of sick leave they are authorized to take under the policy.

E. End of Temporary Employment:

An employee shall not be compensated for sick leave accruals upon termination of employment or release.

F. Rehire:

An employee's unused sick leave accruals at the time of termination of employment will be reinstated if he/she is rehired within one year. 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 County before any paid sick leave can be used. If the requisite 90 days has been met at the point of separation, there will be no 90 day waiting period to begin using the accruals upon rehire. The three (3) day or 24 hours of maximum use and six (6) day or 48 hour maximum accrual still applies to this reinstatement of accruals. An extra help employee who is hired into a permanent position, whether full-time or part-time, shall retain their sick leave accruals.