



Mark McLaughlin  
Assistant Superintendent, Human Resources

Marina Mihalevsky  
Director, Classified Personnel

**TO: All Employees**  
**FROM: HUMAN RESOURCES DEPARTMENT**  
**DATE: September 2, 2016**  
**SUBJECT: Paid Sick Leave Policy for Non-Permanent Employees**

**THE LAW: Healthy Workplace Family Act of 2014 (AB 1522 / AB 304)**

Governor Jerry Brown enacted into law, in effect as of January 1, 2015, the Healthy Workplace Healthy Family Act of 2014, which amends the California Labor Code to include paid sick leave provisions for all employees (Division 2/Park1/Chapter 1/Article 1.5 /Section 245-249). Paid sick leave provisions under this law do not apply to District employees who receive sick leave benefits under the existing provisions of the Education Code, collective bargaining agreements and/or Board policy. Also exempt are CalPERS retired annuitants. The following employees may qualify for paid sick leave under AB 1522 provisions: campus supervisors, specialists, substitute teachers, student workers, and other employees who serve as on-call substitutes.

**SICK LEAVE ACCRUAL AND USAGE ELIGIBILITY:**

**STATUTORY ACCRUAL METHOD:** Beginning July 1, 2016, an employee who qualifies for leave under this law, will earn sick leave by way of an accrual method as follows: one (1) hour of sick leave for every thirty (30) hours worked. Both regular and overtime hours are counted toward the accrual rate of one hour for every 30 hours worked (Labor Code sec 246(b)(1)).

**ACCRUAL, USAGE AND CARRYOVER CAP:** Employees' can accrue up to 6 days (48 hours) in a year, but may not use more than 3 days (24 hours) in a year. Unused sick leave of up to 48 hours will carry over to next year.

**USAGE ELIGIBILITY:** The use of accrued sick leave is subject to eligibility requirements as follows:

- An employee must render a minimum of thirty (30) days of service from the date of hire with the District, or as of January 1, 2015, whichever is later.
- An employee must be employed with the District for at least 90 calendar days, as counted from January 1, 2015.

**REINSTATEMENT OF PREVIOUSLY ACCRUED SICK LEAVE BALANCE:**

- Upon termination, resignation, retirement or other separation from employment, there will not be reimbursement for accrued, unused paid sick leave.
- If an employee who has previously satisfied eligibility requirements separates from the District, he/she will not have to meet the eligibility requirements anew, if rehired within one (1) year from the date of separation.

## **WHEN DOES AN ABSENCE QUALIFY FOR PAID SICK LEAVE USE?**

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- An employee can use sick leave for:
  - An illness, diagnosis, preventative care, or treatment of one's own health condition, or that of a family member's.
  - For an absence that is a result of an employee being a victim of domestic violence, sexual assault or stalking.

NOTE: Under the Act, family member is defined as a child, parent (including parent-in-law), spouse or registered domestic partner, grandparent, grandchild or sibling.

## **PROCEDURE FOR REQUESTING TO USE PAID SICK LEAVE FOR AN ABSENCE**

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- The employee must provide reasonable notice to use the sick leave, if the need is foreseeable. If not, the employee must provide notice as soon as is practical. Notice can be made via phone, in person (orally or in writing), or by email.
- Employees who render service for the District in a capacity of a substitute (e.g. teacher, custodian, health clerk), will have the option to request sick leave use when declining a substitute assignment at the time of offer.
- Sick leave use cannot exceed the total hours that the employee was scheduled to work on the day of the absence, or the total hours of the offered substitute/on-call assignment that was declined. Thirty (30) minutes shall be the minimum time increment for paid sick leave use.
- Employees who generally complete/submit yellow timesheets to report hours of service rendered, shall write-in "sick leave" in the "job title" column of the timesheet, and write-in the number of hours of leave requested in the "exempt hours" column.
- Certificated teacher substitutes need not complete a timesheet; their request for sick leave use will be reported to the payroll department via an eSchool report submitted by Jane McGuigan, HR Assistant. Substitute teachers shall also notify Mrs. McGuigan, if they are unable to accept an assignment and are requesting the use of sick leave.

NOTE: Declining assignments under the pretext of a sick leave qualifying reason, when in fact an employee is unable or unwilling to accept an assignment for an unrelated reason(s), shall be deemed an act of dishonesty and abuse of sick leave provisions, which may result in termination of employment with the District.

## **PENSION PLAN and SICK LEAVE**

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- At this time, CalPERS and CalSTRS will recognize compensation paid under AB 1522 as creditable compensation. Additionally, hours paid under AB 1522 will count toward qualifying for CalPERS membership (at 1,000 hours worked).