

EMERYVILLE, CALIFORNIA

PAID SICK LEAVE ORDINANCE

New California Paid Sick Leave (AB 1522, the Health Workplaces, Healthy Families Act of 2014) law applies to eligible employees except as modified by Emeryville law.

Eligibility

Employees who perform at least **two hours of work in a calendar week within the geographic boundaries of the City of Emeryville** for a small business (55 or fewer employees in Emeryville) are eligible for paid sick leave (PSL).

There is no limit on employee PSL usage, subject to cap on banked PSL hours. There shall be a cap of 48 hours of accrued PSL (equivalent to six 8-hour work days). Accrued PSL for employees carries over from year to year, but is limited to the 48 hour cap. The employee may use the total amount of sick leave banked.

As long as the total accrued paid sick leave days does not exceed the cap, an employee may continue to accrue more hours as they are used throughout the year.



EFFECTIVE: 7/2/2015

Employees who assert their rights to receive the City's paid sick leave benefits are protected from retaliation.

Paid Sick Leave – Use of

- To care for employees' own medical needs or to provide care for a "family member" including a designated individual in the event the employee does not have a spouse or registered domestic partner.
- To provide care for a guide dog, signal dog, or service dog, of the employee, employee's family member, or person designated by the employee.

Employee can use paid sick time in one (1) hour increments.

Family Member

- Child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);
- Biological, adoptive, or foster parent; step parent, 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;
- Spouse;
- Registered domestic partner;
- Grandparent;
- Grandchild; and
- Sibling.

Designated Person

If an employee has no spouse or registered domestic partner, the employee may designate one person for whom s/he may use paid sick leave to provide aid or care. This designation must be on file with the employer before the employee may use paid sick leave for this purpose.

Paid Sick Leave – Employee Notice Requirement

- Employee must accumulate sick time (see below) before requesting use of sick leave.
- **Employees must indicate their “designated person” within 14 calendar days of being notified of this ordinance by Superior Group/SDI if they wish to “designate” a person.** Please notify the benefits department of your “designated person” at benefitsdepartmentusers@superiorgroup.com or by calling 1-800-568-8310. An employee may change their designation annually by January 31st of each year.
- An employee may request paid sick days in writing or verbally. An employee cannot be required to find a replacement as a condition for using paid sick days.
- If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification to the customer **and** Superior Group or SDI branch representative about his/her need for paid sick leave.
- If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for paid sick leave to the customer **and** Superior Group or SDI branch representative as soon as practicable.

Paid Sick Leave – Accrual

- An employee may **use accrued paid sick days beginning on the 90th day of employment.** The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on July 2, 2015, or your first day of employment if you are hired after July 2, 2015, if you work less than 90 days for Superior Group or SDI, you are not entitled to take paid sick leave.
- The rate of pay for “paid sick days” shall be the employee’s regular hourly rate. If the employee in the 90 days of employment before taking accrued sick leave had different hourly pay rates or was a nonexempt salaried employees, then the rate of pay shall be calculated by dividing the employee’s total wage, not including overtime premium pay, by the employee’s total hours worked in the full pay period of the prior 90 days of employment.
- For every 30 hours worked, an employee shall accrue one hour of paid sick leave.
- Hours worked includes overtime for non-exempt employees; for salaried employees, it is based on regular hour work week.
- Accrued paid sick leave does not expire; it carries over from year-to-year.

Overall Accrual Cap

- The amount carried over to the next year is subject to a cap. Once employees hit their cap (i.e., 48 hours) in a calendar year or 12-month basis (for new hires), they no longer accrue paid sick leave until they use some of the hours they have “in the bank”
- Employees may not have more than 48 hours of accrued paid sick leave saved at any time

90-day time period is regardless of *where* the employee worked—it just has to be 90 days with Superior Group/SDI

If an employer has a paid leave policy, such as PTO or vacation policy, that makes available to employees leave that may be used for the same purposes specified in the Ordinance (or for any purpose) and that is sufficient to meet the Ordinance’s requirements for paid sick leave accrual, then it is not required to provide additional paid sick leave.

Paid Sick Leave – Upon Termination	
Accrued unused paid sick leave is not paid out upon termination, resignation, retirement, or other separation from employment	<u>Note</u> : Only paid out if using a PTO or vacation policy to comply with the Ordinance
Rehires	
If rehired by Superior Group or SDI within 12 months from the previous date of separation, previously accrued and unused paid sick days shall be reinstated.	The employee shall be entitled to use those previously accrued and unused sick days after 90 days of employment with Superior Group or SDI (counting their previous time working for Superior Group and SDI) and to accrue additional paid sick days upon rehiring.
Emeryville CA Zip Codes Included – In SAP mark subarea as “Emeryville CA”	
94608	94662
Contact Superior Group and SDI’s Benefits Department for Accrual Balance and Questions	
Employer Name:	Superior Group or SDI International Corp.
Address:	250 International Drive Williamsville, NY 14221
Telephone No.:	800-568-8310
FAX No.:	716-631-1033
Email:	benefitsdepartmentusers@superiorgroup.com

“DESIGNATED PERSON” FORM FOR PAID SICK LEAVE

Under the Emeryville, California, Paid Sick Leave Ordinance, employees may use paid sick leave when they or a member of their family are ill or injured or for the purpose of receiving medical care, treatment, or diagnosis.

In addition to using paid sick leave as specified above, if an employee has no spouse or registered domestic partner, he or she may designate one person for whom the employee may use paid sick leave to aid or care for the person.

Employers must offer the opportunity to make a designation no later than 30 work hours after the date paid sick leave begins to accrue. Employees have 14 calendar days to make this designation, and thereafter do not have the right to make or change the designation until next offered by the employer. Employers must offer the opportunity to make or change the designation on an annual basis, again with a window of 14 calendar days for the employee to make or change the designation.

Employee Name:

Name of Designated Person:

I certify that I have no spouse or registered domestic partner. I designate the person listed above as my Designated Person for whom I may use paid sick leave pursuant to the City of Emeryville, California, Paid Sick Leave Ordinance. I understand that if I have a spouse or registered domestic partner in the future, I will no longer be able to use paid sick leave to care for my Designated Person.

Employee Signature:	Date:
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OFFICIAL NOTICE

EMERYVILLE MINIMUM WAGE & PAID SICK LEAVE

Emeryville Municipal Code, Chapter 37 of Title 5

Small Business (55 or fewer Employees)
Effective Date: July 2, 2015

Beginning July 2, 2015 Employees who perform at least two hours of work in a calendar week within the geographic boundaries of the City of Emeryville for a Small Business (55 or fewer Employees in Emeryville) must be paid wages of not less than **\$12.25 per hour and are eligible for paid sick leave (PSL).**

MINIMUM WAGE REQUIREMENT

Emeryville's minimum wage requirement applies to any Employee (part-time, full-time, or temporary) who performs work within the City of Emeryville. Each year the minimum wage will increase effective July 1 by the following schedule:

- On July 1, 2016, the minimum wage will be \$13.00 per hour.
- On July 1, 2017, the minimum wage will be \$14.00 per hour.
- On July 1, 2018, the minimum wage will be \$15.00 per hour.
- On July 1, 2019, the minimum wage will be the then-current rate for Employers with 56 or more employees.
- On July 1, 2020, and every year thereafter the minimum wage will increase by the local Consumer Price Index (CPI), which is a cost of living increase designated by the State.

PAID SICK LEAVE REQUIREMENTS

Pursuant to Emeryville Municipal Code Section 5-37.03, all Employers must provide Paid Sick Leave (PSL) to each employee (part-time, full-time, and temporary) who performs at least two hours of work in a calendar week within the geographic boundaries of the City of Emeryville.

There shall be a cap of 48 hours of accrued PSL (equivalent to six 8-hour work days). Accrued PSL for Employees carries over from year to year, but is limited to the 48 hour cap. Any Employer may set a higher number cap of PSL hours.

(over)

Employees may use PSL to provide medical care for themselves or to provide care for a “family member” including a designated individual in the event the Employee does not have a spouse or registered domestic partner. Employees can also use PSL to provide care for a guide dog, signal dog, or service dog, of the Employee, Employee’s family member, or person designated by the Employee. Employers are required to give employees notice within 30 calendar days of the date on which an Employee begins to accrue PSL to designate a person in lieu of a spouse or domestic partner for which to use PSL hours. Employees must make the designation within 14 calendar days of being notified by their Employer if they wish to designate a person.

NO RETALIATION

Employees who assert their rights to receive the City’s minimum wage and PSL benefits are protected from retaliation. Employees may file a civil lawsuit against their Employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City. The City may investigate and enforce violations of the Minimum Wage and Paid Sick Leave Ordinance. Violations of the Ordinance are punishable by fines and penalties.

If you have any questions, need additional information, or believe you are not being paid correctly or provided the PSL to which you are entitled please contact the City of Emeryville at:

City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
Telephone: (510)596-4316
E-Mail: minwage@emeryville.org