SANTA MONICA, CALIFORNIA

CITY OF SANTA MONICA PAID SICK LEAVE ORDINANCE

Covers workers who, in a calendar week, perform **at least 2 hours of work within the geographic boundaries of Santa Monica** and who are entitled to minimum wage under California law.

An employee can accrue **one hour of paid sick time for every 30 hours worked**, beginning their first day of employment or January 1, 2017, whichever is later.

Employees cannot use any accrued paid sick leave until after the first 90 days of employment.

Employees **can accrue up to 40 hours (up until December 31, 2017) and 72 hours (as of January 1, 2018) paid sick leave** in a calendar year.

Paid sick leave will accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of such time off.

EFFECTIVE: 1/1/2017

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited.

Paid Sick Leave – Use of

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member;
- For an employee who is a victim of domestic violence, sexual assault, or stalking according to the regulations.

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

Note: An employee must miss scheduled work time in order to receive paid leave for the absence.

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.

Paid Sick Leave – Employee Notice Requirement

- Employee must be eligible and accumulate sick time (see below) before requesting use of sick leave.

- An employee may request paid sick days in writing or verbally.

- 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, not to exceed seven days advance notice, 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.

An employer cannot require an Employee to search for or find a replacement worker to cover the hours during which such Employee is Using Earned Sick Leave.

Paid Sick Leave – Accrual	
• For every 30 hours worked, an employee shall accrue one hour of paid sick leave. • An employee may **use accrued paid sick days beginning on the 90th day of employment or January 1, 2017, whichever is later.** The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on January 1, 2017, or your first day of employment if you are hired after January 1, 2017, if you work less than 90 days for Superior Group or SDI, you are <u>not</u> entitled to take paid sick leave. • Paid sick leave will be calculated for nonexempt employees in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time. • Employees exempt from the overtime requirements of federal and California law must be compensated at the same rate or in the same manner as the Employer calculates compensation for paid working time. • An exempt employee is deemed to work 40 hours per workweek unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek. • Accrued paid sick leave does not expire; it carries over from year-to-year up to the cap.	90-day time period is regardless of *where* the employee worked—it just has to be 90 days with Superior Group or SDI. Note: 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.
Overall Amount of Paid Sick Time That Can be Used and Accrual Cap in a Calendar Year	
• The amount carried over to the next year is subject to a cap. Once employees **hit their cap (i.e., 40 hours until December 31, 2017 and 72 hours as of January 1, 2018) in a calendar year**, they no longer accrue paid sick leave until they use some of the hours they have "in the bank". • Employees may not use more than 40 hours (up until December 31, 2017) and 72 hours (as of January 1, 2018) of accrued paid sick leave in a calendar year.	
Paid Sick Leave – Upon Termination	
Accrued unused paid sick leave **is not paid out** upon termination, resignation, retirement, or other separation from employment	Note: Only paid out if using a PTO or vacation policy to comply with the Ordinance (which we are not).
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.

Santa Monica – In SAP if the employee is working in the city of "Santa Monica," mark the subarea as "Santa Monica, CA."		
90401	90405	90409
90402	90406	90410
90403	90407	90411
90404	90408	

SANTA MONICA'S MINIMUM WAGE
OFFICIAL NOTICE

Santa Monica
Paid Sick Leave
Effective Date: January 1, 2017

Starting **January 1, 2017,** employers are required to provide paid sick time to their employees who work within Santa Monica city limits in accordance with Santa Monica's Paid Sick Leave provisions in Municipal Code Section 4.62.025.

Employers with 26 or more employees	
1/1/2017	40 hours
7/1/2018	72 hours

Employers with 25 or fewer employees	
1/1/2017	32 hours
1/1/2018	40 hours

Employees are eligible for paid sick leave if they perform at least two hours of work in a particular work week within the geographic limits of the City of Santa Monica, and qualify as an employee entitled to payment of a minimum wage from any employer under the California Labor Code and wage orders published by the California Industrial Welfare Commission. Employees can use sick leave consistent with the California Healthy Workplaces, Healthy Families Act of 2014.

Paid sick leave will begin to accrue at the start of an employee's employment. Employees can use accrued paid sick leave after the first 90 days of employment or consistent with the employer's policies, whichever is sooner.

For every 30 hours worked, an employee shall accrue one hour of paid sick leave. Employers may choose to provide greater sick leave benefits. An employee's accrued paid sick leave carries over from year to year (calendar year, fiscal year, or year of employment) up to the accrual limit shown above, except that no accrual or carryover is required if the employer provides the full amount of leave required at the start of each calendar year, fiscal year, or year of employment.

Under the Ordinance, employees who assert their rights to receive paid sick leave are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of the Paid Sick Leave provisions. The City can investigate possible violations, and can enforce the paid sick leave requirements. Available remedies include but are not limited to reinstatement of employees, payment of paid sick leave unlawfully withheld, and monetary penalties.

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF SANTA MONICA:
(310) 458-8281 • minimum.wage@smgov.net • www.smgov.net/minimumwage

HONEST WORK. FAIR PAY.
Santa Monica's Minimum Wage

Santa Monica Minimum Wage
$10.50 per hour

Rate Effective Date: July 1, 2016

In accordance with the Santa Monica Minimum Wage Ordinance, Municipal Code Chapter 4.62, every employer shall pay to each employee (including temporary and part-time employees) who performs at least two hours of work in a particular work week within the geographic limits of the City of Santa Monica, wages of not less than $10.50 per hour, effective July 1, 2016. The minimum wage rate will be adjusted every year according to the schedule below. Certain exemptions and deferrals are available.

Employers with 26 or more employees		Employers with 25 or fewer employees	
7/1/2016	$10.50 /hour	7/1/2016	$10.00 /hour *
7/1/2017	$12.00 /hour	7/1/2017	$10.50 /hour
7/1/2018	$13.25 /hour	7/1/2018	$12.00 /hour
7/1/2019	$14.25 /hour	7/1/2019	$13.25 /hour
7/1/2020	$15.00 /hour	7/1/2020	$14.25 /hour
7/1/2021	$15.00 /hour	7/1/2021	$15.00 /hour

* CA State Minimum Wage

Under the Ordinance, employees who assert their rights to receive the City's minimum wage are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of the Ordinance. The City can investigate possible violations, and can enforce the minimum wage requirements. Violations of the minimum wage law include, but are not limited to:

FAILURE TO PAY THE SANTA MONICA MINIMUM WAGE	FAILURE TO COMPLY WITH NOTICE, POSTING, AND RECORDS REQUIREMENTS	RETALIATION

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