

## CALIFORNIA

### PAID SICK LEAVE HEALTHY WORKPLACES, HEALTHY FAMILY ACT OF 2014

An employee (some exceptions) who, on or after July 1, 2015, works in California for the same employer for 30 or more days within a year from the commencement of employment is entitled to paid sick days.

An employee shall be entitled to use accrued paid sick days beginning on the 90<sup>th</sup> day of employment, after which day the employee may use paid sick days as they are accrued (up to the limit stated below).

If an employee works less than 30 days for the company within a year, then they are not entitled to be paid sick leave under this new law.

An employee can accrue **one hour of paid sick time for every 30 hours worked**, beginning their first day of employment or July 1, 2015, whichever is later.

An employee is **limited to 24 hours or three days of sick time they can take in each calendar year.**



**EFFECTIVE: 1/1/2015** – right to accrue and take sick leave does not take effect until **7/1/2015**

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. 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** your 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** your 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 1, 2015, or your first day of employment if you are hired after July 1, 2015, if you work less than 90 days for the company, you are not entitled to take paid sick leave.

90-day time period is regardless of *where* the employee worked—it just has to be 90 days with the company.

### **Paid Sick Leave – Accrual (Cont.)**

- 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, whether or not the employee actually works overtime in that workweek.
- Paid sick leave for exempt employees shall be calculated in the same manner as wages for other forms of paid leave time.
- For every 30 hours worked, an employee shall accrue one hour of paid sick leave.
- 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.
- Hours worked includes overtime for nonexempt 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 or 6 days) 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 have more than 48 hours (6 days) of accrued paid sick leave saved at any time

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.

Note: If an employee works four 10-hour days, and has accrued 30 hours then because the minimum requirements of the statute are 3 days or 24 hours, they will have to be paid for 30 hours (assuming they choose to take a full day for paid sick time).

### **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

### **Rehires**

If rehired by the company 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 the company (counting their previous time working for the company) and to accrue additional paid sick days upon rehiring.

**California (employees working in California) – In SAP if the employees are working in any of these cities: mark subarea as "Emeryville," "San Francisco," or "Oakland". If not working in either of those cities, mark as "California"**

**THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT**

*(Poster may be printed on 8 ½" 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 90<sup>th</sup> 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.



## CALIFORNIA PAID SICK LEAVE REQUEST FORM

Please check with your Branch Representative to see if you have any California Paid Sick Leave time available to you (time must be used when you are scheduled to work), and if you have met the waiting period for its use. If the need for sick time is foreseeable, please **notify your branch representative** before using any accrued paid sick leave, or as soon as practicable.

If the need for sick time is unforeseeable, please notify your Branch Representative and the Customer before the start of your shift or, when circumstances prevent you from providing notice before the start of your shift, as soon as is practicable.

Please turn this form in to your branch representative after you have taken any accrued paid sick time off.

**Name (Print):**

**Current Date:**

The requested leave can be used in one-hour increments for:

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

(If applicable, please check one) – The family member is my:

**Spouse**

**Registered domestic partner**

**Child** (biological, adopted, or foster, stepchild, legal ward, or a child to whom the employee stood in loco parentis. This definition of a child is applicable regardless of age or dependency status)

**Parent** (biological, adoptive, or foster, 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)

**Grandchild**

**Grandparent**

**Sibling**

Loco parentis - Latin for "in the place of a parent"

| Day(s) Taken | Time Used | Branch Approval          |          |
|--------------|-----------|--------------------------|----------|
|              |           | <input type="checkbox"/> | Approved |
|              |           | <input type="checkbox"/> | Approved |
|              |           | <input type="checkbox"/> | Approved |

I attest that I have used the paid sick time for one of the reasons outlined above.

**Employee's Signature:**

**Date:**