

6.1 Paid Sick Leave

It is the intent of the District that this policy complies with the Healthy Workplaces, Healthy Families Act of 2014 (AB1522) as set forth starting in Labor Code section 245, and the provisions in this policy should be interpreted so as to comply with the Act.

Eligibility

The District provides paid sick leave to all employees, including full-time, part-time, and temporary employees. Sick leave is administered based on a calendar year. "Calendar year" means the 12-month period starting from the first day of active work and ending 12 months later (i.e., the employee's work anniversary). An employee accrues paid sick time according to the below provision from the very beginning of their employment, but they may only start using this sick time after the 30th day of employment with the District.

Amount of Leave

Starting at the commencement of employment, each employee will receive one hour of sick leave for every 30 hours of work time, including vacation used. Employees do not accrue sick leave while on an unpaid leave of absence. Exempt salaried employees are deemed to work 40 hours a week for sick leave purposes. Subject to the accrual cap mentioned below, unused sick leave for employees accumulates and carries over from one year to the next. The amount of sick leave that is available to an employee is shown on the employee's paycheck stub.

Accrual Cap & Annual Usage

In no event shall an employee earn any sick leave when the employee has 48 hours or six days (whichever provides the most time off to the employee) of accrued but unused sick leave on the books. The employee will again accrue sick leave when the employee falls below the cap.

If any employee has previously accrued more than 48 hours or six days (whichever provides the most time off to the employee) in relation to a previous District policy, then the time will not be lost, but the employee will not accrue any additional time until they fall below the current cap of 48 hours or six days.

Employees are limited to the use of 48 hours of sick leave per year.

Reasons for Leave and Usage

Sick leave may be taken for the following reasons:

- (1) Sick leave may be used for the diagnosis, care, or treatment of an existing health condition (including dental care) of, or preventive care for, an employee or an employee's family member (see definition provided below).
- (2) Sick leave may also be used to obtain any relief described in Labor Code section 230(c) if the employee is a "victim" of a crime or abuse.

(3) If and to the extent Labor Code section 230.1(a) applies to the District, sick leave may also be used to attend to the matters described in Labor Code section 230.1(a) if the employee is a “victim” of a crime or abuse.

(4) Sick leave may also be used to attend judicial proceedings related to a felony crime if the requirements of Labor Code section 230.2 are met.

(5) Any other purpose which by law an employer must allow the employee to use sick leave.

To the extent possible, employees should schedule doctor’s appointments when they will have the least impact on the District and the employee’s workload. Any employee taking sick leave is required to submit a request as soon as possible after learning of the need for the leave or, where providing advance notice was not possible, after taking the leave.

If sick leave is being used in conjunction with another leave of absence, the rules associated with the other leave for submitting a doctor’s note or other documentation supporting the need for the leave must be followed. Employees must always follow the District’s rules on calling in prior to an absence or as soon as possible if calling in prior to the absence was not possible.

Employees (whether paid hourly or a salary) must take sick leave in increments of no less than 15 minutes. However, nothing in this policy shall prohibit a new or veteran employee from taking sick leave in any amount as required by law if the sick leave is being used in conjunction with a legally mandated leave of absence.

Employees have the option of choosing when to use sick leave to cover an absence. Failure to cover an absence with sick leave when sick leave could be used, however, can cause the employee to have an absence-related event pursuant to the attendance policy if no other leaves cover the absence.

The purpose of sick leave is to provide the employee with applicable paid time off during those instances when the employee would normally have to miss work in order to take care of situations for which sick leave is granted. Hence, sick leave is not available for those days and at those times the employee is not scheduled to work, such as the employee’s regular days off, or when work is cancelled due to rain, power outages, etc.

Employees may not cash out their paid sick days at any time, including upon termination of employment, and shall forfeit their accrued but unused sick days upon termination of employment. However, please see the Reinstatement of Employees section below.

Family member means:

(1) An employee’s spouse or registered domestic partner (pursuant to Family Code section 297).

(2) Child (whether biological, adopted, foster, step, legal ward, or child to whom the employee stands in loco parentis) or child of the registered domestic partner, regardless of age or dependency of the child.

- (3) Biological, adoptive, or foster parent, 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.
- (4) Grandparent.
- (5) Grandchild; or
- (6) Sibling.

Reinstatement of Employees

If an employee who accrues sick leave by the hour is rehired by the District within one year from the date of separation, all previously accrued and unused paid sick leave shall be reinstated. The employee shall be entitled to use the previously accrued and unused paid sick leave immediately upon being rehired. In addition, and so long as the employee is not at any accrual cap as set forth in this policy, the employee may accrue additional paid sick leave immediately upon being rehired. Any employee who is rehired more than one year after their last date of separation shall not have unused sick leave reinstated and shall be treated as a new employee for all sick leave purposes.

Calculation of Sick Leave Pay Generally and Exempt Employee Use

Sick leave pay shall be calculated either:

- (1) 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; or,
- (2) By dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

For sick leave purposes, salaried exempt administrative, executive, and professional employees are deemed to be working 8 hours a day for 40 hours a week. Salaried exempt employees do not receive extra pay other than their salaries when using paid sick leave. The exempt salaried employee must either use vacation time or elect to use sick leave for any time missed of four or more hours in a day for sick leave purposes.

Supplementing SDI or WC

Paid sick leave may be used to supplement the employee's income up to the employee's regular wages while the employee is applying for or is currently receiving State Disability Insurance (SDI) benefits, paid family leave benefits, or workers' compensation benefits.

Sick Leave During Vacation

If a condition arises while an employee is on vacation that would otherwise allow the employee to use sick leave, the employee may charge such days to sick leave rather than vacation.

No Sick Leave Advances

Employees may not take sick leave in advance of what the employee has earned. If sick leave credits are exhausted, an employee must use vacation time (if available) for sick leave purposes, unless the law prohibits mandatory use of vacation for the particular situation at hand.

No Retaliation or Discrimination

The District will not deny an employee the right to use accrued sick days as required by the Healthy Workplaces, Healthy Families Act of 2014 (“Act”). Nor will the District discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days or attempting to exercise any right provided under the Act, including the right to file a complaint or cooperate in an investigation or prosecution of an alleged violation of the Act, or to oppose any policy or practice that is prohibited by the Act.

Employees with questions about paid sick leave should contact their immediate supervisor or the designated HR Person at the District Office. If the employee feels the issue has not been addressed properly, they should bring it to the attention of the CEO. Contact information for all individuals is found at section 1.4 above.