



SICK LEAVE POLICY FOR UNREPRESENTED PART-TIME, NON-BENEFITED EMPLOYEES

PURPOSE

California’s AB 1522, called the “Healthy Workplaces, Healthy Families Act of 2014” (the “Act”) was signed into law on September 10, 2014, and became effective January 1, 2015. The law requires employers to provide paid sick leave to assist employees who miss work due to their own illness or medical appointments or an illness or medical appointment of a qualified family member during their employment.

This policy is intended to satisfy the requirements set forth under the Act, codified in California Labor Code Sections 245 – 249 and Labor Code Section 2810.5.

On October 4, 2023, Senate Bill (SB) 616 was signed into law providing additional paid sick leave to employees.

POLICY

A. Eligibility

- i. A part-time/hourly/seasonal, unbenefited employee qualifies for paid sick leave by working for the City of Lompoc (the “City”), on or after July 1, 2015, for at least 30 days within a year.
- ii. Qualifying employees must satisfy a 90-day employment period before any accrued sick leave may be taken. For purposes of calculating this 90-day employment period only, the length of employment shall be measured using **the month of each employee’s hire date**, such that an employee hired after the first day of the month is given credit for that entire month. (For example, an employee hired on July 15 would be eligible for sick leave use beginning on October 1.)
- iii. This policy applies only to unrepresented part-time/hourly/seasonal, unbenefited employees, not covered by Memorandums of Understanding, Agreements, or Contracts or the City’s Personnel Rules and Regulations. In addition, this policy does not apply to retiree annuitants.
- iv. Employees categorized as regular, benefited employees, are not eligible for additional sick leave, as described in this policy. Regular, benefited employees are eligible for paid sick leave under applicable Memorandums of Understanding and the City’s Personnel Rules and Regulations.

B. Accrual

- i. Employees are eligible to accrue paid sick leave, beginning with their first day of employment or July 1, 2015, whichever is later.
- ii. Eligible employees will accrue 1 hour of sick pay for every 30 hours worked to a maximum of 24 hours annually. Effective January 1, 2024, eligible employees will accrue 1 hour of sick pay for every 30 hours worked to a maximum of 40 hours annually.
- iii. Unused accrued sick leave hours will carry over from one year to the next, with July 1 as the carryover date for employees hired on or before July 1, 2024. For employees hired after July 1, 2024, a year is defined as the 12-month period from the employee's original month of hire.
- iv. Effective January 1, 2024, employees may not have a paid sick leave bank of more than **eighty (80) hours at any time**. When this limit (cap) is reached, no further sick leave hours will accrue, until the employee falls below the cap.

C. Use of Paid Sick Leave

- i. Employees may use accrued paid sick leave hours, beginning with their 90th day of employment with the City, subject to Section A(ii) above.
- ii. An employee may not use paid sick leave hours before they are accrued.
- iii. Employees may only use up to **40 hours of accrued sick leave** in any one year.
- iv. The minimum charge to paid sick leave is set at **one hour**.
- v. An employee may submit an oral or written request to use paid sick leave for any purpose allowed by the California Healthy Workplace Healthy Family Act, such as:
 - a) An illness affecting the employee or a qualifying family member;
 - b) The diagnosis, care, or treatment of an existing health condition of the employee or qualifying family member;
 - c) Preventative care, such as annual physicals or flu shots for the employee or qualifying family member; or
 - d) For an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off:
 - 1) To obtain or attempt to obtain any relief to help endure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order other injunctive relief;
 - 2) To seek medical attention, obtain services from a shelter, program, or rape crisis center;

- 3) To obtain psychological counseling;
 - 4) To participate in safety planning; or
 - 5) To take other actions to increase safety from future incidents.
- vi. For purposes of this policy, the term “family member” is defined as:
- a) A child, which includes a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis;
 - b) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse, registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - c) A spouse;
 - d) A registered domestic partner;
 - e) A grandparent;
 - f) A grandchild; or
 - g) A sibling.

D. Employee Notification Obligations

- i. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance written notice. For example, the employee’s supervisor should be notified of a scheduled appointment with the employee’s ensuing shift, but not less than three days prior to the scheduled appointment, if possible.
- ii. An employee may request to use paid sick leave on an unscheduled basis by calling their supervisor as soon as is practicable, but no later than within the first thirty (30) minutes of their scheduled start time if possible.
- iii. The employee shall not be required to search for, or find, a replacement worker to cover the hours during which the employee uses paid sick leave, as a condition of using paid sick leave.
- iv. A supervisor, with the concurrence of the City Administrator, or a designee, may require an employee to provide a written explanation from a physician, providing the reason for an unscheduled absence, and/or indicating that the employee is medically cleared to return to work. **The employee must be told in advance of this requirement.**

E. Payment of Paid Sick Leave

- i. Paid sick leave hours will be compensated at the employee’s current hourly wage.
- ii. Paid sick leave will be paid no later than the payday for the next regular pay period after the sick leave was taken. (For example, if an employee called in sick for a shift and therefore was not paid for it but utilized paid sick leave, the City would pay the

employee not later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.) The employee is responsible for ensuring accurate reflection of sick leave taken on the appropriate timecards.

- iii. Payment will be based on the employee's available accrual balance.

F. Separation from Employment

- i. Any accrued, but unused, sick leave hours, prior to the employee's last day of employment, are lost at the time of resignation, termination, retirement, layoff, or other separation from employment.
- ii. If an employee is rehired within one (1) year of the date of separation, any lost accrued sick leave hours will be reinstated, and available for the rehired employee to use. The employee shall not be required to wait 90 days from their rehire date before paid sick leave hours can be used.

G. Employer Notification and Recordkeeping Obligations

- i. The City shall provide employees with written notice, setting forth the amount of paid sick leave available for use. The notice will be provided either on the employee's itemized wage statement or in separate writing, provided on the designated pay date with the employee's paycheck.
- ii. The City shall display a poster at each workplace that contains information specified in the Labor Code.
- iii. The City shall retain paid sick leave accrual and usage records for a period of at least three (3) years. Such records will document the hours worked and paid sick leave hours accrued and used by each employee. An employee may request access to their records in the same manner, regarding itemized wage statements and pay stubs.