

DATE SUBMITTED JULY 9, 2015
 SUBMITTED BY AJ GADDIS, HR MANAGER
 DATE ACTION REQUIRED JULY 15, 2015

AGENDA ITEM No. _____
 COUNCIL ACTION ()
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT:	Paid Sick Leave Policy for Part-time, Temporary, and Seasonal Employees
DEPARTMENT INVOLVED	Administration – Human Resources/Risk Management
BACKGROUND/SUMMARY:	
<p>In accordance with the Healthy Workplaces, Healthy Families Act of 2014 signed into California law (AB1522) on January 1, 2015, City of Imperial must provide paid sick leave for covered employees, who have worked more than 30 days at the accrual rate of one hour of sick leave for every 30 hours, starting on July 1, 2015. Covered employees may use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period with certain restrictions. This new sick leave policy applies only to part-time, temporary and seasonal employees. Currently, City of Imperial uses part-time, temporary and seasonal help in Parks and Recreation, Library and Police Department.</p>	

FISCAL IMPACT: Fiscal Impact – TBD	F.O. INITIALS _____
STAFF RECOMMENDATION:	
<p>City staff recommends that Council approve the new Paid Sick Leave Policy for Part-time, Temporary, and Seasonal Employees in accordance with California State Law AB1522.</p>	
MANAGER'S RECOMMENDATION:	MANAGER'S INITIALS M.D.B.
MOTION:	
SECONDED:	APPROVED () REJECTED ()
AYES:	DISAPPROVED () DEFERRED ()
NAYES:	
ABSENT:	REFERRED TO:

PROGRAM NAME: PAID SICK LEAVE POLICY	AUTHORITY: CALIFORNIA PAID SICK LEAVE LAW (AB 1522/AB304)
APPLICATION: THIS POLICY APPLIES ONLY TO PART-TIME, TEMPORARY AND SEASONAL EMPLOYEES	DATE APPROVED: JULY 15, 2015

BACKGROUND

On September 10, 2014, The Governor of the State of California signed the Healthy Workplaces, Healthy Families Act of 2014 (AB1522). This new law became effective on January 1, 2015, and provides paid sick leave for covered employees however the provisions under which sick leave is accrued do not go into effect until July 1, 2015. AB1522 provides that employees who work 30 or more days in a twelve (12) month period are entitled to paid sick leave to be accrued at a rate of no less than one (1) hour for every 30 hours worked beginning on July 1, 2015 or the first day of employment, whichever comes later.

On July 13, 2015, the Legislature passed additional amendments (AB304) intended to provide clarification to the Healthy Workplace, Healthy Families Act (AB1522). These changes are effective immediately to the sick leave law.

POLICY

Effective July 1, 2015, AB 1522 (California's Paid Sick Leave) law requires City of Imperial to provide paid sick leave to employees under the following conditions. This policy applies only to part-time, temporary, and seasonal employees.

- An employee who works 30 or more days in a twelve (12) month period is entitled to paid sick leave.
- An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning July 1, 2015 or the first day of employment whichever is later. An employee is not eligible to begin using any accrued paid sick leave until the 90th day of employment with the City of Imperial.
- An employee is only allowed to use up to a maximum of 3 days or 24 hours, whichever is greater, of paid sick leave in a 12-month period.
- An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.
- In accordance with California's Paid Sick Leave law, an employee may use the first 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of the following reasons:
 - For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
 - For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
 - *Child (including a biological, adopted, or foster child, stepchild, legal*

ward, or a child to whom the employee stands in loco parentis.)

- *Spouse or Registered Domestic Partner*
- *Parent (including 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.)*
- *Grandparent*
- *Grandchild.*
- *Sibling.*
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - *A temporary restraining order or restraining order.*
 - *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
 - *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
 - *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
 - *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*
 - *To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.*
- An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- An employee who uses paid sick leave must do so with a minimum increment of two (2) hours of sick leave.
- Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City.

- If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.
- **An employer is not required to reinstate accrued paid time off to an employee who was paid out at the time of termination, resignation or separation of employment.**
- Any questions about this policy should be directed to Human Resources.

Acknowledgment

I have received, read, understand and agree to comply with the City of Imperial Paid Sick Leave Policy and Procedures.

Signature

Date

Witness /Title

Date