

MANAGEMENT INFORMATION PIECE ON AB 1522 – SICK LEAVE FOR HOURLY EMPLOYEES

The Law

Assembly Bill 1522, otherwise known as the Healthy Workplaces, Healthy Families Act of 2014, adds to and amends the CA Labor Code regarding paid sick leave for all employees. This becomes effective on July 1, 2015. The law exempts employees who already earn sick leave.

For purposes of this informational piece, the term “employee” shall refer to hourly, short-term employees hired through DHR, student employees hired through the colleges’ student employment offices and professional experts.

Eligibility

Effective July 1, 2015, any employee who works 30 or more days (whether or not the employee works 1 hour or 8 hours, it counts as a day for purposes of the labor code) within a fiscal year, from the first date of their employment, is entitled to accrue 1 hour for every 30 hours worked.

Usage

The employee is entitled to begin using accrued sick days beginning on the 90th day of employment. The employee may use up to 40 hours or 5 days of sick leave in each year of employment. Unused sick leave will carry over to the following year. Total sick leave accrual will not exceed 80 hours or 10 days. If the employee leaves the District and is rehired within one year from the date of separation, any previously accrued and unused sick leave must be reinstated. If the employee is rehired after more than one year’s absence, the sick leave accrual starts over.

This sick leave may be used for an illness, or for diagnosis, care, treatment of existing health condition or preventative care for the employee or a family member* or for an employee who is the victim of domestic violence, sexual assault or stalking.

The employee must give reasonable notice to use the sick leave if the need is foreseeable, or notice as soon as practicable if unforeseeable. Notice can be by a phone call, in person, or by an email.

Forms

At the time of hire, employees will be required to read and sign the form titled Employee Sick Leave (copy attached), which the employee will read and sign. A copy will be kept with the employee’s H file or student employment file.

Once the employee has accrued sick leave and wishes to use it for an absence from their position, the employee will be required to complete the Employee Sick Leave Absence Affidavit (copy attached), which must also be signed by the employee’s supervisor.

All employee time sheets must be accurate as these are what Payroll will be using to accrue the sick leave for employees.

The employee’s payroll stub will reflect accrued and used sick leave.

Please remember: Retaliation against an employee for using sick leave is strictly prohibited.

Budgeting

Budgeting for hourly, short-term employees, including students, will not change for those departments who have their own budget line for this purpose. For students who are hired through the federal work study program, District finance is working on that and more information will be provided later.

*Family member is defined by the law as a child (biological, adopted, foster, step, legal ward); biological, adoptive or foster parent, stepparent, or legal guardian of an employee or employee’s spouse or registered domestic partner; spouse; registered domestic partner; grandparent; grandchild; sibling.