



**SAN JOAQUIN COUNTY
PAID SICK LEAVE POLICY**

Adopted: June 23, 2015
Effective: July 1, 2015

PURPOSE

In accordance with California’s Healthy Workplaces, Healthy Families Act of 2014, commonly referred to as California’s Paid Sick Leave Law, it is the purpose of this policy to provide paid sick leave to all San Joaquin County employees. This policy does not apply to employees who are retired annuitants of San Joaquin County Employees’ Retirement Association. It also does not apply to employees of temporary staffing agencies who are assigned to work at San Joaquin County facilities pursuant to an agreement between the County and the temporary staffing agency. In those instances, the temporary staffing agency is responsible for providing sick leave to its eligible employees.

POLICY

Existing Memoranda of Understanding and Resolutions provide paid sick leave accruals to most full-time employees which meet or exceed the requirements of the law. As such, this policy applies only to employees who are not otherwise entitled to sick leave benefits through an existing MOU or Resolution. This policy provides no greater rights to sick leave than required by law, and nothing in this policy is intended to expand any individual’s existing right to paid sick leave.

Effective July 1, 2015, San Joaquin County shall provide paid sick leave to employees under the following conditions:

1. As of July 1, 2015, or upon hire, employees shall immediately begin accruing paid sick leave in accordance with this policy.
2. An employee will accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. For the purposes of this policy, accrual is based on all hours worked, to include both regular and overtime hours.
3. Accrual of paid sick leave is capped at six (6) days or forty-eight (48) hours. For those employees regularly scheduled to a shift exceeding eight (8) hours per day, paid sick leave is capped at the equivalent of six (6) work days up to seventy-two (72) hours. For example, an employee who is regularly scheduled to work ten (10) hours per day can accrue no more than six (6) days or sixty (60) hours of paid sick leave.
4. Any unused accrued paid sick leave will carry over from year to year while continuously employed with San Joaquin County, up to the maximum accrual amounts specified in this policy.

Use of Accrued Sick Leave

An employee is eligible to begin using accrued sick leave on the ninetieth (90th) calendar day of employment with San Joaquin County and may use up to three (3) days or twenty-four (24) hours of

leave in a twelve (12)-month period. For the purposes of this policy, the twelve-month period is defined as a fiscal year: July 1 – June 30.

Employees whose regularly scheduled shift exceeds eight (8) hours per day will be able to use the equivalent of three (3) work days up to thirty-six (36) hours of accrued sick leave. For example, an employee who is regularly scheduled to work a ten (10)-hour shift, will be able to use up three (3) days or up to thirty (30) hours of accrued sick leave in a fiscal year period.

Accrued sick leave may be used for the following reasons, subject to the provisions as listed below:

1. For the employee's own diagnosis, care or treatment of an existing health condition or preventative care.
2. For the diagnosis, care or treatment of an existing health condition or preventative care for an employee's family member, including the employee's:
 - a. Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)
 - b. Spouse or Registered Domestic Partner
 - c. 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.)
 - d. Grandparent
 - e. Grandchild
 - f. Sibling
3. 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. A temporary restraining order or restraining order.
 - b. Other injunctive relief to help assure the health, safety or welfare of themselves or their children.
 - c. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - d. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - e. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - f. 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.
4. An employee shall provide reasonable advance notification of the need to use accrued paid sick leave to his/her supervisor if the need for sick leave 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 his/her supervisor as soon as practicable and comply with the provisions of any current departmental policy or practice related to reporting an absence from work.

5. Employees must have accrued sick leave available at the time of usage in order to be compensated for time off taken for reasons set forth in this policy. Advance accruals shall not be provided.
6. Accrued sick leave must be used in a minimum increment of two (2) hours, up to the maximum amount(s) as outlined in this policy.
7. Use of accrued sick leave is not optional – employees must use accrued sick leave if there are sick leave hours available, and the leave meets the two (2)-hour minimum increment requirement.

Rate of Pay for Sick Leave

When used, sick leave will be paid at the same wage an employee normally earns during regular work hours.

Separation from Employment

An employee will not receive compensation for unused, accumulated sick leave upon termination, resignation, retirement, or other separation from employment with San Joaquin County.

If an employee, who has worked at least thirty (30) calendar days, separates from San Joaquin County employment, and is re-hired within one (1) year of the date of separation, any previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a re-hired employee did not work the requisite ninety (90) days of employment to use paid sick leave at the time of separation, the employee must still satisfy the ninety (90) days of employment requirement collectively during the periods of employment with San Joaquin County before any paid sick leave can be used.

Additional Provisions

- Paid Sick Leave will not be considered hours worked for purposes of overtime calculation.
- Employees covered under this policy are not eligible to participate in any existing catastrophic leave programs, either as a donor or recipient.
- Paid sick leave accrual and usage will be reported to the employee each pay period as part of the bi-weekly standard pay report either through the Payroll Unit of the Auditor-Controller's Office, or by employees' viewing in HRMS-Self Service.
- If an employee has a formal employment status change (*e.g.*, moves from part-time to full-time, or from full-time to part-time), they shall carry over his/her accrued, unused sick leave up to the maximum amounts allowable by this policy.

REFERENCES

Labor Code Sections 245-249, Healthy Workplaces, Healthy Families Act of 2014.