

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-1

Urgent

Routine

AGENDA DATE June 16, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of the Implementation of a Sick Leave Policy Compliant with Assembly Bill 1522, Healthy Workplaces, Healthy Families Act of 2014 Enacted September 10, 2014

STAFF RECOMMENDATIONS:

1. Approve the implementation of a Sick Leave Policy for part-time and Personal Service Contract employees compliant with AB1522
2. Approve the accrual method for County employees covered under California's new paid sick leave law

FISCAL IMPACT:

The Healthy Workplaces Healthy Families Act of 2014 (AB1522) also known as the Paid Sick Leave Law, mandates that employees either accrue sick leave benefits at a rate of no less than one hour for every 30 hours worked (Accrual Method), or receive a lump sum of three days of sick leave per year (Front Loading Method). Currently, the County offers a sick leave benefit to full-time employees with leave accruing at a higher rate than the minimum requirement of the new law. However, in order to become complaint with

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BOARD ACTION AS FOLLOWS:

No. 2015-272

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) \_\_\_\_\_ Approved as recommended

2) \_\_\_\_\_ Denied

3) X Approved as amended

4) \_\_\_\_\_ Other:

MOTION: Amended Staff Recommendation No. 1 to add the effective date of June 27, 2015

This Item was removed from the consent calendar for discussion and consideration



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**FISCAL IMPACT: (Continued)**

the new mandate, the County will be implementing the accrual method for part-time employees and Personal Service Contractors.

While the fiscal impact is difficult to measure, it is estimated that over 17,200 hours of sick leave per year will be earned by part-time and Personal Service Contract staff under this new policy. If staff is replaced for the period of their absence, there will be a cost associated with two employees being paid for the same day's work. If employees were replaced in every situation the potential cost could be close to \$400,000.

It is anticipated that the accrual method as detailed in the Discussion Section of this report will have less fiscal impact than the front loading method since employees will only accrue time for actual hours worked.

**DISCUSSION:**

Beginning on July 1, 2015, all California employers are required to provide paid sick leave benefits for all employees. The Healthy Workplaces Healthy Families Act of 2014 (AB1522) also known as the Paid Sick Leave Law, mandates that employees either accrue sick leave benefits at a rate of no less than one hour for every 30 hours worked (Accrual Method), or receive a lump sum of three days of sick leave per year (Front Loading Method).

The County already offers a sick leave benefit to full-time employees (County Code 3.40.010) with leave accruing at higher rate than the minimum requirement of the new law, with regular full-time employees accruing sick leave at the rate of eight hours per month. The County must now implement a policy for part-time and Personal Service Contract employees not provided with sick leave benefits under County Code. Assembly Bill 304, a follow-up bill to AB 1522, is currently in process and would exclude retirees who are recipients of a StanCERA retirement from the paid sick leave benefit. Should this bill pass, the County will amend its policy.

Staff has analyzed the two methods for the provision of sick leave for part-time and Personal Service Contract employees and recommends the adoption of the accrual method. Under this method:

- An employee will start to 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.
- An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the County.

- 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 up to the cap would carry over year to year while continuously employed.
- Unused paid sick days are not paid out at termination of employment.

The County believes the accrual method is the better approach for the County. Many part-time and Personal Service Contract staff work only a limited number of hours each year and under the lump sum method would be allocated more hours than they would actually have accrued. Also, while many part-time staff remain with the County for an extended period of time many may be employed seasonally or may choose to stay with the County only a limited amount of time yet once they are employed 90 days, they would be eligible to use all 24 hours of sick leave even if leaving the County shortly thereafter.

The new law provides for specific permissible uses for sick leave accruals. The permissible uses mirror what the County currently allows for full-time staff along with the following allowable uses:

- Allow the use of sick leave accruals to attend to the illness of a grandparent, grandchild, sibling and/or parent-in-law.
- Allow the use of sick leave accruals for employees that are a victim of domestic violence, sexual assault, or stalking as described in Labor Code Section 230(c) and Labor Code Section 230.1(a)

The remaining provisions of AB1522 offer few discretionary options to employers. There is a provision allowing the County to require sick leave be used in no less than two hour increments, however it is not recommended.

**POLICY ISSUE:**

Implementation of a Sick Leave Policy will allow the County to comply with AB1522 thus supporting the Efficient Delivery of Public Services.

**STAFFING IMPACT:**

Existing staff will continue to administer the new Sick Leave Policy for part-time and extra help staff.

**CONTACT:** Nancy Bronstein, Chief Executive Office, 209-525-6333

**Paid Sick Time**  
**Sick Leave Earning Rate and Usage for Extra-Help (Part-time), or Personal Service**  
**Contract employees**

**Purpose**

Effective July 1, 2015 under California's Paid Sick Leave law all County employees not eligible for sick leave benefits under County Code 3.40.010 because of his/her employment status will receive sick leave for the diagnosis, care, or treatment of an existing health condition or preventative care for an employee or an employee's family members (child, parent, spouse, registered domestic partner, grandparent, grandchild, sibling) or for purposes related to being a victim of domestic violence, sexual assault, or stalking.

**Policy**

1. Effective July 1, 2015, extra help employees shall accrue one (1) hour of sick leave for every thirty (30) hours worked and may accumulate a total of not more than forty-eight (48) hours.
2. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the County.
3. Sick Leave may be used 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

4. 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.
5. Paid sick leave will not be considered hours worked for purposes of overtime calculation.
6. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the County.
7. If an employee separates from County employment and was employed with the County for at least 30 days and is re-hired by the County 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 County before any paid sick leave can be used.
8. On-call employees may only use paid sick leave on days they were at work or scheduled to work.
9. Notice of available paid sick hours and usage will be included on the employee's payroll advice notice.
10. Employees who assert their rights to receive paid sick leave are protected from retaliation and discrimination.
11. Available accrued sick leave will be transferred up to the 48 hour maximum when an employee converts from part-time to full-time status.
12. Accrued sick leave will not be transferred for employees who are eligible for sick leave cash-out at the termination of full-time status if converting to part-time status. If the employee is not eligible for a cash-out of available leave, up to 48 hours will transfer when the employee converts from full-time to part-time.
13. Employees will not need to serve a new 90 day waiting period after a status change.