#### SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 32.080-PAID SICK LEAVE PART-TIME, TEMPORARY EMPLOYEES

Date: January 1, 2024

Revision No: 4

Supersedes: July 2022 First Adopted: July 1, 2015

## **POLICY**:

AB 1522, the "Healthy Workplaces, Healthy Families Act of 2014", was signed into law on September 10, 2014, with an effective date of July 1, 2015. The law required employers to provide paid sick leave in the amount of 24 hours of accrued sick leave by the  $120^{\text{th}}$  day of employment or each calendar year to assist employees who miss work due to their own illness, medical appointments, or illness or medical appointments of a qualified family member. On October 4, 2023, Governor Newsom signed Senate Bill No. 616 (SB 616) into law amending the 2014 Healthy Workplaces, Healthy Families Act effective January 1, 2024. The amendment changes the accrual requirement for parttime employees who have an accrual rate other than (1) hour for every 30 hours worked to require that employees have at least 40 hours of accrued sick leave by the 200th day of employment or each calendar year. The amendment also increases the annual accrual maximum to at least 40 hours. This policy revision establishes the procedures with regard to paid sick time in accordance with SB 616.

# SCOPE

This policy applies to temporary, regular part-time, and seasonal employees who on or after July 1, 2015, work for the San Bernardino Municipal Water Department (Department) for thirty (30) days or more within twelve (12) months of employment.

This policy supersedes Section 4. Leave, A. Sick leave, Paragraphs 2 and 7 of Resolution No. 2023-18 Establishing a

Compensation and Benefits Plan for the Water Department Regular Part-Time Employees dated July 1, 2023. All other paragraphs in this Section shall remain unaffected.

This policy does not apply to retired annuitants working for the Department in a part-time, temporary capacity.

## PROCEDURE:

#### Accrual

- 1. Regular Part-Time Employees covered by Resolution #2023-018
  - a. Upon completion of three (3) months of continuous employment with the Water Department, regular part-time employees will be credited with 20 hours of sick leave. Upon completion of six (6) months of continuous employment with the Water Department, regular part-time employees will be credited with an additional 20 hours of sick leave. Sick leave will then accrue at the rate of 1.69 hours per forty (40) hours of paid time. Total annual accrual shall not exceed 48 hours.
  - b. Accrual of sick leave is limited to 48 hours per calendar year with no maximum amount of banked/carried over accrued leave.

### 2. Part-Time, Temporary, and/or Seasonal Employees

- a. Employees will accrue one (1) hour of sick leave for every thirty (30) hours worked up to a maximum annual accrual of forty (40) hours.
- b. Unused accrued sick leave will carry over from one year to the next provided that accrued leave does not exceed a total of eighty (80) hours. Once the cap of eighty (80) hours is reached, the employee will not accrue additional sick leave hours until the accrued balance falls below the cap of eighty (80) hours.
- c. Use of sick leave will be limited to forty (40) hours in each year of employment.

## Use of Paid Sick Leave

- a. Employees may use accrued sick leave hours beginning on the 90<sup>th</sup> day of employment. Length of employment shall be measured using the employee's hire date.
- b. An employee may not use paid sick leave hours before they are accrued.
- c. Paid sick leave may be used in minimum increments of fifteen (15) minutes.
- d. Employees will receive paid sick time for the number of hours scheduled to work on the day of requested leave. For example, if the employee is scheduled to work four (4) hours, he/she will be compensated with four (4) hours of sick leave at the current rate of pay.
- e. Use of sick leave will be limited to 40 hours in each year of employment.
- f. An employee may use accrued sick leave upon oral or written request for purposes allowed by the California Healthy Workplaces, Healthy Family Act, such as:
  - The diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or qualified family member.
    - A. Qualified Family members for purposes of this policy are:
    - i. An employee's child (biological, adopted, foster, stepchild, legal ward, or for which the employee stands in loco parentis, regardless of the age or dependency status);
    - ii. A 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;

- iii. A spouse;
- iv. A registered domestic partner;
  - v. A grandparent;
- vi. A grandchild;
- vii. A sibling.
- viii. A designated person, which for purposes of this policy, means a person identified by the employee at the time the employee requests paid sick days. Employees are limited to one designated person per 12-month period.
- B. For an employee who is a victim of domestic violence, sexual assault, or stalking to:
  - i. Obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a restraining order or other injunctive relief;
  - ii. Seek medical attention, obtain
    services from a shelter, program, or
    rape cns1s center;
  - iii. Obtain psychological counseling;
    - iv. Participate in safety planning; or
      - v. Take other actions to increase safety from future incidents.

#### Employee Notification Obligations

- a. Employees must notify their supervisor prior to or within thirty (30) minutes after the time set for the beginning of the workday.
- b. In the case of emergency, the employee, or representative, should contact the supervisor as soon

as practicable. The employee shall submit a request for leave in the accepted method of their division/section to the immediate supervisor for approval.

- c. For medical appointments, a request for time off must be submitted in the accepted method of their division/section to the immediate supervisor for approval.
- d. 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.
- e. Eligibility for use of sick leave will not be dependent on the employee finding someone to cover his/her work.
- f. Paid sick leave will not be considered hours worked for purposes of overtime calculation.

## Separation From Employment

- a. Any accrued sick leave hours not used prior to the employee's last day of employment have no cash value at the time of resignation, termination, retirement, layoff, or other separation from employment. Employees will not receive a payout for unused accrued sick leave at separation.
- b. If an employee is rehired within one (1) year of the date of separation, previously accrued and unused sick leave hours will be reinstated and available for use on the date of rehire. However, if a rehired employee had not yet worked 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 over the periods of employment with the Department before any paid sick leave can be used.

### Employer Notification Obligations

- a. The Department shall provide employees the amount of paid sick leave available for use on the employee's itemized wage statement or paycheck.
- b. Department Supervisors and employees are responsible for the accuracy of signed/approved and submitted timesheets to the Finance Division.
- c. The Department shall display a poster at each workplace that contains information specified in the labor code.

## Prohibition Against Retaliation

- g. The Department will not deny an employee the right to accrued sick leave, discharge, threaten to discharge, or otherwise discriminate against an employee for:
  - 1. Using accrued sick leave;
  - 2. Attempting to exercise the right to use accrued sick leave;
  - 3. Filing a complaint alleging a violation of this policy;
  - 4. Cooperating in an investigation or prosecution of an alleged violation of this policy;
  - 5. Opposing any policy or practice or act that is prohibited by this policy.

### Policy Review:

Board approved:	7/21/2015
No changes:	7/2018
No changes:	7/2019
No changes:	7/2020
Minor changes GM approved:	7/2021
Minor changes GM approved:	7/2022
No changes:	7/2023
Revision Board approved:	12/2/2023
Spacing changes only:	7/2024

# ACKNOWLEDGEMENT OF RECEIPT OF CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT PAID SICK LEAVE PART-TIME, TEMPORARY EMPLOYEES

	f the City of San Bernardino Municipal Paid Sick Leave Part-Time Temporary
Employees (Policy No. 32.080). I have read and understand th	By signing below, I acknowledge that is policy.
Date	Employee Signature
	Employee Name (Print)