

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

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

Date:	July 2021
Revision No:	2
Supersedes:	July 1, 2015
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 requires employers to provide paid sick leave to assist employees who miss work due to their own illness, medical appointments, or illness or medical appointments of a qualified family member. This policy establishes the procedures with regard to paid sick time in accordance with California Labor Code section 245 - 249 and Labor Code section 2810.5.

SCOPE

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

PROCEDURE:

1. Accrual

- a. Employees will accrue one (1) hour of sick leave for every thirty (30) hours worked beginning on the first day of employment or July 1, 2015, whichever is later.
- b. Unused accrued sick leave will carry over from one year to the next provided that accrued leave does not

exceed a total of 48 hours. Once the cap of 48 hours is reached, the employee will not accrue additional sick leave hours until the accrued balance falls below the cap of 48 hours.

2. Use of Paid Sick Leave

- a. Employees may use accrued sick leave hours beginning on the 90th 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 24 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:
 1. The diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or qualified family member.
 1. Qualified Family members for purposes of this policy are:
 - a. 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);

- b. 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;
- c. A spouse;
- d. A registered domestic partner;
- e. A grandparent;
- f. A grandchild;
- g. A sibling.

11. For an employee who is a victim of domestic violence, sexual assault, or stalking to:

1. 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;
2. Seek medical attention, obtain services from a shelter, program, or rape cnsls center;
3. Obtain psychological counseling;
4. Participate in safety planning; or
5. Take other actions to increase safety from future incidents.

3. 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.

4. Separation From Employment

- a. Paid sick leave will not be considered hours worked for purposes of overtime calculation. 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.

5. 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 Supervisor 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.

6. Prohibition Against Retaliation

- a. 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;
 - ii. Attempting to exercise the right to use accrued sick leave;
 - iii. Filing a complaint alleging a violation of this policy;
 - iv. Cooperating in an investigation or prosecution of an alleged violation of this policy;
 - v. Opposing any policy or practice or act that is prohibited by this policy.

Policy Review

Board Approved:	<u>7/21/2015</u>
No changes:	<u>7/2018</u>
No changes:	<u>7/2019</u>
No changes:	<u>7/2020</u>
Minor changes GM Approved:	<u>7/2021</u>

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

I hereby acknowledge receipt of the City of San Bernardino Municipal Water Department Policy on Paid Sick Leave Part-Time Temporary Employees (Policy No. 32.080). By signing below, I acknowledge that I have read and understand this policy.

Date

Employee Signature

Employee Name (Print)