

To: Non-Bargaining Unit Employees

From: Human Resources

Date: July 1, 2015

Re: Notice of Healthy Workplace - Healthy Family Act of 2014 Paid Sick Leave (AB1522)

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### **Important Notice of New Law Affecting Your Employment**

On September 10, 2014, Governor Brown signed into law AB1522, the Healthy Workplace, Healthy Families Act of 2014. This bill provides paid sick leave days to workers who do not currently earn this benefit. This bill specifically requires employers to provide paid sick leave to employees who are employed in California 30 or more days within a year from commencement of employment.

California's AB1522 law went into effect on January 1, 2015. Entitlements of the paid sick leave for employees will go into effect beginning July 1, 2015.

The sick leave benefits set forth in this notification shall only apply to Short-Term, Non-Continuing (STNC), Professional Expert, and Student Employees *since Employees in the SEIU and AFA Bargaining Units accrue sick leave on a monthly basis.*

#### **Entitlement of Paid Sick Leave**

Sick Leave Plan Year: July 1 through June 30

Eligible Employees: Short-Term, Non-Continuing (STNC), Professional Expert, and Student Employees

**Note:** Bargaining Unit Employees with an additional STNC or Professional Expert assignment will not be eligible for this benefit provided the benefits they receive pursuant to their appropriate collective bargaining agreement are at least equal to the benefits set forth in this notification.

Eligibility for the Sick Leave benefit: Current employees who have been employed for at least 90 days will be entitled to the sick leave benefit beginning on July 1, 2015. Employees hired after July 1, 2015 may begin using the sick leave benefit on the 90<sup>th</sup> day of employment.

- Eligible employees will receive paid sick leave in the amount of 24 hours or 3 days, whichever is greater, beginning on July 1, 2015 and will be limited to 24 hours/3 days of usage each fiscal year.
- Accrual Maximum – Employees will be eligible for a maximum accrual of 24 hours/3 days per plan year.

Rate of pay for sick leave: Employees will be paid at their current rate of pay for any sick leave hours used.

Sick leave accruals and Payroll Period: The balance of sick leave hours will be reported on the employee's monthly paycheck. (Hours will be reported in the "Leave Balances" area located on the paycheck.)

#### **Usage of Sick Leave**

Employees may begin using accrued sick leave on the 90<sup>th</sup> day of employment.

Employees may use their paid sick leave for the following reasons:

1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for themselves;

2. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee's family member (includes parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent); or
3. For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code Section 230.1(a).

Daily limit on sick leave usage: Employees will be required to use the sick leave hours in the following increments of time so long as the employee has the balance available:

- Employees using paid sick time will not be able to use the sick hours for any increment of time less than 2 hours per request.
- Employees using paid sick time will not be able to use the sick hours for any time in excess of the daily maximum of 8 hours.

Limit on available balance: Sick leave may not be advanced once the maximum of 24 hours/3 days of paid sick leave is used within the fiscal year (July 1 through June 30).

#### **How to use the sick leave benefit**

If the use of sick leave is foreseeable, employees must provide their supervisor with advance notice of the absence, if possible. If the need for the leave is unforeseeable, the employee shall provide notice as soon as practicable and report their absence to their supervisor.

It is the responsibility of the employee to enter and record their absence on their monthly timesheet. The employee's supervisor may enter the absence on the timesheet on behalf of the employee when notified of the absence.

#### **Separation from employment**

Any unused sick leave hours are not paid off at the time of termination of employment from SRJC.

Transfers of sick leave: The sick leave hours are not transferrable to any other California Community College or K-12 institution.

Balance available: The sick leave balance will be available to the employee for one year from the date of separation from SRJC. If the employee is rehired by SRJC within one year, any unused sick leave will be reinstated upon re-employment. After one year of separation from SRJC, any unused sick leave will be deleted from the employee's sick leave balance.

#### **Pension Plan and Sick Leave**

Service Credit: CalPERS will not recognize this paid sick leave as creditable service. Employees who are also members of CalPERS will not have this paid sick leave reported to CalPERS for service credit during employment or reported as unused sick leave at the time of retirement. Therefore, no retirement contributions will be withheld from the employee's paycheck for the sick leave hours.

#### **Permanent positions:**

Should a STNC, Professional Expert, or Student Employee be offered a permanent position, the accrued sick leave balance will not be transferred to a regular position in the bargaining unit. The employee will be offered sick leave based on Education Code and benefits provided by the appropriate collective bargaining agreement.

**Employee Rights**

An employee may not be terminated or retaliated against for using or requesting the use of the paid sick leave. An employee has the right to file a complaint against an employer who retaliates or discriminates against an employee for:

1. Requesting or using accrued sick days;
2. Attempting to exercise the right to use accrued paid sick days;
3. Filing a complaint or alleging a violation of Article 1.5 section 245 et seq. of the California Labor Code;
4. Cooperating in an investigation or prosecution of an alleged violation of this Article or opposing any policy or practice or act that is prohibited by Article 1.5 section 245 et seq. of the California Labor Code.

If you have questions or concerns related to this new sick leave benefit, please contact Danielle Donica at (707) 527-4785 or [ddonica@santarosa.edu](mailto:ddonica@santarosa.edu) or Linda Jay at (707) 527-4817 or [ljay@santarosa.edu](mailto:ljay@santarosa.edu).