

## 7.9 Sick Leave

**PURPOSE:** To establish guidelines for the use of sick leave for personal illness and on-the-job injuries for County Employees.

### Statement of Policy

The County recognizes that inability to work because of illness or injury may cause economic hardship. For this reason, the County provides paid sick days to full-time regular employees. Part-time regular employees receive paid sick days on a pro-rated basis.

Sick leave shall accrue from the date of initial employment at the rate of 3.7 hours per pay period for regular full-time employees. Regular part-time employees will accrue sick leave on a pro-rated basis. Employees covered under the Deputy Sheriff's Association and Sheriff's Management may accrue up to a maximum of 1500 hours.

Upon termination, resignation, or other separation of employment, an employee shall not be entitled to any compensation for any accrued and unused sick leave. An employee who is separated from employment and is re-hired within 12 months of separation is entitled to reinstatement of ~~up to 6 days or 48 hours of~~ previously accrued and unused sick leave. Upon retirement, however, accrued sick leave shall be applied to CalPERS service credit calculations in accordance with CalPERS regulations.

Permanent employees with five or more years of continuous service, upon death or retirement, shall receive 33 1/3% of the monetary value of their accrued and unused sick leave in excess of 96 hours with a maximum pay out of \$1500 unless otherwise stated in the applicable MOU.

Employees entitled to sick leave may remain away from work with pay, where such absence is the result of the following: a) diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee's family member, or involuntary or enforced quarantine; or b) 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).

An employee who is collecting Worker's Compensation Temporary Disability Benefits as a result of an on-the-job injury shall receive sick leave benefits to supplement such Worker's Compensation benefits in an amount sufficient to equal the employee's regular rate of pay during the period of temporary disability to the extent permitted by law. However, such supplementary benefits shall not be paid in excess of the accrued sick leave credited to the employee.

Sick leave benefits shall apply to bona fide cases of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's family member requiring the employee's attendance, and medical, dental, and optical appointments to the extent that such appointments cannot be scheduled outside the work day.

"Family Member" shall include parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent.

A qualified medical care provider shall be a duly licensed physician, osteopath, chiropractor, chiropodist, optometrist, dentist, psychologist, licensed clinical social worker, advanced registered nurse practitioner, substance abuse professional, marriage/family therapist, certified nurse midwife, and a Christian Science Practitioner currently listed in the Christian Science Journal.

In any case in which an employee shall be entitled to benefits or payments under the Workers' Compensation Act or similar legislation of the state, or any other governmental unit, the County shall pay the difference from an employee's paid sick leave accruals between the benefits and payments received under such Act by such employee and the regular rate of compensation he or she would have received from the County if able to work to the extent permitted by law. The payment or contribution by the County shall be limited to the period of time that such employee had accumulated sick leave credits. Furthermore, sick leave benefits shall not be applicable to any employee who is covered by any relief and pension act or similar legislation providing for sickness and/or disability payments, or the state, granting substantially equal or greater benefits than provided.

Public safety employees shall not be entitled to utilize sick leave for any worker's compensation injury or illness.

When an employee suffers an on-the-job injury and receives a paycheck from the County for sick leave usage, plus receives a time-loss check from the County's worker's compensation administrator, the sick leave check shall be turned back to the County. The County then pays back the employee a proportionate amount of sick leave credits used.

Sick leave shall not accrue during leaves of absence without pay.

When an employee goes on sick leave, he or she is encouraged to notify his or her department head or designated supervisor within thirty (30) minutes after the beginning of the scheduled work day. The employee also should let the supervisor know when he or she expects to return to work.

An employee who is on authorized disability or sick leave shall keep his or her supervisor advised on a regular basis as to his or her condition and expected date of return to duty.

Sick leave shall be rounded off to the nearest quarter hour. No sick leave will be given to an employee in excess of the amount earned and available to the employee.

When an employee is transferred to another position, any unused sick leave which may have accumulated to the employee's credit shall transfer with the employee.

An employee may utilize vacation time for sick leave purposes when sick leave has been exhausted. Earned sick leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave.

Department heads shall ensure that any sick leave used will be reflected with the submission of time sheets.

It is the responsibility of the Auditor's office to ensure that proper accountability of sick leave is kept on all eligible employees. This shall include keeping a record of accruals and utilization.

## **7.9 (a) Paid Sick Leave for Extra Help Employees**

**PURPOSE:** The purpose of this policy is to comply with the Healthy Workplaces, Health Families Act of 2014 (“Paid Sick Leave Law”), this provision is to establish guidelines for the use of sick leave for personal illness for extra help employees.

### **Policy Guidelines**

Effective July 1, 2015 the County will provide paid sick leave to eligible extra help employees pursuant to the paid Sick Leave Law.

### **Accrual/Accumulation**

An extra help employee begins 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 extra help employee is only allowed to use up to a maximum of ~~3-5~~ days or ~~24-40~~ hours of paid sick leave in a 12-month period.

An extra help employee can only accrue paid sick leave up to a cap of ~~6-10~~ days or ~~48-80~~ hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.

For extra help employees who work shifts greater than 8 hours, the County will provide the greater amount of 24 hours or 3 days in a 12-month period.

Example: An employee who works a 12-hour shift would actually be able to use up to 3 days/36 hours of paid sick leave in a 12-month period.

### **Eligibility**

Extra help employees qualify for paid sick leave by working for the County for at least 30 days within a year.

Retired annuitants are not eligible for paid sick leave under this policy.

### **Use of Sick Leave**

An extra help employee shall be eligible to use their sick leave accruals beginning on the 90<sup>th</sup> day of employment. Sick leave can only be used on days the extra help employee is **scheduled** to work.

Extra help employee’s may not donate or participate in Catastrophic Leave Pools.

### **Purposes for Paid Sick Leave**

Extra help employees entitled to sick leave may use their accrued sick leave up to the limit set, where such absence is the result of the following:

- a) Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee’s family member.
- b) 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) .

**Family Member includes:**

Parent, child (“child” includes: biological, adopted, foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis, regardless of age or dependency status), spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent, or designated person.

**Compensation**

Paid Sick Days will be compensated at the same wage as the extra help employee normally earns during the regular work hours. Upon termination, resignation, retirement, transitioning to a permanent position, or other separation of employment, an extra help employee shall not be entitled to any compensation for any accrued and unused sick leave.

**Notification**

An extra help employee may request to use their sick leave orally or in writing. When the need to use sick leave is foreseeable, the employee shall provide reasonable advance notification to his/her first line supervisor. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for leave as soon as practicable to his/her first line supervisor.

**Reinstatement or Rehired**

If an extra help employee separates from employment with the County and is rehired or reinstated as an extra help employee within one (1) year from the date of separation, an employee’s unused sick leave accruals at the time of separation of employment will be reinstated.

**Extra Help to Permanent**

If an extra help employee is appointed to a permanent position, he or she shall have their unused sick leave carried over to their sick leave balance upon the hire date of their permanent appointment.

**Permanent to Extra Help**

If a permanent employee moves to an extra help position, only up to 6 days or 48 hours of any unused sick leave will be carried over upon the transfer to extra help status.

A rehired employee, who returns within one year, is eligible to use their sick leave accrual immediately up on being rehired except, 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 Agency before any paid sick leave can be used.

**Department Responsibilities**

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Department heads shall ensure that any sick leave used will be reflected with the submission of timesheets.

Department heads or designee (i.e., Department Payroll staff) shall notify the Auditor-Controller’s Office when an extra help employee reaches the 30<sup>th</sup> workday. Notification must occur during the same pay period that the 30<sup>th</sup> worked day is reached. The Auditor-Controller will notify

the departments as to what they will need to submit in order to satisfy the documentation requirements.

It is the responsibility of the Auditor's office to ensure that proper accountability of sick leave is kept on all eligible employees. This shall include keeping a record of accruals and utilization.