

Lucia Mar Unified School District

Human Resources

AB 1522 SUMMARY

HEALTHY WORKPLACES/HEALTHY FAMILIES ACT, 2014 Sick Leave Provisions for Variable-Hour/Substitute Employees

EFFECTIVE DATE:

July 1, 2015, or at the commencement of employment, whichever is later.

PURPOSE:

Persons employed by the Lucia Mar Unified School District, who are not covered by a collective bargaining unit agreement or other Lucia Mar Unified School District sick leave or paid time off policy are eligible to earn sick days as outlined by the Healthy Workplaces/Healthy Families Act of 2014. The Lucia Mar Unified School District recognizes the rights of these individuals and outlines the following policy and procedure to meet the requirements of the law.

DEFINITIONS:

Employer: Any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state and municipalities.

Please Note: *Substitute Teachers are employed by the school districts in which they work. Each school district or county office is considered a separate employer. Therefore, you must meet the requirements of the law in each school district/county office in order to earn paid sick days with each school employer. You may not take sick leave earned in one school district or county office and use it in another. Additionally, each school district and county office will have policies that may specify requirements that differ between employers.*

Employee: All employees, "except" for the following:

- 1) An employee covered by a collective bargaining unit agreement (CBA), if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or paid leave or paid time off policy that permits the use of sick days for those employees; final and binding arbitration of disputes concerning the application of its paid sick days provisions; premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage.
- 2) An employee in the construction industry covered by a valid collective bargaining unit agreement (same requirements as above).

- 3) A provider of in-home supportive services under Section 14132.95, 14132.952, or 14132.956 of, or Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code.
- 4) An individual employed by an air carrier as a flight deck or cabin crew member that is subject to the provisions of Title II or the Federal Railway Labor Act.

Family Member: For the purposes of this policy family member is defined as follows:

- 1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) 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.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

Paid Sick Days: Time compensated at the same wage as the employee normally earns during regular work hours and provided by an employer to an employee for absence due to illness or other purposes as specified by the Healthy Families Act and this policy.

REQUIREMENTS OF THE ACT:

Eligibility: An individual who works for 30 or more days within a year (does not have to be consecutive days) from the first day of work after July 1, 2015, or if hired after that date, on the first day of employment is entitled to paid sick days.

Under the Healthy Families Act an employer is not required to provide additional paid sick leave days if the employer has a paid leave policy or paid time off policy, and the employer makes available an amount of leave that may be used for the same purposes and under the same conditions as specified in this Act.

Sick Leave Accrual Rate: Beginning July 1, 2015, or at the commencement of employment, whichever is later, paid sick days will be accrued at the rate of not less than one (1) hour per every 30 hours worked.

Accrual Limits: Days will be limited to 24 hours or three (3) days in any given year of employment.

Unused, accrued sick days shall carry over to the following year of employment, but shall not exceed 48 hours or six (6) days in total at any time.

Use of Sick Leave:

An individual covered by this policy shall be entitled to use accrued sick days beginning on the 90th day of employment, after which date the employee may use paid sick days as they are accrued, as per the law. Individuals will be informed of their sick day accrual in writing on each pay warrant received.

Procedure:

Paid sick days, under this policy, may be used for the diagnosis, care, or treatment of an existing health condition, as well as preventive care, for the individual or family member (see below for definition of family member). Additionally, sick days may be used for a victim of domestic violence, sexual assault or stalking.

To use sick days an individual covered by this policy must be scheduled in advance to report to work on the day the use of sick days is requested.

If the use of the sick days is foreseeable, the employee shall provide reasonable advance notification of two days by reporting the absence into the Aesop system. If the need is unforeseeable, the request must be made by telephone conversation with the Human Resources Department, Substitute Coordinator, prior to the scheduled start time of the work shift. In addition, the individual must provide, an absence verification.

Individuals who request the use of sick days are not responsible for securing a replacement worker to cover the time during which the individual uses sick days.

The Lucia Mar Unified School District shall not deny an individual the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an individual for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the Human Resources Department or alleging a violation of this law, cooperating in an investigation or prosecution of an alleged violation of this law, or opposing any policy or practice or act that is prohibited by this law.

Payment of Used Sick Leave:

An individual will be paid no later than the payday for the next substitute payroll period after the sick day is requested and taken provided an absence entry into Aesop is completed and provided to the payroll office by pay-period deadlines. The rate of pay will be at the same rate of pay for the assignment the individual was scheduled to work on the day of utilized sick leave day.

Employment Separation:

The Lucia Mar Unified School District will not provide compensation to an employee for unused earned paid sick days accrued under the Healthy Families Act upon termination, resignation, retirement, or other separation of employment.

If an employee separates from the Lucia Mar Unified School District and is rehired by the Lucia Mar Unified School District within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring.