

## **Rule 1503 Sick Leave**

### **Legally Mandated Sick Leave**

Each County employee including extra help employees shall be entitled to any Legally Mandated Sick leave as provided by law. Legally Mandated Sick Leave shall be utilized in accordance with the current applicable law and for uses allowed by that law.

### **Purchased Sick Leave**

New employees who worked for another County or City within 30 days immediately prior to their employment with the County of Lake, may buy Purchased Sick Leave with their Sick Leave cash-out from their previous employer. Such purchase must be made within 30 days of employment with the County of Lake.

To buy Purchased Sick Leave, eligible employees must submit to the Auditor-Controller's Office:

- A signed Sick Leave Purchase Agreement form
- A check made out to the County of Lake for the purchase amount
- Proof of the dollar amount of Sick Leave cash-out from the prior County or City employer. Such proof must be one of the following:
  - A letter from the prior employer's payroll department verifying the dollar amount of Sick Leave cashed-out at termination
  - a copy of the final pay stub from the prior employer showing an itemized Sick Leave cash-out
  - other official documentation, if acceptable to the County of Lake Auditor-Controller

Purchased Sick Leave hours will be purchased at the employee's current base hourly rate of pay with the County of Lake. Management employees will purchase hours at a rate calculated by dividing the base monthly rate by 173.3333. Purchased Sick Leave is limited to the dollar amount of the Sick Leave cash-out from the prior County or City employer and may not exceed 40 hours of Purchased Sick Leave.

Purchased Sick Leave will be posted to the employee's County sick leave balance upon purchase and will be available to the employee in the pay period following the purchase.

### **Sick Leave Eligibility**

#### **Permanent Full-Time Employees (County Sick Leave)**

- Each permanent County employee shall be entitled to County Sick Leave that, when combined with all Legally Mandated Sick Leave, accrues at 8 hours per pay period, and totals ninety-six (96) hours of Sick Leave with pay in each year of full-time County service.
- County Sick Leave accrues from the date of hire.
- A day is defined at 8 hours for full time employees.
- Sick Leave is available for use in the pay period after it is accrued/earned.
- County employees shall be allowed unlimited accumulation of Sick Leave/ no cap.

**Permanent Part-Time Employees (County Sick Leave)**

- Sick Leave will be available to employees as required by California law. Employees will have 24 hours available by the 120<sup>th</sup> day and an additional 16 hours by the 200<sup>th</sup> day.
- Sick Leave is pro-rated based on an employee's Full-Time Equivalent position. If the FTE pro-rated amount is more than the 40 hours as required by California Law, payroll will provide the remaining balance after the 200<sup>th</sup> day.
- Sick Leave is available for use the pay period after it is accrued/earned.
- County employees shall be allowed unlimited accumulation of Sick Leave/ no cap.

**Extra Help Employees (Legally Mandated Sick)**

- Sick Leave accrues 1 hour for every 30 hours worked, excluding overtime.
- Sick leave is capped at 80 hours.
- Sick Leave shall not be subject to cash out or pay out upon termination.
- If an employee separates from County employment and is rehired by the County within one year of the date of separation, previously credited and unused paid Sick Leave hours shall be reinstated according to the provisions of the law.
- CalPERS retired annuitants are not eligible for any Sick Leave.

**1503.2 Sick Leave Usage**

In accordance with California's Paid Sick Leave law, the County shall not deny eligible employees the right to use accrued paid Sick Leave days, nor shall the County discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using or attempting to use accrued sick days.

Sick Leave can be used to:

- Seek medical diagnosis, treatment, or preventative care.
- Recover from physical/mental illness or injury.
- An employee who is the victim of domestic violence, sexual assault, or stalking.
- Support a family member who was the victim of domestic violence, sexual assault or stalking.
- Care for a family member or designated person who is ill or needs medical diagnosis, treatment, or preventative care.

**Sick Leave Usage for Family Members Kin Care**

For the purposes of this rule, the term "family member" shall mean any of the following:

- Child, including, biological child, adopted child, foster child, stepchild, legal ward, or a child for which the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- Parent, including, biological parent, parent in-law, adoptive parent, foster parent, stepparent, or legal guardian.
- Spouse
- Registered domestic partner.

- Grandparent.
- Grandchild.
- Sibling.
- Designated person, which is defined as a person identified by the employee at the time the employee requests paid sick days. Employees may select, in writing submitted to the employee's supervisor, one "designated person" per a rolling 12 month period.

### **Victims of Domestic Violence, Sexual Assault, Stalking**

For purposes of this rule Sick Leave may be used by an employee who is the victim of domestic violence, sexual assault and/or rape, and stalking for any of the following:

1. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
2. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
3. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
4. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
5. To obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim and/or their child(ren).

Sick Leave can be used to support a family member who was the victim of domestic violence, sexual assault or stalking.

### **Sick Leave Notification**

Employees must provide reasonable advance notification, orally or in writing, of the need to use Sick Leave, if foreseeable. (e.g., doctor's appointment scheduled in advance). If the need to use Sick Leave is not foreseeable, the employee must provide notice as soon as practical.

### **Calling in Sick**

Employees shall notify their supervisor by the end of the first fifteen (15) minutes of their work shift when calling in sick.

### **Increments of Usage**

- Employees may utilize Sick Leave in increments of one-quarter (1/4) hour minimum and for each additional fifteen (15) minutes or portion thereof in fifteen (15) minute minimums for approved usage which may include medical or dental appointments which have been scheduled in advance and approved by the employee's supervisor.

### **Overtime Calculation**

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

### **Disability Benefit Coordination**

A County employee who is entitled to temporary disability payments may elect to take their accumulated sick leave, vacation, or compensatory time allowance to add to their disability payments to help an employee reach their normal weekly salary. Employees cannot receive more than 100 percent of their normal salary.

The first seven days of an employee's disability insurance claim is a non-payable waiting period. Any type of wages paid by the County during the waiting period do not conflict with disability benefits.

Employees must contact the Payroll Department in the Auditor Controllers office in order to set up benefit coordination for the following leaves:

- Pregnancy Disability Leave (PDL).
- Temporary Disability.
- California Family Rights Act (CFRA) Leave.
- Family Medical Leave Act (FMLA) Leave.
- Workers' Compensation Leave.

At a time when all Sick Leave, compensatory time, vacation and temporary disability is exhausted, the employee may be placed on leave of absence without pay subject to recommendation of the department head, and the approval of the applicable approving party(ies) (dependent upon length and type of leave requested) until able to return to active service.

### **Prohibited Uses**

Unless excepted by law, no employee shall be entitled to utilize sick leave for any of the following:

1. Sickness or disability sustained while on disciplinary unpaid leaves of absence.
2. When not sick or disabled.
3. Utilizing Sick Leave in an impermissible manner.
4. Using Sick Leave pay to cover time off for FMLA/CFRA child bonding.

### **1503.3 Limited Compensation for Accumulated Sick Leave**

Permanent employees shall be allowed a percentage of unused sick leave upon voluntary termination from County service according to the following schedule up to a maximum payment of Two Thousand (\$2,000.00) Dollars.

Permanent employees shall be allowed a percentage of unused sick leave upon retirement from County service according to the following schedule up to a maximum payment of Two Thousand Five Hundred (\$2,500) Dollars.

For purposes of this provision, to "retire" means that the subject employee has taken the necessary steps to implement a CalPERS retirement that begins within one hundred twenty (120) days of the employee's last day on pay or approved leave status.

### Completed Service Sick Leave Paid Off

1 year but less than 2 years	20.00%
2 years but less than 3 years	22.50%
3 years but less than 4 years	25.00%
4 years but less than 5 years	27.50%
5 years but less than 6 years	30.00%
6 years but less than 7 years	32.50%
7 years but less than 8 years	35.00%
8 years but less than 9 years	40.00%
9 years but less than 10 years	45.00%
10 years or more	50.00%