

Paid Sick Leave for Temporary, Non-Regular, and Substitute Employees

Coverage and Definitions: This Policy applies to temporary, non-regular and substitute employees of the District, who are not otherwise covered by a collective bargaining agreement, and excluding those employees who are retired annuitants under the Public Employees Retirement System (PERS). The term “covered employee” or “employee” as used in this Policy refers only to employees who meet all of the criteria described above, and who are not already otherwise entitled to at least twenty four (24) hours of paid sick leave per year pursuant to the Education Code or another Board Policy or Administrative Regulation. The term “paid sick leave” as used in this Policy refers to the sick leave benefits to which such covered employees are entitled pursuant to Labor Code section 246.

Accrual of Paid Sick Leave: Effective July 1, 2015, all covered employees shall accrue twenty four (24) hours of paid sick leave for possible use during the 2015/16 school year. Employees who are hired after July 1, 2015 shall accrue the twenty four (24) hours of sick leave on their initial date of hire. Unused sick leave shall not carry over from June 30 into the following year, but rather the employee shall receive a new twenty four (24) hour accrual each July 1 which may be used only during the following 12-month period. Unused sick leave will not be paid out upon termination.

Initial Waiting Period: Although employees covered by this Policy shall accrue twenty four (24) hours of paid sick leave on an annual basis, as set forth above, they will not be eligible to actually use such paid sick leave unless and until they have completed ninety (90) calendar days of employment with the District, whether before or after July 1, 2015. After an employee’s 90th calendar day of employment, he or she may use paid sick leave as it is accrued.

If an employee separates from the District but is rehired within one year from the date of that separation he or she shall accrue another twenty four (24) hours of paid sick leave immediately upon rehiring. In that event, if the employee had previously satisfied the ninety (90) day waiting period referenced above during his or her first period of employment, he or she will immediately be deemed eligible to use accrued sick leave upon rehire, without having to satisfy another ninety (90) day waiting period. If the employee had not yet completed ninety (90) days during the first period of employment, the initial period of employment shall be credited

to the employee upon rehire and he or she will only be required to wait the balance of the ninety (90) calendar days before being eligible to use his or her accrued paid sick leave.

Entitlement: Each employee who works in California for the same employer for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.

Permissible Uses of Paid Sick Leave: An employee may use accrued sick leave under this policy for absences due to:

1. The diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or his/her family member, as defined below; or
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

“Family member” for purposes of this policy is defined to include:

1. A child, which means a biological, adopted, or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis, regardless of the child’s 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; or
7. A sibling.

The employee may determine how much paid sick leave he or she needs to use on any particular occasion, provided that such paid sick leave shall be used in minimum increments of two (2) hours. The only exception to this stated minimum

is that a covered employee with a daily schedule of less than two (2) hours can use and receive paid sick leave for a full day absence totaling less than two (2) hours.

Where the employee uses paid sick leave as provided for in this Policy to cover absences due to pregnancy, miscarriage, childbirth and recovery, such leave will run concurrently with any other state and federal statutory leaves for which the employee may be eligible.

Procedures: If the need for paid sick leave is foreseeable, such as for preventable care or for pre-scheduled appointments and medical procedures, the employee shall provide reasonable advance notification at least one full day prior to the absence. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. The initial notification of the employee's need for paid sick leave may be made by oral or written request. However, in order to ensure accurate processing and tracking of available leave balances, the employee will be expected to confirm his or her request by filling out a written sick leave request form.

The District shall not require an employee to search for or find a replacement worker to cover the days of anticipated absence, as a condition of using paid sick days under this policy.

For nonexempt employees (i.e., those subject to overtime provisions), sick leave will be calculated based on the regular rate of pay for the workweek in which the employee uses sick leave, regardless of whether or not the employee actually works overtime in that workweek. When an employee who is compensated exclusively by periodic stipend uses his or her accrued paid sick leave, the employee's total stipend will not be reduced as a result of the absences.

The District shall provide payment for sick leave taken by an employee under this policy no later than the payday for the next regular payroll period after the sick leave was taken.

Non-Retaliation: No eligible employee shall be denied the right to use accrued sick days pursuant to this Policy and the District shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging District violation of Labor Code sections 245-249. The Superintendent or designee shall display a poster containing required information and provide individualized notice to each eligible employee of the amount of accrued paid sick leave which is available to him or her, on either the employee's itemized wage statement or in a

separate writing provided on the designated pay date with the employee's payment of wages. The District shall also keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code sections 245 through 249.

Approved November 14, 2015