

BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS
RESOLUTION NO. 15-8091

A RESOLUTION TO ADOPT THE HEALTHY WORKPLACES, HEALTHY FAMILIES ACT OF 2014 AB 1522 PAID SICK LEAVE POLICY FOR TEMPORARY, SEASONAL, AND PART TIME EMPLOYEES AS AMENDED BY AB 304 SICK LEAVE: ACCRUAL AND LIMITATIONS.

WHEREAS, the new Healthy Workplaces, Healthy Families Act of 2014, AB 1522 requires employers to provide paid sick leave for temporary, seasonal, and part time employees who work more than thirty (30) days within a year will be entitled to paid sick leave; and

WHEREAS, probationary or permanent employees who are members of a bargaining group with regular work hours per week, already receive paid sick leave exceeding the new law's minimum standards; and

WHEREAS, a temporary, seasonal, or part time employee who, on or after July 1, 2015, works in California for 30 or more days is entitled to paid sick leave; and

WHEREAS, paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later. Use of paid sick leave is limited to 24 hours per year, from the anniversary date of employment and for acceptable uses as listed in this policy; and

WHEREAS, an employees accrued paid sick leave shall carry over to the following year(s) of employment with a maximum of 48 hours accrued. Accrual of additional paid sick leave will be capped at 48 hours until paid sick leave is used at which time accrual will resume until the 48 hour cap is again reached; and

WHEREAS, the employee has the right to request and use accrued paid sick leave, and may not be terminated, discriminated against, or retaliated against for using or requesting the use of acceptable uses of accrued paid sick leave with this policy guidelines; and

WHEREAS, employees who are receiving retirement benefits as a result of prior public employment in California remain ineligible for paid sick leave, and are unaffected by the new paid sick leave policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, County of Plumas, State of California, that the County Of Plumas hereby adopts the Healthy Workplaces, Healthy Families Act of 2014 Policy, attached hereto as Exhibit A and incorporated herein by reference.

The foregoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 11th day of August, 2015, by the following vote:

AYES: **Supervisors** THRALL, ENGEL, SIMPSON, SWOFFORD, GOSS

NOES: **Supervisors** NONE

ABSENT: **Supervisors** NONE



Chairperson, Board of Supervisors

ATTEST:



Clerk of the Board of Supervisors

**Healthy Workplaces, Healthy Families Act of 2014
AB 1522
Paid Sick Leave Policy
for
Temporary, Seasonal, & Part Time Employees**

A. Purpose

Under the new Healthy Workplaces, Healthy Families Act of 2014, all of Plumas County's employees who work more than thirty (30) days within a year, including temporary, part time and seasonal employees, will be entitled to paid sick leave. Employees who are members of a bargaining group are entitled to paid time off (PTO) according to the specifics in the Memorandum of Understanding (MOU) for each bargaining group. These bargaining groups' PTO guidelines exceed the new Healthy Workplaces, Healthy Families Act of 2014 regulations, and thereby employees within those bargaining groups are not affected by the new law. In addition, employees who are probationary or permanent employees with regular work hours, already receive paid sick leave exceeding the new law's minimum standards. This policy establishes paid sick leave guidelines for those employees who are not members of a bargaining group, who do not already receive at least the minimum amount of legally mandated paid sick leave, and who are not retired annuitants receiving certain specified public employment retirement benefits.

Policy

1. All employees who, on or after **July 1, 2015**, work for Plumas County for 30 or more days within a year are entitled to paid sick leave.
2. Employees who are recipients of a retirement allowance and employed without reinstatement into his or her respective retirement system pursuant to either Article 8 (commencing with Section 212200) of Chapter 12 Part 3 of Division 5 of Title 2 of the Government Code, or Article 8 (commencing with Section 31680) of Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, commonly known as "retired annuitants," are excluded from this policy and are not entitled to paid sick leave hereunder.
3. All employees who are members of a bargaining group shall receive paid sick leave in accordance with the terms of their bargaining group's MOU with Plumas County.
4. An employee that works for Plumas County for 30 or more days within a year and who is not a member of a bargaining group, but who has an individual contract of employment with Plumas County, shall receive paid sick leave in accordance with the terms of the contract, unless the paid sick leave provided under the contract is less generous than that required by the Healthy Workplaces, Healthy Families Act of 2014, in which case the employee shall receive paid sick leave in accordance with the guidelines set forth in paragraph B.5 of this policy.

5. Employees, who are probationary or permanent employees with regular work hours of less than full time per week, shall receive paid sick leave pursuant to the Plumas County Personnel Rules or as they have previously been interpreted and implemented.
6. Employees that (1) work for Plumas County for 30 or more days within a year, (2) are not members of a bargaining group, and (3) are not probationary or permanent employees with regular work hours, will earn sick leave under the following guidelines:
 - i. Paid sick leave shall accrue at a rate of one hour for every 30 hours worked.
 - ii. Paid sick leave may be used beginning on the 90th day of employment if the employee has accrued paid sick leave.
 - iii. Use of paid sick leave is limited to 24 hours per year, from the anniversary date of employment. Paid sick leave must be used for one of the acceptable uses listed below.
 - iv. Paid sick leave is compensated at the same wage as the employee's hourly rate of pay.
 - v. Accrued paid sick leave shall carry over to the following year(s) of employment with a maximum of 48 accrued hours. Accrual of additional paid sick leave will be capped at 48 hours until paid sick leave is used at which time accrual will resume until the 48 hour cap is again reached.
 - vi. Once employment is terminated, an employee will not be paid for any accrued and unused paid sick leave.
 - vii. If an employee is rehired within one year from the date of separation, previously accrued and unused sick leave shall be reinstated, and the accrued paid sick leave may be used beginning on the date of rehiring.
 - viii. Employees shall provide reasonable advance notice, either oral or written, if the need to use paid sick leave is foreseeable. Employees shall provide oral or written notice as soon as practicable if unforeseeable circumstances create a need to use paid sick leave.
 - ix. Reasons for the use of paid sick leave shall be treated as confidential and shall not be disclosed to any person except to the affected employee, or as required by law.
 - x. Records will be kept for a minimum of three years to show how many paid sick leave hours have been accrued and used by each employee covered by this paragraph B.5.

- xi. The employee has the right to request and use accrued paid sick leave, and may not be terminated, discriminated against, or retaliated against for using or requesting the use of accrued paid sick leave.

B. Acceptable Uses of Accrued Sick Leave

1. Accrued paid sick leave pursuant to paragraph B.5 of this policy may be used for the following purposes:
 - a. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member; or
 - b. For an employee who is a victim of domestic violence, sexual assault, or stalking.

C. Definitions for a Family Member

1. The Healthy Workplaces & Healthy Families Act of 2014 defines "family member" as any of the following:
 - a. 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.
 - b. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered partner, or a person who stood in loco parentis when the employee was a minor child.
 - c. A spouse.
 - d. A registered domestic partner.
 - e. A grandparent.
 - f. A sibling.

D. Prohibited Retaliatory Conduct

1. Retaliation or discrimination against an employee who request or used paid sick leave is prohibited. An employee may file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee for exercising these rights or other rights protected under the Labor Code. Local Offices are listed on the website at <http://www.dir.ca.gov/dlse/DistrictOffices.htm>.