

## **SICK LEAVE POLICY FOR ELIGIBLE, NON-BENEFITED EMPLOYEES**

### **California State University, Dominguez Hills Foundation**

#### **Background**

On September 10, 2014, when Governor Edmund G. Brown signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522, the "Act"), California became the second state in the nation to require employers to provide a minimum of 24 hours of paid sick leave to qualified employees. This Act applies to the CSUDH Foundation ("Foundation").

#### **Definitions**

Acceptable paid sick leave for non-benefited employees includes any purpose allowed by the California Healthy Workplaces, Healthy Families Act, such as either:

- (a) The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or a family member, or
- (b) For an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off
  - (i) to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order or other injunctive relief, (ii) to seek medical attention, obtain services from a shelter, program or rape crisis center, (iii) to obtain psychological counseling, (iv) to participate in safety planning, or (v) to take other actions to increase safety from future incidents.

"Family member" means (a) a child, (v) 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, (c) a spouse, (d) a registered domestic partner, (e) a grandparent, (f) a grandchild, or (g) a sibling. A "child" includes a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.

Non-benefited employees refers to those including, but not limited to, part-time, student, seasonal, and/or temporary employees who do not already receive accrued sick leave as part of the Foundation's standard benefits package (medical, dental, vision, accrued vacation, paid holidays, etc.). Fully benefited employees of the Foundation already receive 8 hours of accrued sick leave each month as part of their benefits package (which exceeds the Act's requirements) and therefore will not qualify for the sick leave described in this policy.

Eligible employees include non-benefited employees of the Foundation who are employed in California for a minimum of 30 days per year and are not "additionally employed" by the Foundation/primarily employed by the California State University and thus receiving a sick leave benefit for the work they perform as a University employee.

#### **Policy**

##### **Sick Leave Accrual**

In order to comply with this law the Foundation shall provide 24 hours of sick leave to eligible employees on an annual basis. The Foundation will utilize the "front-load" method for providing sick leave to eligible, non-benefited employees for fiscal year 2015-16. The Foundation will re-evaluate the methodology used for providing sick leave to non-benefited employees on an annual basis.

For employees hired on or prior to July 1, 2015, 24 hours of sick leave will be provided as of July 1, 2015 and is available for use on or after the 90<sup>th</sup> day of employment. For employees hired after July 1, 2015, 24 hours will be provided on the first day of employment and is available for use on or after the 90<sup>th</sup> day of employment.

There is no carryover of unused sick leave. All sick leave hours under the Act will be zeroed out each year on July 1 and a new 24 hours of sick leave will be provided on July 1. For employees hired after July 1, 2015, sick leave hours will be zeroed out each year on the hire-date anniversary and a new 24 hours will be provided.

Per the Act, sick leave will not be paid out at the end of employment. If an employee is rehired within one year of the date of separation, any lost paid sick days will be reinstated and available for the employee to use starting the first day of rehire.

#### Process for Sick Leave Use/Pay and Rate of Pay

Paid sick leave will be provided upon an employee's oral or written request to their direct supervisor and should also be recorded on the employee timesheet so that Foundation Payroll can process accordingly. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice to their supervisor. If not, the employee must provide notice to their supervisor as soon as practicable.

*\*Supervisors may not deny an employee paid sick leave if the request for use meets the acceptable use guidelines outlined in the definitions section of this policy.*

If an employee does not submit timesheets (for example: Dining Services employees who use the Foundation's time-clock system) then an approved Absence Request Form should be submitted to Foundation Payroll by the department timekeeper and should be consistent with the employee's verbal or written request. Timesheets/Absence Request forms will be processed the immediate next regular payroll following receipt by Foundation Payroll.

Paid sick days will be compensated at the same wage as the employee normally earns during regular work hours. The rate of pay will be based on the employee's hourly wage. If an employee has different hourly rates in the 90 days before taking accrued paid sick leave, was paid by commission or piece rate, or was a nonexempt salaried employee, the rate of pay will be calculated by dividing the employee's total wages (not including overtime premium pay) by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

*\*Sick leave must be used at minimum in increments of one hour. Anything recorded as less than one hour will result in the employee having the minimum of one hour of sick leave deducted.*

#### Employee Responsibilities

Any employee who requests paid sick leave for a date that occurs before their 90<sup>th</sup> day of employment will not be compensated for that time. It is the employee's responsibility to ensure that they do not use their accrued sick leave before the 90<sup>th</sup> day of employment.

Sick leave balances are displayed on employee pay warrants. Any employee who attempts to and/or uses more sick leave than what they have accrued will not be compensated for that time.

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When an employee is released to return to work, a written statement from the health care provider indicating any restrictions, and the length of time restrictions will be in place must be provided to the supervisor and Foundation Human Resources.

#### **Other**

The Foundation will not retaliate against any employee who uses their paid sick leave. An employee who uses their sick leave pursuant to the Act need not find a replacement for himself/herself for their time off.

Any questions pertaining to this policy or related procedures should be directed to the Foundation Human Resources Dept