



County of Santa Clara

Policy Name: Sick Leave Policy for Non-Coded Employees

Page 1 of 5

Policy Type: Administrative

Category: Personnel

Policy Name: Sick Leave Policy for Non-Coded Employees

Policy Owner: Employee Services Agency

Policy Purpose

The County of Santa Clara's policy is to comply with AB 1522, "Healthy Workplaces, Healthy Families Act of 2014." This Act requires the County to grant paid sick leave to employees who meet certain eligibility requirements. This policy does not supersede any labor agreements or County ordinance code sections that provide more favorable paid sick leave benefits.

Effective: July 1, 2015

Policy Summary

Eligibility for Sick Leave. Effective July 1, 2015, any County employee (including extra help) or dependent contractor not eligible to receive paid sick leave through County labor agreement or ordinance will be entitled to accrue paid sick leave upon his/her date of hire. Retired annuitants are not eligible for sick leave.

Rate of Accrual. Sick leave shall be earned 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.



County of Santa Clara

Policy Name: Sick Leave Policy for Non-Coded Employees

Page 2 of 5

Sick Leave Utilization. An employee is entitled to use accrued sick leave upon the 90th day of employment. Employment prior to July 1, 2015, is counted toward the 90-day period. Employees shall be entitled to use their accrued paid sick leave for approved purposes in accordance with departmental policy or procedures.

Maximum Sick Leave Accrual. Paid sick leave accrual shall be limited to 48 hours or 6 days. Unused accrued sick leave shall carry over from year to year, up to the 48 hours or 6 days maximum.

Sick Leave Usage. An employee who has accrued sick leave with pay and has been employed by the County for 90 days may be granted permission to use paid sick leave for the care of themselves or an eligible family member for the diagnosis, care or treatment of an existing health condition or preventative care. An employee who is a victim of domestic violence, sexual assault, or stalking may use accrued paid sick leave to obtain relief. Use of paid sick leave is limited to 24 hours or 3 days in each calendar year. Sick leave hours used shall not accrue towards the maximum number of hours a person may receive pay in an extra-help capacity in any classification in any fiscal year.

Sick Leave Pay-off/Reinstatement of Paid Sick Leave. At the time of termination, resignation or retirement, an employee will not be eligible to receive a pay out of accrued sick leave. If an employee is re-hired within one year of separation, previously accrued and unused paid sick leave accruals shall be reinstated.



Procedures

Providing Information Regarding Sick Leave

- 1) The **Department Employee Service Center** shall provide written notice to employees at time of hire of their rights to paid sick leave.
- 2) The **Employee Services Agency** shall display posters on paid sick leave where other notices on wages and benefits are posted.

Requesting the Use of Sick Leave

- 1) The **Employee** shall make a request to use paid sick leave from the department in accordance with departmental policy or procedures.
 - 1a) If the need is foreseeable the **Employee** must give reasonable advance notice, but where the need is unforeseeable the **Employee** need only give notice to the appointing authority as soon as practicable.
- 2) The **Department** shall refer to Payroll Pay Rules for timekeeping procedures.
- 3) The **County** shall show accrued sick leave hours an employee has available on a pay stub or a document issued the same day as a paycheck.
- 4) The **County** shall keep records documenting the hours worked and paid sick days accrued and used by an employee for at least three years.

Definitions

For the purposes of this policy, the following definitions apply:



County of Santa Clara

Policy Name: Sick Leave Policy for Non-Coded Employees

Page 4 of 5

- 1) **“Day”** means the following:
 - 1a) For the purposes of granting use of paid sick days, “Day” means the number of hours an employee is regularly expected to work in one shift.
 - 1b) For the purposes of calculating the 90-day eligibility period for use of sick leave, “Day” means 90 calendar days of employment.
- 2) **“Employee”** does not include retired annuitants or an employee covered by a valid collective bargaining agreement that provides sick leave or a paid time off policy or provision that permits usage for sick leave.
 - 2) **“Family member”** shall mean employee’s parent, child, spouse, registered domestic partner, grandparent, grandchild, or sibling; and the employee’s spouse’s or domestic partner’s parent, grandparent, grandchild, or sibling.
 - 3) **“Paid sick days”** means time that is compensated at the base wage the employee normally earns during regular work hours.
 - 4) **“Retired Annuitant”** means a former employee of the State of California or other public agency that contracts with the California Public Employees Retirement System (CalPERS) and who is receiving a retirement allowance.

Related Policies

- Family and Medical Leave Policy - <https://saecommon.sccgov.org/countypolicy/Family-Medical-Leave-Policy.pdf>

Related Forms and Information



County of Santa Clara

Policy Name: Sick Leave Policy for Non-Coded Employees

Page 5 of 5

- County Ordinance Code Ch. VI, Article 7 – Vacation and Sick Leave Rules -
https://www.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodetid=TITAGEAD_DIVA25PEDE_CHVIPEPR_ART7VASILERU
- Division of Labor Standards Enforcement Paid Sick Leave Poster -
[url]/sites/policies/FormsrelatedtoPolicies/Paid-Sick-Days-Poster.pdf
- Healthy Workplaces, Healthy Families Act of 2014 -
<http://www.dir.ca.gov/dlse/ab1522.html>
- Pay Rules and Tips for Santa Clara County Timekeepers -
[url]
/sites/controller/Payroll/Pay%20Rules%20and%20Tips%20for%20Santa%20Clara%20County%20Timekeepers/Pages/home.pdf

Revision History

Date	Changes Made
9/15/2015	Policy Updated. On July 13, 2015, AB 304 was signed into law, revising the definition of employee under AB 1522, "Healthy Workplaces, Healthy Families Act of 2014," to exclude retired annuitants from being eligible for sick leave. (Kyle Larson)
7/1/2015	Effective date of policy.
6/26/2015	Policy Uploaded. (Kyle Larson)
6/19/2015	Policy Adopted.