

Short-Term and Substitute Employees

PAID SICK LEAVE

Persons employed by the Monterey County Superintendent of Schools (County Superintendent), who are not covered by a collective bargaining unit agreement or any other Monterey County Office of Education (MCOE) sick leave policy are entitled to sick leave as outlined by the *Healthy Workplaces/Healthy Families Act of 2014* effective July 1, 2015. The County Superintendent recognizes the rights of these individuals and outlines the procedures of enacting this law in this policy.

Eligibility

An employee who works for thirty (30) or more days within a year (does not have to be consecutive days) from the first day of work after July 1, 2015 is entitled to earn paid sick leave. Under this policy, a "year" is defined as July 1 through June 30.

An employee covered by this policy shall be entitled to use accrued sick leave beginning on the day ninety (90) of employment.

Accrual

Beginning July 1, 2015, twenty-four (24) hours of sick leave will be credited to any temporary or substitute employee who works for thirty (30) or more days within a year of his/her employment. Unused sick leave shall not carry over to the following year of employment.

Use of Sick Leave

Sick leave must be taken in minimum increments of two (2) hours not to exceed eight (8) hours in one day.

Paid sick leave may be used for the diagnosis, care, or treatment of an existing health condition, as well as preventive care, for the employee or family member. Additionally, sick leave may be used for a victim of domestic violence, sexual assault or stalking.

For the purposes of this policy, "*family member*" is defined as follows:

- 1) A child, which for purposes of this article means 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.
- 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.
- 7) A sibling.

Absence Reporting Procedure

To use sick leave, an employee covered by this policy must be scheduled in advance to report to work on the day the use of sick leave is requested.

If the use of the sick leave is foreseeable, the employee shall provide reasonable advance notification of two days. If the need is unforeseeable, the request must be made by telephone conversation with the affected immediate supervisor prior to the scheduled start time of the work shift.

An individual requesting sick leave is not responsible for securing a replacement worker to cover the time during which the individual uses sick leave, only to report the absence using the required procedures.

An administrator may require a doctor's note to verify the absence where an abuse of sick leave is reasonably suspected.

The MCOE shall not deny an individual the right to use accrued sick leave, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an individual for using accrued sick leave, attempting to exercise the right to use accrued sick leave, filing a complaint with the County Superintendent or alleging a violation of this law, cooperating in an investigation or prosecution of an alleged violation of this law, or opposing any policy or practice or act that is prohibited by this law.

Payment of Sick Leave

An individual will be paid no later than the payday for the next regular payroll period after the sick leave is requested and taken provided an Employee Absence Form (Exhibit - SP 4261.12E) is completed and provided to the payroll office by pay-period deadlines. The rate of pay will be at the rate of the assignment the individual was scheduled to work on the day of request for use of sick leave.

Notification Requirements

To ensure compliance with Labor Code 245-249, the County Superintendent or designee shall:

- 1) At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days

- b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if MCOE discriminates or retaliates against him/her
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- 2) Provide at least twenty-four (24) hours or three (3) days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 - 3) Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
 - 4) Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years.

Separation of Employment

Employees covered under this policy will not be provided compensation for unused accrued sick leave upon separation of employment. However, if rehired within one year from the date of separation, previously accrued sick leave shall be reinstated. The employee shall be entitled to use previously accrued and unused paid sick leave and to accrue additional paid sick leave upon rehiring.

Recordkeeping

The MCOE shall keep for at least three years records documenting the hours worked and paid sick days accrued and used by an employee, and shall allow the Labor Commissioner to access these records. MCOE shall make these records available to the employee in the same manner.

Legal Reference:

LABOR CODE
245-249 Healthy Workplace, Healthy Families Act

Approved: 07/13/15