

Board Policy

Temporary/Substitute Personnel Sick Leave

BP 4121

Personnel

Paid Sick Leave

In reference to AB 1522, Healthy Workplaces/Healthy Families Act of 2014, AB 304 (Chapter 67/2015), Labor Code 230(c), 230.1(a), 245-249:

Employees covered by a collective bargaining agreement or who are retired members of CalPERS are NOT eligible under this act. Any employee covered under any other paid leave policy or paid time off policy that provides an amount of leave that may be used for the same purposes and under the same conditions as specified below will not be eligible under this act.

Any temporary, substitute, short term, walk-on, or student employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked, accruing up to a maximum of 24 hours per fiscal year. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours at any time. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
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

No employee shall be denied the right to use accrued sick days 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 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4121.

Legal Reference:

LABOR CODE

220 Sections inapplicable to public employees

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

245-249 Healthy Workplaces, Healthy Families Act of 2014

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Department of Industrial Relations: <http://www.dir.ca.gov/dlse/ab1522.html>

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