# Notice Regarding Change in Law Related to Paid Sick Leave Eligibility for

**Unclassified Employees**

**Purpose of Notice**

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On January 1, 2015, the State of California enacted the Healthy Workplaces and Healthy Families which became effective on July 1, 2015. This bulletin is to clarify the effect on employees with unclassified assignments and explain the accrual process and use of sick leave for eligible employees with unclassified assignments.

## Impacted Employees

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* Temporary, seasonal, and part-time employees in the unclassified service, which includes student employees.

**EXCLUSIONS**

* + *Employees who are already provided with paid sick leave which exceeds 24 hours or 3 days in a year are not covered by this law. This includes the following: all academic and classified employees in regular status, including those who are covered by collective bargaining agreements and those who are unrepresented; unclassified employees with salaried limited and adjunct faculty assignments; and retirees.*

## Eligible Reasons for Use

* Diagnosis, care, or treatment of an existing health condition or preventive care for the employee or a family member which includes parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent of the employee; or
* When the employee is a victim of domestic violence, sexual assault, or stalking, for the purposes described in:
  + Labor Code Section 230(c)
    - To obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child; and
* Labor Code Section 230.1(a).
  + To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
  + To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
  + To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
  + To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

## Accrual of Paid Sick Leave

* The amount of paid sick leave available to an individual employee is based on the number of hours the employee works. Any and all hours worked, including overtime hours, count for accrual purposes; however an overtime hour is equal to a straight time hour for purposes of sick pay accrual. The accrual rate is 1 hour of paid sick leave for every 30 hours worked. Accrual begins on the first day of employment or July 1, 2015, whichever is later. The amount of time an employee has accrued will be displayed on their pay check stub.
* An employee may accrue up to 48 hours or 6 days of paid sick leave in a fiscal year (whichever is greater), but can only use 24 hours or 3 days of accrued paid sick leave in a fiscal year (whichever is greater). The difference between accrual and use limits enables an employee to carry over the balance thus beginning each new fiscal year with paid sick leave time to use.
* When an employee reaches the maximum number (quota) of paid sick leave hours or days during a fiscal year, i.e. 48 hours or 6 days, they will cease to accrue additional paid sick leave time, until they fall below the maximum annual quota at which time they will again be eligible to accrue.

## Using Paid Sick Leave

* Accrued paid illness days may be used after 90 calendar days of employment on or after July 1, 2015. The 90 days need not be consecutive.
* Paid illness days may not be granted or used before accrued time is earned and available.
* The minimum increment of paid illness leave which can be taken is 2 hours. After the minimum is met, additional increments of one-quarter hour may be added, i.e., 2 hours and 15 minutes or 30 minutes.

## Rate of Pay

* The rate of pay for paid illness leave will be the employee’s current rate of pay at the time the illness leave is taken. If an employee has multiple assignments, each assignment stands alone.

## How to Request Paid Illness Leave

* The employee must notify his/her supervisor of the need to use illness leave in advance, when the absence can be foreseen, and within the first two working hours of his/her work shift, when practicable, in unforeseen situations.
* Submit an Unclassified Absence Certification/Request form ([LACCD Form TA-1U](http://laccd.edu/FacultyStaff/forms/Documents/Form_TA-1U_AbsenceCertificationRequest%20-%204-28-16%20-%20FINAL.pdf)) at the earliest possible opportunity that the absence was due to illness, injury, or other qualifying option. The form is available at the LACCD website under forms
* Nothing shall preclude the supervisor from taking necessary steps to verify the validity of the illness leave. Salary payment may be withheld from an employee who does not comply with the provisions of this section.

## Special Provisions

* Upon separation from the District, there will be no lump sum payment for unused paid sick leave.
* If an employee separates from the District, but returns to an eligible employment status with the District within one year from date of separation, unused illness will be restored for use. If the employee returns to eligible employment after one year from separation date, the employee will again be required to work a minimum of 30 calendar days before becoming eligible.
* Unused paid illness leave is not transferable to another employer or from another employer.
* Retaliation or discrimination against an employee who requests or uses paid sick days 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>.

## Questions

Unclassified employees with questions regarding the policy and procedures addressed in this document should first talk with their supervisor and location personnel office. If questions cannot be answered the employee may contact the Division of Human Resources Operations Unit at (213) 891-2252.