

RESOLUTION R15-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, IMPLEMENTING ASSEMBLY BILL 1522 LAW PERTAINING TO PROVIDING PAID SICK LEAVE FOR EMPLOYEES

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA
RESOLVES:

SECTION 1. SUMMARY OF ACT AB 1522

Effective July 1, 2015, California law AB 1522, known as the Healthy Workplaces/ Healthy Families Act of 2014 (hereafter referred to as "the Act"), requires that all employees who have worked for more than 30 days for an employer be provided paid sick leave at the accrual rate of one hour of sick leave for every 30 hours worked, up to a minimum of 3 days or 24 hours of paid sick leave to be provided in a 12-month period. Certain use, accrual, and carryover provisions apply. Traditional sick leave policies that go beyond these minimum requirements can also be used, so long as they provide the minimum requirements.

1.1 FULL-TIME EMPLOYEES

There are no changes to the accrual method or procedure for full-time employees, except for the following:

- (a.) **Availability.** Full-time employees are eligible to utilize their accrued sick leave on their ninetieth (90th) day of employment, provided that such sick leave is utilized for hours that they were actually and previously scheduled to be worked.

1.2 PART-TIME EMPLOYEES

- (a.) **Accrual Method.** An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the Agency.
 - 1. An employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period.
 - 2. An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed. Accumulated sick leave is not subject to payout at the time of separation.
- (b.) **Availability.** Part-time employees are eligible to utilize their accrued sick leave on their ninetieth (90th) day of employment, provided that such sick leave is utilized for hours that they were actually and previously scheduled to be worked. Public

Service Employees will continue to be eligible for six (6) days paid sick leave per year proportional to hours worked pursuant to Resolution 14-31, Section 5, (e) and may use said time as stipulated above.

SECTION 2. UTILIZATION OF SICK LEAVE

2.1 Reasons for Leave

In accordance with California's Paid Sick Leave law, an employee may use 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of the following reasons:

- (a.) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- (b.) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
 - 1. Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);
 - 2. Spouse or Registered Domestic Partner;
 - 3. Parent (including 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);
 - 4. Grandparent;
 - 5. Grandchild; and
 - 6. Sibling.
- (c.) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - 1. A temporary restraining order or restraining order;
 - 2. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children;
 - 3. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;
 - 4. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking;
 - 5. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; and
 - 6. 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.

- (d.) An employee shall provide reasonable advance notification (or pursuant to their Memorandum of Understanding or Resolution) of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- (e.) An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.
- (f.) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the Agency.

SECTION 3. REINSTATEMENT WITH THE CITY OF PALOS VERDES ESTATES

- 3.1 **Full-Time Employees.** If a full-time employee separates from the City and is rehired within one (1) year from the date of separation, any previously accrued and unused paid sick days shall be reinstated. The employee shall be eligible to continue to accrue additional sick leave hours, per the City's current accrual policies. If the employee previously met the ninety (90) day requirement in order to utilize his/her sick leave, he/she shall not have to do so again.
- 3.2 **Part-Time Employees.** If a part-time employee separates from the City and is re-hired within one (1) year of the date of separation, any previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

SECTION 4. ADMINISTRATIVE PROCEDURES

- 4.1 **Rate of Pay.** The rate of pay shall be the employee's hourly wage. If the employee in the 90 days of employment before taking paid sick leave had different hourly pay rates or was a non-exempt salaried employee, then the rate of pay shall be calculated by dividing the employee's total wages, not including overtime, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.
- 4.2 **Notification by Employer of Available Leave.** The City shall provide employees with written notice that sets forth the amount of sick leave available.
- 4.3 **Usage.** In using paid sick leave, employees may only utilize as many hours of leave within the range of hours worked. For example, if an employee was scheduled for a three (3) hour shift and missed the entire shift, they would utilize three (3) hours of sick

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R15-32** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 14th day of July, 2015, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, King, Rea, Peterson,
and Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Vickie Kroneberger, City Clerk