Paid Sick Leave Accrual Method

The following represents minimum requirements in order to be in compliance with the law. Nothing in the law prohibits you from offering a more generous policy.

Paid Sick Leave

Eligibility

All employees are eligible for paid sick leave.

OR

All employees other than full-time are eligible for paid sick leave under this policy.

Accrual

You accrue paid sick leave benefits beginning on (your first day of employment or July 1, 2015 or your first day of employment, whichever is later) and it is accrued at the rate of one hour per every 30 hours worked. You may accrue up to a maximum of 48 hours of paid sick leave.

Use

You will be entitled to use accrued sick days beginning on the 90th day of employment after which you may use them as they are accrued. Any time taken for illness or injury before completing this period of continuous employment may be without pay.

Paid sick leave may be used in as little as two hour increments.

You may use up to a total of twenty-four (24) hours of paid sick leave per anniversary year. Unused paid sick leave may be carried over to the following anniversary year.

You may use paid sick leave for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, you or your family member.
- If you are a victim of domestic violence, sexual assault, or stalking.

Family member includes:

- A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom you stand in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- The biological, adoptive, or foster parent, stepparent, or legal guardian of you or your spouse or registered domestic partner, or a person who stood in loco parentis when you were a minor child.
- Your spouse.
- Your registered domestic partner.
- Your grandparent.

Comment [BDM1]: You may have another policy such as PTO or an accrual type paid sick leave policy which applies to certain categories of employees. If so, you should define exactly what category of employee is subject to this policy.

Comment [BDM2]: You may cap accrual but, if you do, the cap must be no less than 48 hours. This is not required but is an option.

Comment [BDM3]: This is an option. You may require employees to wait up until their 90th day of employment to use paid sick leave. You don’t have to, it’s just an option.

Comment [BDM4]: For non-exempt employees the time would be without pay. For exempt employees the time would be without pay if a full day was taken. Anything less than a full day must be at full pay.

Comment [BDM5]: You may require a minimum amount of time to be taken but it cannot be greater than 2 hours. You don’t have to, it’s just an option.
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- Your grandchild.
- Your sibling.

If the need for paid sick leave is foreseeable, you must provide reasonable advance notice to your Supervisor. If the need for paid sick leave is unforeseeable, you must provide notice to your Supervisor as soon as practicable. Appointments should be scheduled either at the beginning or the end of your workday. If you become sick during the day, you must inform your Supervisor before you leave the facility.

Paid sick leave is available only for days on which you would have been scheduled to work, but were unable to work because of one of the purposes described above.

Paid sick leave will be integrated with California State Disability Insurance (SDI) benefits and/or workers' compensation insurance benefits in such a way that the total sick leave benefits paid by the Company, and those you receive from SDI or workers' compensation insurance, will not exceed 100 percent of your regular weekly wage based on your regular straight-time hourly rate of pay.

Pay

You will receive your regular hourly wage when using accrued Paid Sick Leave. If in the 90 days of employment before taking accrued paid sick leave you had different hourly pay rates, you were paid a commission or piece rate, or you were a nonexempt salaried employee, then the rate of pay will be calculated by dividing your total wages, not including overtime premium pay, by your total hours worked in the full pay periods of the prior 90 days of employment.

Carryover

Accrued and unused paid sick leave is carried over to the following year.

Under no circumstances will unused paid sick leave be converted to cash or payment of any kind.

Accrued and unused sick leave is not paid out upon termination.

[Things to think about:]

- You may not require doctor notes certifying absence while the employee is using Paid Sick Leave.
- If you have an attendance management program or other policy statement regarding acceptable attendance you may not count paid sick leave absences against the employee's attendance. This may require a change in your printed policy.
- If an employee resigns or is otherwise terminated and has accrued and unused paid sick leave time, the employee will be credited with that time upon rehire if rehired within 12 months.

Comment [BDM6]: You may omit this sentence if you do not have employees who may fall into this category.

Comment [BDM7]: Not to be included in your written policy but items to ensure you don’t run afoul of the law.