

# HR Bulletin



September 17, 2014

## State Mandated Paid Sick Leave (AB 1522)

*Effective July 1, 2015*

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Touted as the "Healthy Workplaces, Healthy Families Act of 2014," the State of California mandates paid sick leave starting July 1, 2015. By law, an eligible employee accrues paid sick leave rights at the rate of one hour for every 30 hours worked. Not all employees are eligible for this benefit. For example, this law carved out exemptions for employees covered by certain collective bargaining agreements, and those who provide MediCal in-home supportive services.

By our calculation, if an employee works 40 hours per week, then he or she can accrue 69.3 hours of paid sick time off per year. But the law also states that an employer is not obligated to allow an employee to accrue more than 48 hours, or six days, of paid sick leave, provided the employee's rights are not otherwise limited. In addition, an employer may limit an employee's use of paid sick days to 24 hours in each year of employment.

An exempt employee is deemed to work a 40-hour schedule, unless his/her schedule is less than 40 hours per week. The law does not differentiate between overtime and regular hours for non-exempt employees. Thus, conceivably workers earn paid sick time on all hours worked, creating an extra administrative task in tracking accrual of paid sick time benefits.

Unused sick leave carries over to the following year of employment. If the employment relationship is severed, but the employee is rehired within one year of the date of separation, the employee is entitled to use any accrued but unused sick days upon rehire.

An employee can use paid sick leave for diagnosis, care or treatment of a health condition, or for preventative care for him or herself, or for a family member. A family member includes a spouse; registered domestic partner; child (biological, adopted, foster, step, legal ward) regardless of age; parent (biological, adoptive, foster, step, legal guardian) of the employee, spouse or registered domestic partner; grandparent; grandchild; or sibling. An employee can also use paid sick leave benefits for time off due to domestic violence, sexual assault or stalking.

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## State Mandated Paid Sick Leave (cont'd)

Employers will be required to display a new poster detailing information about paid sick leave. Moreover, the 'Notice to Employees' will be amended to include a notice regarding paid sick leave rights.

Records regarding sick leave accrued and used must be kept for three years. And if paid sick leave days were unlawfully withheld, the employer will be penalized at least \$250 with an administrative penalty not to exceed \$4,000. Liquidated damages can also be imposed against an employer who withholds paid sick leave benefits.

This new law will require employers to make significant changes to their sick leave policies. For those clients who use Sierra HR Partners or FLCZ for their handbooks, we will provide the information necessary to make the required changes during our "Year in Review" held in December. We will also provide a model sick leave policy.

## Events Calendar

### **Leadership Academy "Dealing with Emotional Behavior" – September 23<sup>rd</sup>**

9 a.m. – 12 p.m.

Email [woods@sierrahr.com](mailto:woods@sierrahr.com) to register!

### **Legal Beagle "Wired for Work 24/7, Workplace Issues Associated with Portable Devices" – September 25<sup>th</sup>**

9 – 10:30 a.m.

Email [receptionist@flcz.net](mailto:receptionist@flcz.net) to register!

### **Sexual Harassment Prevention Training – September 26<sup>th</sup>**

9 – 11:15 a.m.

Email [woods@sierrahr.com](mailto:woods@sierrahr.com) to register!

## Sierra HR Partners Team

Sierra HR Partner's team of certified professionals are here to support you in the areas of legal compliance, training, recruitment, handbooks, audits, policy development, job descriptions, performance evaluations, compensation, terminations, and related employment areas.

*Reminder that as an HR Business Partner you are entitled to:*

- ❖ Unlimited phone consultation by certified HR consultants (M – F)
- ❖ Free monthly LBBB seminars for designated representative
- ❖ HR bulletins covering breaking employment news and employment best practices
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Contact us at (559) 431-8090 or toll free 1-844-431-HR4U (4748).

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