



## *Administrative Order No. 78*

Date: July 1, 2015

**To:** All City Departments  
**From:** Kathy Dodson, Interim City Manager  
**Subject:** **City of Carlsbad Sick Leave Policy for Part Time Employees**

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### **PURPOSE**

California's AB 1522, called "Healthy Workplace, Healthy Family Act of 2014 (the "Act") was signed into law on September 10, 2014, and became effective January 1, 2015. The Act requires employers to provide paid sick leave to assist employees who miss work due to their own illness or medical appointments or an illness or medical appointment of a qualified family member during their employment. This policy is intended to satisfy the requirements set forth under the Act.

### **POLICY**

This policy applies only to City of Carlsbad paid, part-time employees. CalPERS and '37 Act retired annuitants will be excluded from this policy.

Effective July 1, 2015, and every July 1 thereafter, the city will provide each part-time employee with 3 days or 24 hours of paid sick leave. Part-time employees hired after July 1, 2015 will receive 3 days or 24 hours of paid sick leave upon hire. A part-time employee is eligible to begin using any paid sick leave hours after 90 days of employment with the city. Unused paid sick leave hours do not carry over year to year.

In accordance with the Act, a part-time employee may use paid sick leave in a 12-month period for one of the following reasons:

1. For the part-time employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
2. For the diagnosis, care, or treatment of an existing health condition or preventative care for a part-time employee's family member, including:
  - a) *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);*
  - b) *Spouse or Registered Domestic Partner;*

- c) *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);*
  - d) *Grandparent;*
  - e) *Grandchild;*
  - f) *Sibling.*
3. 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:
- a) *A temporary restraining order or restraining order.*
  - b) *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
  - c) *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
  - d) *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
  - e) *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*
  - f) *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.*

A part-time employee shall provide reasonable advance notification of their need to use 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 part-time employee shall provide notice of the need for the leave to their supervisor as soon as is practicable. Part-time employees are required to follow the supervisor's instructions regarding calling in sick.

A supervisor may require a part-time employee to provide a certificate issued by a licensed physician or other satisfactory proof of illness.

A part-time employee who uses paid sick leave must do so with a minimum increment of one

hour of sick leave.

Paid sick leave will not be considered hours worked for purposes of overtime calculation. A part-time employee will not receive compensation for unused paid sick leave hours upon termination, resignation, retirement or other separation from employment from the city.

Payment of sick leave will be compensated at the part-time employee's highest pay rate, excluding overtime, paid within the 90 days prior to when the leave is taken.

If a part-time employee separates from employment with the city and is rehired by the city within one year of the date of separation, previously unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired part-time employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the part-time 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.

Part-time hours worked and available sick leave hours are available to part-time employees on the city's electronic timekeeping system.

**REVISIONS/UPDATES TO THE ACT**

This policy is subject to change as regulations and guidance are issued relating to the Act. The City Manager, including his or her designee(s), may amend this policy at his or her discretion.

This order shall be effective immediately.

DATE: 7/2/15

  
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Kathy Dodson  
Interim City Manager