

Sample: CA Accrual Method

NOTE TO USER: The following handbook policies should only be used for employees located in the state you selected when generating the policies. The policies should be updated on an annual basis to ensure continued compliance with state and federal law.

Read through each policy prior to distributing to your employees. If you have questions regarding any of these policies, please contact an employment law attorney or human resource professional.

This information is provided with the understanding that Payroll People Inc Business Services is not rendering legal advice.

California Paid Sick Leave Policy (Accrual Based)

The Company provides paid sick and safe time to eligible employees in compliance with California's Healthy Workplaces, Healthy Families Act (HWHFA).

Eligibility

Employees (including full-time, part-time, and temporary employees) become eligible for paid sick and safe time once they have worked for the Company in California for 30 days within a year from the start of employment.

Annual Accrual and Use of Paid Sick and Safe Time

Eligible employees begin to accrue paid sick and safe time upon the first day of employment at a rate of one hour for every 30 hours worked. Employees may begin to use their accrued time beginning on their 90th day of employment. Paid sick and safe time may be used in increments of one hour or greater to cover all or just part of a workday.

An employee's use of paid sick and safe time is limited to 40 hours or the equivalent of five workdays (based on the employee's work schedule), whichever is greater, per year of employment.

While an employee's use is capped at 40 hours or five workdays, employees will accrue up to a maximum 80 hours or the equivalent of ten workdays (based on the employee's work schedule), whichever is greater. The number of hours a nonexempt employee is deemed to work each week will be based on time records and includes all hours worked, including overtime hours. Exempt employees are assumed to work 40 hours per workweek, unless their normal workweek is fewer than 40 hours per week, in which case accrual is based upon that normal workweek. Once the maximum accrual cap is reached, employees will not accrue additional paid sick and safe time until their accrual balance falls below the cap.

Employees will not accrue paid sick and safe time during unpaid leaves of absence.

Employees are not required to find an employee to cover their work when they take paid sick and safe time.

Reasons Sick and Safe Time May be Used

Employees may use paid sick and safe time for themselves and their family members:

- For diagnosis, care or treatment of an existing medical condition; and
- For preventive care.

Employees may also use paid sick and safe time if the employee is a victim of domestic violence, sexual assault or stalking and time off is needed to:

- Obtain or attempt to obtain any relief (e.g., temporary restraining order, restraining order or other injunctive relief) to help ensure the health, safety or welfare of the employee or their child;
- Seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- Obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- Obtain psychological counseling related to an experience of domestic violence, sexual assault or stalking; or

- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

For purposes of this policy, “family members” include a:

- Spouse;
- Biological, adopted or foster child, stepchild, legal ward or child to whom the employee stands *in loco parentis*;
- Biological, adoptive or foster parent, stepparent, legal guardian of an employee or the employee's spouse or registered domestic partner, or person who stood *in loco parentis* when the employee was a minor child;
- Sibling;
- Grandparent;
- Grandchild;
- Registered domestic partner (as defined by state or local law), as well as the child or parent of a registered domestic partner; and
- A designated person.

For purposes of this policy, a “designated person” means a person identified by the employee at the time the employee requests paid sick and safe time. Employees are limited to one designated person per 12-month period.

The definition of “child” applies regardless of the child's age or dependency status.

Requesting Paid Sick and Safe Time

When the need for paid sick and safe time use is foreseeable, employees must provide reasonable advance oral or written notice to their supervisor for any absence from work. If the need for paid sick and safe time is unforeseeable, employees must provide notice to their supervisor of the need to use the time as soon as practicable. In all circumstances, employees must specify that the requested time off is for sick or safe time reasons (as opposed to, for example, vacation time), so that the absence may be designated accordingly. Failure to obtain approval as soon as possible after determining the need to take such time may result in discipline.

Rate of Pay for Sick and Safe Time

For nonexempt employees, pay for sick and safe time is calculated in the same manner as the employee's regular rate of pay for the workweek in which the employee uses sick and safe time, regardless of whether the employee works overtime in that workweek. For exempt employees, payment for sick and safe time is calculated in the same manner as wages are calculated for other forms of paid leave time.

Carryover

Accrued but unused paid sick and safe time will carry over from year to year.

Separation From Employment

Compensation for accrued and unused sick and safe time is not provided upon separation from employment for any reason. If an employee is rehired by the Company within 12 months of separation, previously accrued but unused time will immediately be reinstated (up to the maximum of 80 hours or the equivalent of ten workdays per the employee's previous work schedule). Rehired employees will be allowed to immediately use this time and to accrue additional paid sick days upon rehiring, consistent with the use and accrual limitations of this policy.

Confidentiality

The Company will keep confidential an employee's or their covered family member's health information or information related to domestic violence perpetrated against or sexual assault of the employee or employee's covered family member. Such information will not be disclosed except to the affected employee or as required by law.

Effect on Other Rights and Policies

The Company may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence under applicable federal, state and local laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state, or local law, provided eligibility requirements for that law are met. The Company is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state, and local domestic violence, medical, or family leave rights.

No Discrimination or Retaliation

The Company prohibits discrimination and retaliation against employees for requesting or using paid sick and safe time for authorized circumstances, for making a complaint, or for informing a person about a suspected violation of this policy. Likewise, the Company prohibits discrimination and retaliation against employees for cooperating with city or state officials in investigating claimed violations of any paid sick leave law (including the HWHFA); cooperating or participating in any investigation, administrative hearing, or judicial action regarding an alleged violation; opposing any policy or practice that is prohibited by any paid sick leave law; or informing any person of their potential rights under the law.

Employees falsifying the need for paid sick and safe leave are subject to disciplinary action up to and including unpaid suspension and/or termination of employment.