

# **MODESTO CITY SCHOOLS**

## **Administrative Regulation**

**AR 4121**

### **PERSONNEL**

#### **Hourly and Substitute Employees – Paid Sick Leave**

Persons employed by Modesto City Schools who are not covered by a Collective Bargaining Agreement or other Modesto City Schools' sick leave policy are eligible to earn paid sick leave as outlined by the Healthy Workplaces, Healthy Families Act of 2014. Modesto City Schools recognizes the rights of these individuals and outlines the following policies and procedures in accordance with this law.

#### **Eligibility for Paid Sick Leave**

Any employee who on or after July 1, 2015, works for Modesto City Schools for 30 or more days within a year from the commencement of employment. Retired annuitants, or persons who are employees of the state, city, county, city and county, district or other public entity who are recipients of a retirement allowance and employed without reinstatement to his or her respective retirement system, are not eligible to earn paid sick leave.

#### **Accrual**

Beginning July 1, 2015, sick leave will be accrued at not less than the rate of (1) hour per 30 hours worked for those employees who work within a classification that is paid by the hour. Employees who work within classifications that are paid on a daily basis, or portions thereof, shall accrue paid sick leave at the rate of 0.20 of a day for each six (6) days worked. Use of sick leave accrued at these rates is limited to no more than 24 hours or three (3) days of leave in any year of employment. Accrued and unused sick leave shall carry over to the following year of employment. The maximum amount of sick leave that may be carried forward to the following school year is 48 hours or six (6) days.

All new employees will become eligible to use earned sick leave beginning on the 90<sup>th</sup> day of employment.

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#### **Payment of Wages**

For employees who in the previous 90 days before taking accrued leave had varying wage rates, payment for the use of accrued leave will be calculated using one of the following methods:

- Non-exempt Employees
  - Sick time will be paid in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, regardless of whether the employee actually works overtime in that workweek.
- Exempt Employees
  - Sick time calculations for exempt employees will be made in the same manner as wages are calculated for other paid leaves.

An individual will be paid for the use of his/her accrued sick leave no later than the payday for the next regular payroll period after the sick leave is used. Payment for the use of accrued sick leave will only be made at the verbal or written request of the employee.

#### **Procedures**

Paid sick leave that is taken under this policy may be used for the diagnosis, care, or treatment of an existing health condition, as well as for preventive care, of either the employee or employee's family member as defined below. Eligible employees may also use any accrued sick leave if the employee is a victim of domestic violence, sexual assault, or stalking.

For purposes of this policy, family members are defined below:

1. A child, which for the purposes of this policy, is defined as a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition is applicable regardless of age or dependency status of the child.
2. A biological, adoptive, or foster parent, stepparent, or legal guardian of the 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.

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3. A spouse
4. A registered domestic partner
5. A grandparent
6. A grandchild
7. A sibling

To use sick leave under this policy, an individual must have been scheduled to report for work on the day the sick leave is requested.

If the use of sick leave is foreseeable, the employee shall provide reasonable advance notice of his or her intended absence. If the need to use sick leave is unforeseeable, the employee will notify the appropriate District personnel of the employee's inability to fulfill the scheduled assignment as soon as practical. Individuals requesting to use accrued sick leave are not responsible for securing a replacement worker as a condition of using sick leave.

Employees requesting to use sick leave under this policy are encouraged to submit their request to the Human Resources Office using the District-approved form. An employee who is unable to submit his or her request in writing may also submit a verbal request for the use of such time by contacting the Human Resources Office.

Modesto City Schools shall not deny an individual the right to use accrued sick leave, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an individual for using accrued sick leave, attempting to exercise the right to use accrued sick leave, filing a complaint or alleging a violation of this law, cooperating in an investigation or prosecution of an alleged violation of this law, or opposing any policy or practice or act that is prohibited by this law.