



# staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Leo L. Mingle, Jr., Assistant City Manager

SUBJECT: Consideration and possible action to adopt Resolution No. 16-XX – A Resolution establishing policy for paid sick leave for part-time City employees.

DATE: May 9, 2016

## **EXECUTIVE SUMMARY**

The proposed Resolution establishes policy for paid sick leave for part-time City employees.

## **RECOMMENDATION TO CITY COUNCIL**

- 1) Adopt Resolution No. 16-XX; or
- 2) Alternatively, discuss and take other action related to this item.

## **FISCAL IMPACT**

There is no fiscal impact at this time.

## **DISCUSSION**

The City Manager will implement the policy.

The Healthy Workplaces, Healthy Families Act of 2014 (AB 1522) was signed into law on September 10, 2014. The Act requires California employers to provide employees with one hour of paid sick leave for every 30 hours worked beginning on July 1, 2015. The law allows employers to provide 24 hours (or three days, whichever is greater) of paid sick leave up front as an alternative method of satisfying this new requirement. Since our full-time employees are already provided with paid sick leave which meets or exceeds the Act's requirements in accordance with their respective MOU, Compensation Plan, or individual employment agreement, this resolution will only apply to part-time employees of the City.

## **ATTACHMENT**

Resolution No. 16-XX.....2

**CITY OF BELLFLOWER**

**RESOLUTION NO. 16-XX**

**A RESOLUTION ESTABLISHING POLICY FOR PAID SICK LEAVE FOR PART-TIME CITY EMPLOYEES.**

**THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council finds and declares as follows:

A. **Introduction.** The Healthy Workplaces, Healthy Families Act of 2014 (the “Act”) is codified at Labor Code § 245, et seq.). The Act requires California employers to provide employees with one hour of paid sick leave for every 30 hours worked beginning on July 1, 2015. The Act allows employers to provide 24 hours (or three days, whichever is greater) of paid sick leave up front as an alternative method of satisfying this new requirement. The City’s full-time employees are already provided with paid sick leave which meets or exceeds the Act’s requirements in accordance with their respective MOU, Compensation Plan, or individual employment agreement, this resolution generally affects only part-time employees of the City.

B. **Responsibility.** The City Manager, or designee, will monitor the hours worked by all part-time employees through the payroll system.

C. **Actions.** The City will comply with all legal requirements of the Act. The following rules will apply:

1. As used in this resolution, one “Day” is equivalent to eight (8) hours, or the average number of hours a given employee works per day, whichever is greater.
2. In cases where the employee's work schedule is unpredictable, one Day will be presumed to constitute eight (8) hours unless it can be demonstrated that, over the immediate past six months, the employee has worked, on average, more than eight (8) hours per day.
3. Part-time employees are entitled to receive three Days’ worth of paid sick leave each fiscal year.
4. Part-time employees who were hired by the City on or before July 1, 2015, will receive three Days’ worth of paid sick leave as of July 1, 2015.
5. Part-time employees hired by the City after July 1, 2015, will be granted three Days’ worth of paid sick leave as of their hire date.
6. Upon the first day of each fiscal year (July 1) after his or her hire date, each part-time employee will receive three Days’ worth of sick leave.
7. Part-time employees may only use paid sick leave on or after their 90th day of employment with the City.

8. Paid sick leave for part-time employees must be used during the fiscal year in which it was received, and unused paid sick leave will not be rolled over to subsequent fiscal years. Unused paid sick leave will not be cashed out at the end of the fiscal year.

9. The City will calculate the amount of sick leave an employee has used based on the number of hours during which the employee has requested leave, rather than the number of days during which he or she has requested leave. Hours will be paid at the employee's regular rate of pay (calculated in the same manner as the regular rate of pay for purposes of overtime) at the time of use.

10. Employees may use sick leave in increments of less than one Day at a time. However, sick leave must be used in increments of two hours or greater, and the number of sick leave hours used on a particular day may not exceed the number of hours an employee was scheduled to work on a given day.

11. Part-time employees requesting paid sick leave will not be required to find a replacement as a condition for using paid sick leave.

12. Part-time employees requesting paid sick leave must provide reasonable advance notice if possible. Where the need is unforeseeable, the employee needs to give as much notice as practicable.

13. Paid sick leave may be used for the employee's own diagnosis, care, or treatment of an existing health condition, or preventive care, or for the health condition of an eligible family member, or for the specific purposes of an employee who is a victim of domestic violence, sexual assault, or stalking.

14. "Family member" means any part-time employee's parent, parent-in-law, child, spouse, or registered domestic partner, grandparent, grandchild, or sibling.

15. A part-time employee may not cash out unused paid sick leave at the time of his or her termination, resignation, or other separation of employment.

16. Part-time employees re-hired by the City within the same fiscal year as the date of their separation may reclaim the paid sick leave that was accrued and unused at the time of separation. If a part-time employee is re-hired by the City in a subsequent fiscal year, he or she will be granted three Days' worth of sick leave as of his or her re-hire date. Part-time employees re-hired more than 12 months after the date of their separation may not begin using sick leave until after their 90<sup>th</sup> day of re-employment.

**SECTION 2.** To the extent that any other resolution pertaining to paid sick leave for part-time City employees is incorporated into this Resolution, it is superseded in its entirety.

**SECTION 3.** The City Manager will establish policies and procedures as necessary to carry out this policy.

**SECTION 4.** The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

**SECTION 5.** This Resolution will become effective immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.**

\_\_\_\_\_  
**Dan Koops, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Mayra Ochiqui, City Clerk**

**APPROVED AS TO FORM:**

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**Karl H. Berger, City Attorney**