PAID SICK LEAVE Q & A - EFFECTIVE 07/01/2015 (NON-BENEFITED EMPLOYEES)

Q: When does the new law take effect?
A: The state’s new sick leave law takes effect January 1, 2015. However, the right to accrue and take sick leave under this law does not take effect until July 1, 2015.

Q: How do I qualify for paid sick leave?
A: An employee qualifies for paid sick leave by working for an employer on or after January 1, 2015, for at least 30 days within a year in California and by satisfying a 90 day employment period (which works like a probationary period) before an employee can actually take any sick leave.

Q: What if I work less than 30 days in California within a year?
A: If you work less than 30 days in California within a year, then you are not entitled to be paid sick leave under this new law.

Q: What if I work more than 30 days in California within a year but less than 90 days?
A: The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on July 1, 2015, or your first day of employment if you are hired after July 1, 2015, if you work less than 90 days for your employer, you are not entitled to take paid sick leave.

Q: When am I entitled to take paid sick leave?
A: A qualifying employee begins to accrue paid sick leave beginning on July 1, 2015, or if hired after that date on the first day of employment. An employee is entitled to use (take) paid sick leave only after meeting the qualifications for paid sick leave (addressed in the previous three questions/responses) and accruing enough paid sick leave time to use for one of the stated purposes of the law.

Q: Why does the law take effect January 1, 2015 if it is not available for use until July 1, 2015?
A: The different dates are a result of the general effective dates of new legislation (on January 1 following enactment of the law) and the way the law was drafted making some of its provisions operative on a specified date (July 1, 2015). Both the qualifying periods that determine which employees are eligible for paid sick leave and the employee notice required by Labor Code 2810.5 become effective on January 1, 2015, but the law provides that entitlement does not begin until July 1, 2015.

Q: Does paid sick leave apply to all employees who work in California?
A: An employee who works at least 30 days within a year in California, including part-time, per diem, and temporary employees, are covered by this new law with some specific exceptions. Providers of publicly-funded In-Home Supportive Services (IHSS) are exempt. Employees covered by collective bargaining agreements with specified provisions are exempt, as are individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law.

Q: If I qualify, how much paid sick leave am I entitled to take and be paid for?
A: Starting July 1, 2015, all eligible Non-Benefited Research Foundation employees will receive 24 hours or three days of paid sick leave each calendar year.
Q: If I work part time, six hours per day and I have accrued 24 hours of paid sick leave and I take three paid sick days, can my employer refuse to allow me to take any more sick leave in that same year?
A: No. Because the statute provides that an employer may limit the amount of sick leave to 24 hours or three days, and because you work 6 hours per day, you have only used 18 of your 24 hours. For enforcement purposes, DLSE interprets the reference to “three days” to state an equivalent of 24 hours (based on an 8 hour workday) and is not a limitation that can be used to prohibit a part-time employee from using at least 24 hours of accrued leave in a year. Therefore, the minimum amount that you have to be allowed to take cannot fall below 24 hours. In this situation, you still have 6 hours left to take and be paid for, during the year.

Q: What can I use sick leave for?
A: You can take paid leave for you or a family member for preventive care or care of an existing health condition or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the employee’s parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals or flu shots. For partial days, your employer can require you to take at least two hours of leave, but otherwise the determination of how much time is needed is left to the employee.

Q: Do I have to give notice that I need to take my sick leave?
A: Employers must permit the employee to use the paid sick leave upon an oral or written request, and the law forbids requiring an employee to find a replacement as a condition for using leave. If the need is foreseeable the employee must give reasonable advance notice, but where the need is unforeseeable the employee need only give notice as soon as practicable.

Q: How will I know how much sick leave I have accrued?
A: Employers must show, on your pay stub or a document issued the same day as your paycheck, how many days of sick leave you have available. Employers also must keep records showing how many hours you earned and used for three years. This information may be stored on documents available to employees electronically.

Q: If I leave my job, can I cash out my unused sick days, like I can with vacation?
A: No, but if you leave your job and get rehired by the same employer within 12 months, you can reclaim what you had in your sick leave bank.