

CITY OF SAN BERNARDINO
MEMORANDUM

Sent Via Email

TO: Paul Flores, IUOE Representative for General Unit Employees
Bonnie Clark, SBPEA Representative for Middle Management Unit Employees
Tony Frossard, SBCMA President for Management/Confidential Employees
Eric McBride, PMA President for Police Management Employees
Thomas Hannemann, FMA President for Fire Management Employees
Steve Turner, POA President for Police Safety Employees
Jeff (Thomas) English, SBCPF President for Fire Safety Employees

FROM: Helen Tran, Human Resources Division Manager 

DATE: June 11, 2015

SUBJECT: Paid Sick Leave Policy

COPIES: Allen Parker, City Manager; Nita Mckay, Deputy City Manager; Bill Manis,
Deputy City Manager, HR Staff

In order to be compliant with new assembly bill 1522- "Healthy Workplaces, Healthy Families Act of 2014", a staff report will be presented to Mayor and Common Council for approval on June 15th, 2015. Please review attached staff report and policy.

Let me know if you have any questions or concerns please feel free to contact me.

**CITY OF SAN BERNARDINO – REQUEST FOR COUNCIL ACTION
Personnel**

From: Helen Tran **M/CC Meeting Date:** 06/15/2015

Prepared by: Helen Tran, (909) 384-5161

Dept: Human Resources **Ward(s):** All

Subject:

Resolution of the Mayor and Common Council of the City of San Bernardino Authorizing Policy Implementation of Paid Sick Leave for All Part-Time, Seasonal, Temporary and New Full Time Hires. (#3871)

Current Business Registration Certificate: Not Applicable

Financial Impact:

Account No: Will vary by department

Account Description: Average cost of implementing 3 days of paid sick leave for part-time, temporary, seasonal, and intern/apprentice employees is approximately \$338.37 per employees. We currently employ approximately 270 part-time, temporary, seasonal, and intern/apprentice employees.

Total Amount Not to Exceed: Approximately \$100,000 per year.

Motion: Adopt the Resolution.

Synopsis of Previous Council Action:

None

Background:

The State passed Assembly Bill 1522- "Healthy Workplaces, Healthy Families Act of 2014", notice requirements went into effect on January 1st, 2015 and Paid Sick Leave requirements were mandated to take effect on July 1st, 2015. Purposes of this new act is to provide employees options for when the time off is needed due to the diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member. An employee who is a victim of domestic violence, sexual assault, or stalking is also covered under this protected time off.

All California employees are covered under the New Paid Sick Leave law including part-time, temporary, seasonal, interns, and apprentices. Employees are entitled to sick leave on their 30th day of employment and are restricted to using their paid sick leave hours until their 90th day of employment with the City.

Staff is recommending two items for the City to be compliant with state law:

- 1) An implementation of policy to provide sick leave for our part-time, temporary, seasonal, and intern/apprentice employees. These employees are to receive an allotment of 3 days per 12 month period for usage that does not carry over but

resets each July 1st of the year. At time of separation from employment, the City is not required to provide compensation for unused paid sick leave to these employees.

2) A revision to our current sick leave policies adjusting the waiting period an employee is able to use their sick leave accruals. Regular/Full Time employees while satisfying the accrual requirements under their current applicable Memorandum of Understanding (MOU) will be entitled to begin using their accrued sick leave within 90 days/ 3 months of employment as opposed to 180 days/ 6 months.

City Attorney Review:

Supporting Documents:

Resolution (DOC)

Exhibit a - Paid Sick Leave Policy- AB1522 (DOCX)

**City of San Bernardino
Policies and Procedures
Paid Sick Leave Policy- Assembly Bill (AB) 1522**

FROM: City Manager
SUBJECT: Paid Sick Leave Policy- AB1522
DATE: Effective July 1, 2015

Effective July 1, 2015, California's Paid Sick Leave law requires The City of San Bernardino to provide paid sick leave to employees under the following conditions:

- The City will provide each employee working for the City on or after January 1, 2015 in a part-time, temporary, and seasonal position 3 days or 24 hours of paid sick leave at the beginning of each 12-month period. The 12 month period to begin on July 1st of each year. An employee is not eligible to begin using any accrued paid sick leave until after 90th day/ 3 months of employment with the City.
- Regular/Full Time employees while satisfying the accrual requirements under their current applicable Memorandum of Understanding (MOU) will be entitled to begin using their accrued sick leave within 90 days/ 3 months of employment as opposed to 180 days/ 6 months.
- In accordance with California's Paid Sick Leave law, an employee may use paid sick leave for one of the following reasons:
 - For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
 - For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
 - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)*
 - *Spouse or Registered Domestic Partner*
 - *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.)*
 - *Grandparent*
 - *Grandchild.*

- *Sibling.*
 - 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 temporary restraining order or restraining order.*
 - *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
 - *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
 - *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
 - *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*
 - *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.*
- An employee shall provide reasonable advance notification of their need to use accrued 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 employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.
- Department Supervisor and employees are responsible for the accuracy of signed and submitted timesheets to the Finance Department.
- Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City.
- If an employee separates from the City and is re-hired 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 employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the 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.

For purposes of this policy, the following terms as defined in Civil Service Rules and Regulations shall apply

- Rule 106 "City" means the City of San Bernardino, California.
- Rule 130 "Seasonal position" means a full-time or part-time position that requires or is likely to require the services of an incumbent during certain parts of the year, or recurring annually, or at other periods.
- Rule 132 "Temporary position" means any position in the classified service which requires the services of an incumbent for a limited period only, or a permanent position which can be filled only on a temporary basis pending the return of a regularly appointed employee who is on authorized leave.
- Rule 501 "Regular/ full time" A position which has been established and funded by action of the Common Council as a regular/full time position and is expected to continue in successive budget years.
- "Regular/part time" A position which has been established and funded by action of the Common Council as a regular/part time position and is expected to continue in successive budget years but normally requires less than 30 hours of work per week average.

**PAID SICK LEAVE POLICY
ACKNOWLEDGEMENT FORM**

I acknowledge that I have received, read and understand the City of San Bernardino's Policy on "Paid Sick Leave."

Employee's Name (Please Print)

Employee ID #

Employee's Signature

Date

CC: HR Personnel File (original)

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RESOLUTION NO. 2015-_____

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AUTHORIZING POLICY IMPLEMENTATION OF PAID SICK LEAVE FOR ALL PART-TIME, SEASONAL, TEMPORARY AND NEW FULL TIME HIRES.

WHEREAS, on September 10, 2014 the Governor of the State of California signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522) providing paid sick leave for covered employees effective July 1, 2015; and

WHEREAS, the AB 1522 paid sick leave provisions are to take effect July 1, 2015; and

WHEREAS, the City of San Bernardino wishes to establish a paid sick leave policy pursuant to AB 1522 for part-time, temporary and seasonal employees; and

WHEREAS, part-time, temporary and seasonal employees are not covered by any existing collective bargaining agreement, benefits resolution nor any other benefits policy; and

WHEREAS, AB 1522 allows the City to establish the accrual method and the minimum usage increment for paid sick leave; and

WHEREAS, AB 1522 provides City employees who work 30 or more days a year are entitled to paid sick leave to be accrued at a rate of no less than one (1) hour for every 30 hours worked.

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1 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON**
2 **COUNCIL OF THE CITY OF SAN BERNARDINO, AS FOLLOWS:**

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4 **SECTION 1. Findings.** The foregoing recitals are true and correct and the
5 Mayor and Common Council hereby so find and determine.

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7 **SECTION 2. Adoption.** The Mayor and Common Council hereby adopts the
8 provisions under the City of San Bernardino's Sick Leave Policy for Part-Time,
9 Temporary and Seasonal Employees shown as Exhibit A to this resolution.

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11 **SECTION 3. Other Actions.** The City Attorney, City Clerk, and other
12 appropriate officers of the City, each acting alone, are authorized to take such other
13 actions as are appropriate to carry out the intent of this Resolution.

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15 **SECTION 4. Effectiveness.** This Resolution shall take effect immediately
16 upon adoption by the Mayor and Common Council.

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RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AUTHORIZING POLICY IMPLEMENTATION OF PAID SICK LEAVE FOR ALL PART-TIME, SEASONAL, TEMPORARY AND NEW FULL TIME HIRES.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the _____ day of June, 2015, by the following vote, to wit:

| Council Members: | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|-------------|-------------|----------------|---------------|
| MARQUEZ | _____ | _____ | _____ | _____ |
| BARRIOS | _____ | _____ | _____ | _____ |
| VALDIVIA | _____ | _____ | _____ | _____ |
| SHORETT | _____ | _____ | _____ | _____ |
| NICKEL | _____ | _____ | _____ | _____ |
| JOHNSON | _____ | _____ | _____ | _____ |
| MULVIHILL | _____ | _____ | _____ | _____ |

Georgeann Hanna, City Clerk

The foregoing Resolution is hereby approved this _____ day of June, 2015.

R. CAREY DAVIS, Mayor
City of San Bernardino

Approved as to form:
GARY D. SAENZ, City Attorney

By: _____