



<b>EMPLOYEE MANUAL</b>	
Title: <b>LEAVE (NON-VACATION)</b>	
Policy No.: 20.0	Section Nos.: 20.0 – 20.7
Approval Date: March 2024	Effective Date: January 2024
Approved By: Board of Directors	

## **20.0 LEAVE (NON-VACATION)**

### **20.1 Sick Leave**

Paid sick leave is granted as a benefit to full-time employees to be used for illness or injury. Sick leave is not considered vacation and abuse of sick leave will not be tolerated. Sick leave pay is issued from the employee’s bank of accrued sick leave hours.

*Permitted Uses of Sick Leave.* Sick leave may be applied to the following:

(1) the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee’s family member; or (2) to attend legal proceedings, or to obtain medical treatment, counseling or other victims’ services for domestic violence, sexual assault, or stalking.

A “family member” for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a 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), a spouse or registered domestic partner, a grandparent, grandchild and sibling. Additionally, paid sick leave may be used for an employee who is a victim of domestic violence, sexual assault or stalking.

*Method of Accrual:* Commencing upon employment, full-time employees who are regularly scheduled to work forty (40) hours per shall accrue 3.70 hours of sick leave with pay for each biweekly pay period (equivalent to twelve (12) working days per year or ninety-six (96) hours total). Employees working at least thirty-two (32) but fewer than forty (40) hours per week shall accrue sick leave on a prorated basis. Employees working less than sixty-four (64) hours in any pay period (or on average less than thirty-two (32) hours a week) shall also accrue sick leave on a prorated basis. An employee on leave of absence without pay shall earn no sick leave credit.

*Non-Discretionary Sick Leave Pay Out/ Bonus.* In the event that an employee has a sick leave accrual of more than four hundred and eighty (480) hours of sick leave in any calendar year, the Agency will pay the employee fifty percent (50%) of the value of any unused sick leave in excess of four hundred and eighty (480) hours as a cash bonus. This bonus shall be based on leave balances on December 31 of a year and is typically paid within three (3) months of that date. The employee’s sick leave balance will thereafter be reduced to four hundred and eighty (480) hours of sick leave following the payout at the beginning of the new calendar year.



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*Requests for Sick Leave.* If the need for paid sick leave is foreseeable (e.g., scheduled routine medical appointments), employees must provide reasonable advance notice. If the leave is not foreseeable, employees must provide notice of the leave as soon as practicable. When requesting sick leave, employees should not disclose any private medical information or any other confidential personal information.

Employees with a sick leave accrual of less-than four hundred and eighty (480) hours may also elect to receive a non-discretionary payout bonus of a maximum of 96 hours of unused sick leave earned during the calendar year so long as (1) the employee maintains a minimum amount of sick leave to cover the employee’s salary until long-term disability insurance programs provide coverage and (2) if the employee irrevocably elects, in writing, to do so in the year prior. This bonus shall be paid at a rate of fifty percent of the value of the sick leave. This bonus shall be based on leave balances on December 31 of a year and is typically paid within three (3) months of that date. The employee’s sick leave balance will thereafter be reduced by the number of hours of sick leave paid out at the beginning of the new calendar year.

**20.2 Minimum Paid Sick Leave for Part Time Employees**

*Eligibility.* Any employee not otherwise provided paid leave sufficient to cover at least forty (40) hours of absence on an annual basis for the reasons set forth in this policy (e.g., sick leave or paid time off) shall be eligible for this Minimum Paid Sick Leave. An employee who, on or after January 1, 2024, works thirty (30) or more days within a year from the commencement of employment is eligible for Minimum Paid Sick Leave. This policy is intended to comply with the requirements of SB 616 which amends the Healthy Workplaces, Healthy Families Act of 2014 at Labor Code Section 246(e)(2) and should be interpreted consistently.

*Annual Grant of 40 -hours of Minimum Paid Sick Leave.* Employees who are eligible as of January 1, 2024, will be granted forty (40) hours Minimum Paid Sick Leave on January 1, 2024, for use during the remainder of that calendar year. Employees who are hired after January 1, 2024, shall be granted forty (40) hours Minimum Paid Sick Leave upon hire for use during the calendar year of their hire. Every year thereafter, on January 1st, each covered employee shall receive an annual grant of forty (40) hours of Minimum Paid Sick Leave for use during that calendar year. This annual grant does not roll over to the next calendar year and is not paid out upon termination of employment. The Minimum Paid Sick Leave entitlement and its use shall be reflected on the covered employee’s regular pay stubs.



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*Use of Minimum Paid Sick Leave.* Leave may be used for any purpose; sick leave is otherwise typically used pursuant to policy and consistent with those uses set forth in the original Healthy Workplaces, Healthy Families Act of 2014 (AB 1522). These uses include, but are not limited to, use by a covered employee for preventative care or diagnosis, care, or treatment of an existing health condition for the covered employee or his or her family member; and use by a covered employee who is a victim of domestic violence, sexual assault, or stalking. A covered employee may not be required to find a replacement worker to utilize Minimum Paid Sick Leave.

*Procedural Requirements.* Procedural requirements, including those requirements related to notice, request of use, acceptable uses, and prohibited uses are the same as referenced for full-time employees.

**20.3 Bereavement Leave**

In the event of death of a member of an employee's immediate family, full-time employees are eligible to take up to a total of five (5) days with pay to deal with bereavement-related matters. The immediate family is defined as parent, stepparent, spouse, child, grandchild, grandparent, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepchild, or adopted child. Requests for bereavement leave not covered above must be approved by the General Manager. Employees must be employed for at least 30 days prior to the commencement of bereavement leave. The leave does not need to be consecutive but must be completed within three (3) months of the event of the loss.

**20.4 Reproductive Leave**

Employees are entitled to five (5) days of reproductive loss leave following a Reproductive Loss Event to comply with the requirements of SB 848, which adds section 12945.6 to the Government Code. A Reproductive Loss Event means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. This is limited to a maximum of 20 days within a 12-month period in cases where an employee experiences more than one Reproductive Loss Event. Similar to bereavement leave, employees must be at least 30 days employed by the Agency and has up to three (3) months to complete the Reproductive Loss Event.



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**20.5 Jury or Witness Duty Leave**

Full-time employees required to serve as jurors are granted unlimited jury duty leave with pay. This benefit is effective immediately upon employment. An employee serving jury duty must obtain an attendance slip from the court to be submitted to accounting with the affected timesheet in order to be eligible for pay for those hours.

An employee should notify his or her supervisor immediately upon notice of jury duty or being subpoenaed to testify as a witness on non-Agency business. Although an employee will be granted leave to serve as a court witness, this leave shall be unpaid.

**20.6 Military Leave**

Under the California Family Military Leave Act, employees whose spouses or domestic partners are deployed servicemen or servicewomen may take up to ten (10) days of unpaid leave when the military spouse or domestic partner is on leave from deployment during a time of military conflict.

To be eligible for this leave, the employee must provide the Agency with (i) notice of intention to take family military leave within two (2) business days of receiving official notice the employee’s military spouse or domestic partner will be on leave from deployment, and (ii) documentation certifying the employee’s military spouse or domestic partner will be on leave during the time the employee requests leave. The leave afforded under this policy is in addition to any other leave provided by law or this Manual. Employees may use any accrued vacation leave to receive pay while on family military leave. Military leave shall be granted in accordance with State and Federal law.

**20.7 Personal Leave of Absence without Pay**

Upon written request, approved by the General Manager, a full-time employee may be granted a personal leave of absence without pay not to exceed 90 days. The Board of Directors must approve requests for personal leaves of absence longer than 90 consecutive days’ duration. The General Manager, based on the Agency’s needs and requirements, shall determine the conditions of such leave of absence.

No sick leave or vacation will be accrued during any pay period in which the employee is on non-paid status for the entire pay period. No vacation credit will be earned during any pay period if an employee is absent without pay in excess of five consecutive full working days.

The Agency will continue to pay its share of the premiums for disability, medical, dental, vision, and life insurance for employees on authorized personal leave of absence without pay for up to 30 days on such leave. Should coverage be terminated under the



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Agency’s long-term disability plan, coverage may be converted to an individual plan at the expense of the employee. Upon return to work, employees become eligible for reinstatement in accordance with the terms of the agreement with the insurance carrier then in effect.

An employee on leave without pay from the Agency will not be eligible to accrue vacation or sick leave and shall not be eligible for any paid leave or pension plan contributions.