



## **Memo**

**To:** Commissioners, First 5 Ventura County

**From:** Jennifer Johnson, Director of Operations (On behalf of the Administration/Finance Committee)

**Date:** June 18, 2015

**Re: Recommendation to update Employee Handbook to comply with Healthy Workplaces, Healthy Families Act of 2014**

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### **Background**

An update is proposed to First 5's Employee Handbook in order to comply with the new California "Healthy Workplaces, Healthy Families Act of 2014" labor law which takes effect July 1, 2015. (The proposed language is attached.)

This new law entitles an employee who works in California for 30 days or more within a year to paid sick leave. Paid sick leave must accrue at the rate of one hour per every 30 hours worked. Accrued paid sick leave must carry over to the following year of employment and may be capped at a maximum accrual of 48 hours. Beginning on the 90<sup>th</sup> day of employment, the employee may use accrued paid sick days for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care. The law also allows sick leave to be used for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking. The employer may also limit the use of paid sick leave to 24 hours per year.

### **Discussion of Proposed Update**

For the Commission, this new law only affects employee classifications that currently do not receive any time off benefits, which includes employees classified as either "temporary" or regular part time working less than 20 hours per week. The majority of the Commission's employees currently receive paid time off benefits.

While employers may choose to limit the amount taken each year to 24 hours, the proposed update does not include this limitation to be consistent with First 5's current sick leave policy which does not impose any type of annual limit.

During the process of making the necessary changes to sick leave benefits, staff identified that "grandchild" should be included under bereavement leave to be consistent with all policies.

The proposed changes have been reviewed by the Commission's legal counsel.

### **Recommendation**

The recommendation is to update the Employee Handbook to comply with Healthy Workplaces, Healthy Families Act of 2014, as attached.

## Excerpt from First 5 Ventura County Employee Handbook

New language is reflected in underlined font and language that was moved for better flow is shown with a double underline.

### Sick Leave (from page 16 of the Employee Handbook)

Regular full time employees accrue 3.692 hours of sick leave per pay period worked to provide protection against loss of income in the event of illness or injury, or time off from work for necessary or routine health care. Regular part time employees who work between 40 and 79 hours per pay period accrue pro-rated sick leave based on their regularly scheduled work hours. The accrual rate for sick leave is adjusted upon any change of employment status. ~~The accrual rate for sick leave is adjusted upon any change of employment status.~~ A maximum of 192 hours may be accrued at any one time for regular full time employees and this maximum shall be pro-rated for regular part time employees who work 40 to 79 hours per pay period, based on their regularly scheduled work hours. Upon reaching the maximum, no further sick time will be accrued until some of the accrued time has been used. The accrual rate for sick leave is adjusted upon any change of employment status. The accrual rate for sick leave is adjusted upon any change of employment status.

In accordance with the California Healthy Workplaces, Healthy Families Act of 2014, F5VC employees classified as either temporary or regular part time (that work less than 40 hours per pay period) and who have worked in CA for at least 30 days in the preceding year shall begin accruing sick leave at the rate of one (1) hour per every 30 hours worked. Such employees shall be eligible to use this sick leave beginning on the 90<sup>th</sup> day of employment with First 5 Ventura County. A maximum of 48 hours may be accrued at any one time. Upon reaching the maximum, no further sick time will be accrued until some of the accrued time has been used.

Sick leave may be used for personal illness, to care for an immediate family member who is ill or to attend doctor's appointments. The term "immediate family" includes the following: husband, wife, domestic partner, son, stepson, daughter, stepdaughter, mother, stepmother, father, stepfather, sister, stepsister, brother, stepbrother, grandfather, grandmother, grandchild and any individual who resides with the employee as a member of his or her family. Special consideration may also be given to any other person whose relationship with the employee is similar to any of the above. Sick leave may also be used for specified purposes if the employee is a victim of domestic violence, sexual assault or stalking.

An employee absent for more than five consecutive days, or after six separate occasions of any length of time in any 12 month period, may not be entitled to sick leave for any day after the five consecutive days unless and until the employee provides a certificate signed by a physician verifying that the employee was ill on each day of the absence. An employee who misses five consecutive scheduled workdays may be required to provide a doctor's statement releasing him or her to work before returning to work. If the employee requests an extension of the sick leave, the supervisor may require an additional statement by the doctor indicating the anticipated length of sick leave. All medical information, including the doctor's statement, medical releases and the supervisor's written approval shall be kept in a separate medical file.

Sick leave is not accrued during leaves of absence without pay and is not a reimbursable benefit upon termination.

Staff members who are ill or injured and anticipate being away from work for more than one week should speak with their health care provider or the Director of Operations for information about State Disability Income benefits.

### Bereavement Leave (from page 19 of the Employee Handbook)

One (1) to five (5) days of paid leave, at the discretion of the Executive Director, may be allowed for a death in the immediate family of a Regular employee. Criteria for the amount of time off allowed include a variety of factors, including, but not limited to, the need for out-of-town travel and responsibility for handling funeral arrangements. The term "immediate family" includes the following: husband, wife, domestic partner, son, stepson, daughter, stepdaughter, mother, stepmother, father, stepfather, sister, stepsister, brother,

## Excerpt from First 5 Ventura County Employee Handbook

stepbrother, grandfather, grandmother, grandchild and any individual who resides with the employee as a member of his or her family. Special consideration will also be given to any other person whose relationship with the employee was similar to any of the above.

Up to two (2) days of paid leave, at the discretion of the Executive Director, may be allowed for a death of specific other family members. This includes the following: daughter-in-law, son-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandfather-in-law, grandmother-in-law, aunt and uncle. Special consideration will also be given to any other person whose relationship with the employee was similar to any of the above.

In the event of the death of some other, close personal friend or relative not named in the family list, the employee may request immediate use of available sick leave, personal leave or vacation leave time of up to five (5) days. At the discretion of the supervisor, the Executive Director and the Executive Director's office, such leave may be allowed.

If more time off is required, employees may request any available sick leave, personal leave or vacation leave.