

MANDATORY PAID SICK HOURS POLICY

POLICY NUMBER: 308.1
DATE ADOPTED: 06/30/15
REVISED: 01/01/23, 01/01/24,
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I. Purpose

- A. The purpose of this Policy is to comply with the Healthy Workplaces, Healthy Families Act of 2014 (Act).
- B. This Policy shall be administered in accordance with applicable laws by the Human Resources Director who may issue further procedural guidelines to accomplish its purpose.

II. Applicability

- A. This Policy applies to employees of the County of Colusa who are not covered by the sick leave provisions of the Colusa County Personnel Rules and/or a negotiated Memorandum of Understanding between the County of Colusa and a bargaining representative. This Policy does not apply to county employees who are members of either a represented or unrepresented bargaining unit or elected officials. This Policy does not extend to in-home supportive services employees (IHSS).

III. Definitions

- A. "Family member" means any of the following:
 - 1. A child, which for purposes of this Policy means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - 2. 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.
 - 3. A spouse or a registered domestic partner.
 - 4. A grandparent or a grandchild.
 - 5. A sibling.
 - 6. A designated person, which means, a person identified by the employee at the time the employee requests paid sick days. An employee is limited to one designated person per calendar year.

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- B. "Health care provider" is a physician, surgeon or osteopath as defined in paragraph (6) of subdivision (c) of Section 12945.2 of the California Government Code.
- C. "Paid Sick Hours" means time that is compensated at the same wage as the employee normally earns during regular work hours and is provided by the County to an employee for the purposes described in Section V. "Reasons for Leave".
- D. "Qualifying Act of Violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:
 - 1. Domestic violence.
 - 2. Sexual assault.
 - 3. Stalking.
 - 4. An act, conduct, or pattern of conduct that includes any of the following:
 - a) In which an individual causes bodily injury or death to another individual.
 - b) In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.
 - c) In which an individual uses, or makes reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.
- E. "Victim" means either of the following:
 - 1. An individual against whom a qualifying act of violence is committed.
 - 2. For the purposes of paragraph (2) of subdivision (a) of Section 12945.8 of the Government Code only, a person against whom any crime has been committed.

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IV. Eligibility

- A. An employee who, on or after July 1, 2015, works for Colusa County for thirty (30) or more days within a year from the commencement of employment is entitled to Paid Sick Hours as specified in this Policy.
- B. An employee shall accrue Paid Sick Hours at the rate of one (1) hour per every thirty (30) hours worked, beginning at the commencement of employment or July 1, 2015, whichever is later.
- C. An employee shall be entitled to use accrued Paid Sick Hours beginning on the ninetieth (90th) day of employment, after which day the employee may use Paid Sick Hours as they are accrued. Accrued Paid Sick Hours shall carry over to the following year of employment. Use of Paid Sick Hours is limited to forty (40) hours in each year of employment.
- D. Total accrual of Paid Sick Hours is limited to eighty (80) hours.
- E. The County will not provide compensation to an employee for accrued, unused Paid Sick Hours upon termination, resignation, retirement, or other separation from employment.
- F. If an employee separates from County and is rehired by the County within one year from the date of separation, previously accrued and unused Paid Sick Hours shall be reinstated. The employee shall be entitled to use those previously accrued and unused Paid Sick Hours and to accrue additional Paid Sick Hours upon rehiring.
- G. The County shall provide each eligible employee with written notice that sets forth the amount of Paid Sick Hours available, on the employee's itemized wage statement check receipt.
- H. Paid Sick Hours under this Policy must be used in minimum allotment of two (2) hours per incident.
- I. The rate of pay shall be the employee's hourly wage when Paid Sick Hours are used.
- J. If the need for Paid Sick Hours is foreseeable, the employee shall provide reasonable advance notification to the appointing authority or direct supervisor. If the need for Paid Sick Hours is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.

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- K. The County shall provide payment for sick hours taken by an employee no later than the payday for which worked hours occurring during the same time frame would be paid.

V. Reasons for Leave

- A. Upon the request of an employee, the County shall provide Paid Sick Hours on days the employee is scheduled to work, for the following purposes:
1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.
 2. For an employee who is a victim, or who has a family member who is a victim, the following purposes outlined in the subdivision (a) and (b) of Section 12945.8 of the Government Code apply. As a condition of taking time off, the employee shall give the County reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.
 - a) Subdivision (a) of Section 12945.8 of the Government Code
 - i. To serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve.
 - ii. To appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.
 - iii. To obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

b) Subdivision (b) of Section 12945.8 of the Government Code

- i. To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
- ii. To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.
- iii. To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
- iv. To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
- v. To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- vi. To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
- vii. To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- viii. To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
- ix. To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
- x. To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

VI. Limits on Total Leave Time Taken for Victims

- A. If the employee is the victim, total leave time taken pursuant to subdivision (b) of Section 12945.8 of the Government Code is limited to 12 weeks. Leave taken by an employee shall run concurrently with leave taken pursuant FMLA and CFRA, if the employee would have been eligible for that leave, and does not grant an employee with a right to leave that exceeds that provided under FMLA.
- B. If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave pursuant to subdivision (b) to assist a family member relocate or engage in the process of securing a new residence due to the qualifying act of violence, including but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare, leave may be ***limited to five days***.
- C. If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the County may limit the total leave taken pursuant to subdivision (b) to ***10 days***.

VII. Certification of Victim Status

- A. An employee seeking to take leave pursuant to subdivision (a) or (b) of Section 12945.8 of the Government Code may be asked to provide certification demonstrating the employee's status, or the employee's family member's status, as a victim. Acceptable certification includes:
 - 1. A policy report indicating that the employee or family member of the employee was a victim.
 - 2. A court order protecting or separating the employee or family member from the perpetrator of the qualifying act of violence, or otherwise evidence from a court or prosecuting attorney that the employee or family member appeared in court.
 - 3. Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee or a family member was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence.

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4. Other reasonable documentation, such as a signed statement by the employee or a representative, verifying the qualifying act of violence.
 5. Recertification of an employee's status, or an employee's family member's status, as a victim, or ongoing circumstances related to the qualifying act of violence may be requested, every six months after the date of the previous certification.
- B. **Confidentiality:** To the extent permitted by law, the County shall maintain the confidentiality of any employee requesting leave.

When an employee requests an accommodation, any verbal or written statement or documentation identifying an employee or the employee's family member as a victim must remain confidential. Such information shall only be disclosed as required by federal or state law or when necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.