

EMERYVILLE, CALIFORNIA

PAID SICK LEAVE ORDINANCE

New California Paid Sick Leave (AB 1522, the Health Workplaces, Healthy Families Act of 2014) law applies to eligible employees except as modified by Emeryville law.

Eligibility

Employees who perform at least **two hours of work in a calendar week within the geographic boundaries of the City of Emeryville** for a small business (55 or fewer employees in Emeryville) are eligible for paid sick leave (PSL).

There is no limit on employee PSL usage, subject to cap on banked PSL hours. There shall be a cap of 48 hours of accrued PSL (equivalent to six 8-hour work days). Accrued PSL for employees carries over from year to year, but is limited to the 48 hour cap. The employee may use the total amount of sick leave banked.

As long as the total accrued paid sick leave days does not exceed the cap, an employee may continue to accrue more hours as they are used throughout the year.



EFFECTIVE: 7/2/2015

Employees who assert their rights to receive the City's paid sick leave benefits are protected from retaliation.

Paid Sick Leave – Use of

- To care for employees' own medical needs or to provide care for a "family member" including a designated individual in the event the employee does not have a spouse or registered domestic partner.
- To provide care for a guide dog, signal dog, or service dog, of the employee, employee's family member, or person designated by the employee.

Employee can use paid sick time in one (1) hour increments.

Family Member

- Child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);
- Biological, adoptive, or foster parent; step parent, 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;
- Spouse;
- Registered domestic partner;
- Grandparent;
- Grandchild; and
- Sibling.

Designated Person

If an employee has no spouse or registered domestic partner, the employee may designate one person for whom s/he may use paid sick leave to provide aid or care. This designation must be on file with the employer before the employee may use paid sick leave for this purpose.

Paid Sick Leave – Employee Notice Requirement

- Employee must accumulate sick time (see below) before requesting use of sick leave.
- **Employees must indicate their “designated person” within 14 calendar days of being notified of this ordinance by the company if they wish to “designate” a person.** Please notify the benefits department of your “designated person” at benefitsdepartmentusers@superiorgroup.com or by calling 1-800-568-8310. An employee may change their designation annually by January 31st of each year.
- An employee may request paid sick days in writing or verbally. An employee cannot be required to find a replacement as a condition for using paid sick days.
- If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification to the customer **and** your branch representative about his/her need for paid sick leave.
- If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for paid sick leave to the customer **and** your branch representative as soon as practicable.

Paid Sick Leave – Accrual

- An employee may **use accrued paid sick days beginning on the 90th day of employment.** The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on July 2, 2015, or your first day of employment if you are hired after July 2, 2015, if you work less than 90 days for the company, you are **not** entitled to take paid sick leave.
- The rate of pay for “paid sick days” shall be the employee’s regular hourly rate. If the employee in the 90 days of employment before taking accrued sick leave had different hourly pay rates or was a nonexempt salaried employees, then the rate of pay shall be calculated by dividing the employee’s total wage, not including overtime premium pay, by the employee’s total hours worked in the full pay period of the prior 90 days of employment.
- For every 30 hours worked, an employee shall accrue one hour of paid sick leave.
- Hours worked includes overtime for non-exempt employees; for salaried employees, it is based on regular hour work week.
- Accrued paid sick leave does not expire; it carries over from year-to-year.

Overall Accrual Cap

- The amount carried over to the next year is subject to a cap. Once employees hit their cap (i.e., 48 hours) in a calendar year or 12-month basis (for new hires), they no longer accrue paid sick leave until they use some of the hours they have “in the bank”
- Employees may not have more than 48 hours of accrued paid sick leave saved at any time

90-day time period is regardless of *where* the employee worked—it just has to be 90 days with the company.

If an employer has a paid leave policy, such as PTO or vacation policy, that makes available to employees leave that may be used for the same purposes specified in the Ordinance (or for any purpose) and that is sufficient to meet the Ordinance’s requirements for paid sick leave accrual, then it is not required to provide additional paid sick leave.

Paid Sick Leave – Upon Termination		
Accrued unused paid sick leave is not paid out upon termination, resignation, retirement, or other separation from employment		<u>Note:</u> Only paid out if using a PTO or vacation policy to comply with the Ordinance
Rehires		
If rehired by the company within 12 months from the previous date of separation, previously accrued and unused paid sick days shall be reinstated.		The employee shall be entitled to use those previously accrued and unused sick days after 90 days of employment with the company (counting their previous time working for the company) and to accrue additional paid sick days upon rehiring.
Emeryville CA Zip Codes Included – In SAP mark subarea as “Emeryville CA”		
94608	94662	



THE CITY OF EMERYVILLE HAS NEW LABOR LAWS
 Administered by the City of Emeryville and specified by
 Emeryville Municipal Code 5-37.

Minimum Wage

Paid Sick Leave

EFFECTIVE JULY 2, 2015
 (EMC 5-37.02)

EFFECTIVE JULY 2, 2015
 (EMC 5-37.03)

Large Businesses
(56 or more employees)

Minimum Compensation:

\$14.44 per hour

All compensated employees are eligible for sick leave.

Small Businesses
(55 or fewer employees)

Minimum Compensation:

\$12.25 per hour

Maximum number of hours employees can accrue:

Large Businesses: 72hrs
Small Businesses: 48hrs

 **EMPLOYEES CAN FILE A COMPLAINT WITH THE CITY IF THEY:**

Do not receive the minimum wage.*

Do not receive paid sick leave (PSL) hours or notice to designate PSL person.*

Experience retaliation.*