

CHAPTER 2. PERSONNEL
MISCELLANEOUS
Adopted June 18, 2015

Sick Leave for “PTS Employees” **1319**

Definitions **1320**

Immediate Family: Immediate Family means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands *in loco parentis*; biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee’s spouse or registered domestic partner, or a person who stood *in loco parentis* to either the employee or the employee’s spouse or domestic partner as a minor; or an employee’s spouse, registered domestic partner; grandparent; grandchild; or sibling, including half-siblings.

Permitted Use of Sick Time:

Permitted Use of Sick Time consists of any of the following:

Diagnosis, care, or treatment of the existing health condition of an employee or a member of the employee’s Immediate Family;

Preventative care for an employee or a member of the employee’s Immediate Family;

For employees who are victims of domestic violence, sexual assault, or stalking, leave taken for the purposes described in Sections 230(c) and 230.1(a) of the California Labor Code.

PTS Employees: For purposes of this policy a “PTS Employee” means any employee who is not a Full-Time employee, as defined in Section 1323 including, but not limited to, part-time, temporary, and seasonal employees.

New Hires: For purposes of this policy, a “New Hire” refers to any employee hired to work at the District on or after July 1, 2015.

Employees: For purposes of this policy, the term “Employee” or “Employees” without further modification includes any or all PTS Employees, regardless of hire date.

Eligibility **1321**

All Employees are eligible to accrue and use paid sick leave in accordance with the applicable terms of this policy, after completing 30 days of work in one calendar year.

Waiting Period Prior to Use of Sick Leave by New Hires **1322**

All New Hires must complete an initial, one-time 90-calendar day waiting period before using sick leave. Employees who leave District employment before completion of the 90-day waiting period are not entitled to use any sick leave. However, New Hires who return

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to District employment within 1 year of separation will have their sick leave balances restored in accordance with Section 1328 of this Policy and need only complete the remainder of the 90-day waiting period before becoming entitled to use available sick leave.

Accrual

1323

Beginning on July 1, 2015, eligible PTS Employees will accrue sick leave at the rate of one hour for every 30 hours worked.

Unused, accrued sick leave will be carried over from calendar year to calendar year with a maximum sick leave accrual of 48 hours.

Once a PTS Employee's sick leave accrual reaches 48 hours, he/she will cease accruing sick leave until the total number of sick leave hours falls below 48 hours.

PTS employees may use up to 24 hours of accrued sick leave during each year of employment.

Notice

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Unscheduled Time Off:

An Employee must contact his/her supervisor prior to the commencement of the assigned work shift, or as soon thereafter as is practical, to report absence from work due to a Permitted Use of Sick Time. Consideration will be given to emergency situations that restrict the employee from contacting his/her supervisor prior to his/her assigned work shift, including, but not limited to accident, injury, or hospitalization.

An Employee must notify his/her supervisor before the Employee leaves the work site prior to completion of the work shift due to any unscheduled Permitted Use of Sick Time; however, the employee need not provide the reason that sick time is needed to the supervisor.

Each supervisor must notify Employees under his/her supervision of the most effective method for reaching him/her quickly (which may include telephone, e-mail, or text message) and must provide Employees with the necessary contact information.

Scheduled Time Off:

Notice of time off for scheduled appointments involving a Permitted Use of Sick Time such as personal medical appointments must be provided to the supervisor at least one week in advance of the appointment, whenever feasible. Every reasonable effort should be made to schedule such appointments at times that do not conflict with the District's work schedule.

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However, an Employee need not find a replacement as a condition for using sick time.

The Employee must again notify his/her supervisor before the Employee leaves the work site prior to completion of the work shift due to the scheduled Permitted Use of Sick Time.

Medical Certification or Other Documentation

1325

Employees off work on sick leave for a period of four or more consecutive days may be required at any time to provide a doctor's note or other relevant documentation certifying that the reason for the Employee's absence is a Permitted Use of Sick Time, and if the Employee is unable to return to work, stating how long the Employee is expected to be unable to do so.

Return to Work

1326

For any absence of four more or days due to an Employee's own illness or injury, the supervisor may require that the employee provide a note from his/her physician, releasing the Employee with or without restrictions, before the Employee may return to work.

Timekeeping and Rate of Pay

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Absence from work due to a Permitted Use of Sick Leave must be recorded as "sick leave" in ADP by the Employee or his/her supervisor.

An Employee who uses accrued and available sick leave for a Permitted Use of Sick Time will be paid at the Employee's hourly wage.

If, however, during the 90 days of employment prior to using the accrued and available sick leave the Employee was paid at more than one hourly pay rate or was a nonexempt, salaried Employee, then the rate of pay shall be calculated by dividing the Employee's total wages, not including overtime premium pay, by the total hours worked during each full pay period that fell entirely within that 90-day period.

Reinstatement of Unused Sick Leave Balances

1328

An Employee who separates from employment with the District and returns to active employment within 1 year of his/her separation date will have his/her accrued and unused sick leave balance reinstated, up to a maximum of 48 hours.

Retention and Inspection of Records Pertaining to Sick Leave

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The District will keep records documenting the hours worked and paid sick leave accrued and used by a PTS Employee for three years. Upon reasonable request, and within 21 calendar days after the request, the District will afford current and former Employees the

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right to inspect or copy records pertaining to their hours worked and paid sick days accrued and used.

Abuse of Sick Leave

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Employees who do not comply with this policy, including providing insufficient notice of sick leave or using sick leave for reasons other than for a Permitted Use of Sick Time, are committing abuse of sick leave, which is grounds for discipline, up to and including termination. The District reserves the right to take reasonable steps to determine whether an employee is abusing sick leave, including, but not limited to, attempting in-person or electronic communication with an Employee using sick leave, identifying and tracking consistent patterns of sick leave use, such as in connection with weekends, holidays, and scheduled days off, and considering social media content or other relevant evidence that is either publicly available or shared voluntarily by other Employees or interested individuals.

Retention of Sick Leave Balances by Employees Promoted to Full-Time Status

1331

Upon promotion of an Employee to a Full-Time position, as defined in Section 205.A. of Policy 2-200-C, the Employee will retain any previously accrued and unused sick leave balances. The Employee will immediately cease accruing any additional sick leave under this Policy and will instead become eligible for, and subject to the applicable terms and conditions for, annual leave, as set forth in Policy 2-800-A through 2-800-H, including as may be subsequently amended.

Following promotion to a Full-Time position, the Employee may use any previously accrued and unused sick leave balances for any Permitted Use of Sick time until those balances are exhausted, in accordance with this Policy.