

County of Riverside Frequently Asked Questions (FAQ) for State of California Healthy Workplaces, Healthy Families Act of 2014

The Basics

Effective July 1, 2015, the Healthy Workplaces, Healthy Families Act of 2014 (California law (“AB 1522”)) requires California employers to provide paid sick leave at a minimum of 24 hours or three (3) days (whichever is greater) in a 12-month period to all eligible employees who have been employed for more than 30 days within a year. Eligible employees include all temporary (full-time/part-time) and per diem employees.

This law exempts employees subject to a collective bargaining agreement that expressly provides for paid sick days and other requirements. Unrepresented seasonal employees are covered by the Ordinance 440 and will earn sick leave according to the provisions of the Ordinance. Represented seasonal employees are covered by the SEIU MOU and will accrue sick leave according to the provisions of the governing MOU.

1: Q: When does the Healthy Workplaces, Healthy Families Act take effect?

A: California’s new sick leave law was in effect January 1, 2015, but employers aren’t required to start providing sick leave until July 1, 2015.

2: Q: Who is entitled to paid sick leave under the Act?

A: The Act covers most employees who work for an employer on or after January 1, 2015 and who work at least 30 days within a year in California. This includes part-time and temporary employees. There are only a few limited exemptions that are not covered by the Act, which are (1) providers of publicly-funded in-home supportive services; (2) employees covered by collective bargaining agreements meeting specific requirements; and (3) individuals employed by an air carrier as a flight deck or cabin crew member subject to the federal Railway Labor Act.

3: Q: When can eligible employees begin to take paid sick leave?

A: Eligible employees must be provided with sick leave on July 1, 2015, or their date of hire, whichever is later. Employees hired after July 1, 2015 can start using their accrued paid sick leave beginning on the 90th day of employment. Employees who have been employed for more than 90 days as of July 1, 2015 must be able to use their paid sick leave immediately.

4: Q: What if I work less than 30 days in California within a year?

A: If you work less than 30 days in California within a year, then you are not entitled to be paid sick leave under this new law.

5: Q: What if I work more than 30 days in California within a year but less than 90 days?

The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on July 1, 2015, or your first day of employment if you are hired after July 1, 2015, if you work less than 90 days for your employer, you are not entitled to take paid sick leave.

6: Q: Can the County have different paid leave policies for different classifications of employees?

A: Yes. Nothing in the Act prevents the County from offering the minimum amount of paid sick leave required under the Act to part-time/temporary employees, and offering a more generous paid leave policy to full-time employees.

7: Q: If the County already provides paid leave, does the Act impose any additional requirements?

A: Yes. Employers offering paid time off (“PTO”) or paid vacations days that may be used for any purpose, including sick leave, and meeting the minimum accrual requirements under the Act do not need to offer any additional paid sick leave in order to comply with the Act. However, even if an employer already provides paid leave in a yearly amount greater than what is required under the Act, the employer must still ensure that its policy meets all the other requirements of the Act, including but not limited to, the accrual rate, permissible uses, notice and recordkeeping.

8: Q: How much paid sick leave is an eligible County employee provided?

A: Eligible employees will be credited with 36 hours of paid sick leave each calendar year. However, employees may only use 24 hours or three (3) days of paid sick leave per calendar year, depending on their normal work day.

9: Q: Can the County put a cap on the amount of sick leave an employee can use?

A: Yes. The Act states that employees will earn at least one hour of paid leave for every 30 hours worked. That works out to a little more than eight days a year for someone who works full-time. But, employers can limit the amount of paid sick leave an employee can take in one year to 24 hours or three (3) days.

10: Q: How much paid sick leave may an employee take in a year?

A: Irrespective of the amount of paid sick time an employee has been credited, the County is limiting employees to taking only 24 hours or three (3) days of paid sick leave per calendar year. Employees are allowed to decide how much paid sick leave up to the cap to use at any given time based on the employee’s normal work day.

11: Q: How does the “24 hours or three (3) days” requirement apply to employees on an alternative work schedule?

A: For eligible employees on an alternative work schedule, whose normal work day is either 9 hours, 10 hours, or 12 hours, employees will be allowed to use a total of 27 hours, 30 hours, or 36 hours respectively of paid sick leave per calendar year.

*Example: Normal work day = 9 hours = 1 day of sick leave
 Normal work day = 9 hours = 1 day of sick leave
 Normal work day = 9 hours = 1 day of sick leave
 Total = 27 hours= 3 days of sick leave

12: Q: What happens to unused sick leave at the end of the year?

A: Any unused sick leave hours will be forfeited. The County does not have to allow unused sick leave to carry over since the County will front-load 36 hours to all eligible temporary and per diem employees at the beginning of the following year.

13: Q: Is the County required to pay out unused sick leave upon separation from employment?

A: No. The Act does not require the County to pay employees for unused sick leave upon separation from employment. However, if an eligible employee is rehired within a year of separation of employment, the full amount of the remaining unused sick leave at time of separation must be reinstated and made available immediately for use if the employee is rehired into an eligible classification.

14: Q: The Act states that the County is should to allow employees to accrue one (1) hour of sick leave for every 30 hours worked. Can the County satisfy the Act by advancing the full amount of sick leave at the beginning of the calendar year?

A: Yes. The Act allows the County to use a different method to credit eligible employees with no less than 24 hours or three (3) days of paid sick leave each calendar year. Even though the County has chosen to credit the full amount of sick leave up-front, newly hired eligible employees must still complete 90 days of employment prior to being able to take any paid sick leave and will have sick leave credited upon reaching 90 calendar days of employment with the County.

15: Q: Are Seasonal employees entitled to paid sick leave under the Act?

A: Yes. Seasonal employees are entitled to paid sick leave under the Act. However, represented Seasonal classifications within the County of Riverside are covered by the sick leave provisions under the SEIU MOU and unrepresented Seasonal employees are covered under the sick leave provisions under the Ordinance 440, both which provide more generous sick leave benefits than the Act.

16: Q: Are CalPERS retired annuitants working temporarily under the 960-hour provision eligible for paid sick leave under the Act?

A: No. The Act requires an employer to provide paid sick leave to employees only. The definition of “employee” does not include retired annuitants under the Act.

17: Q: What happens to the credited paid sick leave hours received as a temporary or per diem employee if I transfer into a Regular status classification covered by a collective bargaining agreement?

A: The paid sick leave credited to employees who were eligible under the Act will be forfeited upon transferring into a Regular classification covered by a collective bargaining agreement. While working in a Regular classification represented by a collective bargaining agreement, the employee will begin to accrue sick leave as stated in the governing MOU.

18: Q: What happens to the sick leave hours I accrued as a Regular status classification covered by a collective bargaining agreement if I transfer into a temporary or per diem classification covered by the Act?

A: The accrued sick leave earned as a Regular employee will be forfeited. Upon transferring and becoming eligible for paid sick leave under the Act, you will be credited with the appropriate number of sick leave hours as stated in the County of Riverside Healthy Workplaces, Healthy Families Policy Sick Leave Policy (Policy C-36).

19: Q: What are the permissible uses for sick leave?

A: Upon an oral or written request, employees must be permitted to use paid leave for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or employee’s family member. Moreover, if the employee is a victim of domestic violence, sexual assault, or stalking, the employee may use sick leave to: (1) attend legal proceedings or obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee’s own health, safety, or welfare, or that of the employee’s child or children; (2) obtain services from a domestic violence shelter or rape crisis center; (3) seek medical attention for injuries caused by domestic violence or sexual assault; (4) obtain psychological counseling for the domestic violence or sexual assault; or (5) take action, such as relocation, to protect against future domestic violence or sexual assault.

20: Q: Who qualifies as a family member under the Act?

A: Covered family members include a spouse, registered domestic partner, child (regardless of the child’s age or dependency status), parent, grandparent, grandchild, and sibling.

The parent-child relationship includes not only biological relationships, but also relationships resulting from adoption, step-relationships, foster care, or other legal assumption of parental responsibility.

21: Q: What obligations can the County impose on employees' use of paid sick leave?

A: The County can require reasonable advance notification of an employee's foreseeable need to use sick leave (e.g., for a scheduled medical appointment). If the need for leave is unforeseeable, the County may only require the employee to provide notice of his/her need for leave as soon as practicable.

22: Q: Can the County require verification that an employee's use of leave was for a covered purpose?

A: The Act does not contain any provision allowing the County to require documentation that the use of sick leave was for a covered purpose. In most instances, documentation probably won't be requested to support the leave time taken unless: (1) otherwise allowed under another leave law (e.g., FMLA, CFRA, pregnancy disability leave, or workers' compensation); (2) the leave is for more than three consecutive days; (3) the leave is to attend legal proceedings or obtain/attempt to obtain any relief from domestic violence/sexual assault/stalking; or (4) the employee takes leave under circumstance indicating a pattern or clear instance of abuse of the permissible uses of paid sick leave.

23: Q: How will I know how many paid sick leave hours I have available, even though all hours may not be available to use?

A: The number of paid sick leave hours will be listed on your bi-weekly paycheck stub.

24: Q: When must an employee be paid for sick leave?

A: The Act requires employers to provide this payment no later than the payday for the next regular payroll period after the sick leave was taken, provided the employee submits a time sheet by the given payroll deadline.

25: Q: What happens if I only work 60 days one year but return to the same employer within one year and work another 60 days?

A: The paid sick leave law requires that your sick leave be restored to you if you return to the same employer within 12 months from the previous separation.

Although an employer does not have to allow an employee use of the paid sick leave prior to working 90 days, because the law specifically requires that the leave be restored to you, in your second year, you have met the 90 day restriction on use after 30 days (due to working 60 days in the prior year) and can begin to use your paid sick leave after being employed 30 days in the second year.

26: Q: What happens if I return to work for the same employer after more than one year?

A: The paid sick leave law does not require that your accrued sick leave be restored to you. Whether you have to re-establish eligibility by working another 30 days within a year and 90 days before use, is a question that is not addressed in the new law and will depend on the particular facts of the situation to answer.

We will update the answer to this question once this situation is addressed by the provisions of the new law.

27: Q: If I work part time, six hours per day and I have accrued 24 hours of paid sick leave and I take three paid sick days, can my employer refuse to allow me to take any more sick leave in that same year?

A: No. Because the statute provides that an employer may limit the amount of sick leave to 24 hours or three days, and because you work 6 hours per day, you have only used 18 of your 24 hours. For enforcement purposes, DLSE interprets the reference to “three days” to state an equivalent of 24 hours (based on an 8 hour workday) and is not a limitation that can be used to prohibit a part-time employee from using at least 24 hours of accrued leave in a year. Therefore, the minimum amount that you have to be allowed to take cannot fall below 24 hours. In this situation, you still have 6 hours left to take and be paid for, during the year.

28: Q: My employer provides paid time off which I can use for vacation or illness. Will my employer have to provide additional sick leave?

A: No, as long as your employer provides at least 24 hours or three (3) days per year of paid leave that can be used for health care and meets other requirements in the law.

Disclaimer: This Frequently Asked Question (FAQ) document is only a guide to provide eligible employees with information pertaining to the Healthy Workplaces, Healthy Families Act of 2014 (“Act”) while employed with the County of Riverside. The FAQ does not replace any provisions of the Act. Should there be any discrepancy between this FAQ and the Act, all provisions of the Act shall prevail.