

ATTACHMENT A

I. Purpose and Scope

In accordance with the Healthy Workplaces, Healthy Families Act of 2014 ("Act"), and as amended by California Senate Bill 616 ("SB 616") effective January 1, 2024, The Town of Mammoth Lakes ("Town") recognizes that employees may need days off from work to attend to their own health care, or the health care of family members, to ensure a healthier and more productive workplace. This document establishes the policies and procedures the Town shall adhere to with regards to paid sick leave in accordance with California Labor Code sections 245 and 246 *et seq.*

This policy applies to temporary, part-time, and seasonal employees who work for the Town for thirty (30) or more days within twelve (12) months from the beginning of employment, and who are not eligible for any form of comprehensive leave benefit provided by the Town to employees in recognized bargaining units.

Employees not covered by this policy are those who are eligible for a comprehensive leave benefit provided by the Town pursuant to a memorandum of understanding (represented employees), employee benefits resolution (non-represented employees), or employment agreement, which exceed the minimum requirements. As defined by California Assembly Bill 304 ("AB 304"), retired annuitants are not eligible for paid sick leave.

II. Policy

A. Entitlement

Employees covered by this policy are entitled to five (5) days or forty (40) hours of paid sick leave annually, which may be used within a twelve- (12-) month period or term of employment. Employees shall be provided five (5) days or forty (40) hours, whichever is greater, of paid sick leave front-loaded at the beginning of a twelve- (12-) month period; the twelve- (12-) month period shall be defined as the start of each calendar year. As the full amount of paid sick leave shall be provided to employees up front at the start of each calendar year, employees shall not be entitled to carry over of paid sick leave from one calendar year to the next.

The maximum benefit is forty (40) hours, except in situations where a day in an employee's regular work schedule is longer than an eight (8) hour day (e.g., an employee authorized to work an alternative work schedule of four (4), ten (10) hour days per week). In such cases, a "day" shall be the equivalent of the hours in the employee's regularly scheduled workday.

Paid sick leave made available under this policy has no cash value, and the Town shall not compensate employees for unused sick leave upon termination, resignation, retirement, or other separation from employment.

B. Usage

1. Paid sick leave shall not be considered "time actually worked" as defined by the Fair Labor Standards Act (FLSA) for the purposes of calculating overtime.
2. An employee shall be entitled to use available paid sick leave beginning on the ninetieth (90th) calendar day of employment. Employees shall not be permitted to use paid sick leave prior to their ninetieth (90th) day of employment. Exceptions to this may be approved at the discretion of the Town Manager, or designee.
3. The Town shall allow the use of paid sick leave upon the oral or written request (e.g., by phone, in

person, via text message, or email) of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition, preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking, and the purposes described in Labor Code section 230(c) and Labor Code section 230.1(a).

4. "Family member" for purposes of this policy is defined as:
 - a. A child (biological, adopted, or foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis, regardless of the age or dependency status).
 - b. 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.
 - c. A spouse.
 - d. A registered domestic partner.
 - e. A grandparent.
 - f. A grandchild.
 - g. A sibling.
 - h. A designated person: a person identified by the employee at the time the employee requests paid sick leave. The Town may limit an employee to one (1) designated person per twelve- (12-) month period for paid sick leave.

The employee must provide reasonable advance notification, orally or in writing, of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the employee must provide notice as soon as practical. The Town will not condition the use of paid sick leave on the employee finding someone to cover their work.

5. Employees must use paid sick leave in at least one half (0.5) hour increments.
6. Eligible employees shall be authorized to use paid sick leave for a maximum number of hours equal to the number of hours they were scheduled to work. For example, if the employee was scheduled for a four (4) hour shift, they will be compensated with four (4) hours of paid sick leave. If the employee was scheduled for an eight (8) hour shift, they will be compensated with eight (8) hours of paid sick leave.
7. The Town will limit the use of paid sick days to forty (40) hours or five (5) days in each twelve- (12-) month period.
8. New employees will be provided with the full amount of paid sick leave that may be used per calendar year (forty (40) hours or five (5) days) at the commencement of their employment. An employee shall not be entitled to use paid sick leave until the beginning of the ninetieth (90th) day of their employment.
9. Returning temporary, part-time, and seasonal employees who have had a break in service of more than one (1) year from their date of separation, shall be provided with paid sick leave as outlined above. Returning temporary, part-time, and seasonal employees who have a break in service of less than one (1) year, shall have previously provided, and unused paid sick leave reinstated, providing they worked for at least a ninety- (90-) day period in their previous term of employment. The Town shall not reinstate paid time off to an employee who was paid out at the time of termination, resignation, or separation of employment. Employees previously eligible for a comprehensive leave benefit pursuant to a memorandum of understanding, employee benefits resolution, or employment agreement, who return in a temporary, part-time, or seasonal capacity, shall not be entitled to use paid sick leave until the beginning of the ninetieth (90th) day of their temporary employment.

If a returning temporary, part-time, or seasonal employee did not satisfy the ninety- (90-) day requirement during their first appointment, they will not have access to paid sick leave until this requirement has been met. For example, if the employee only worked for a sixty- (60-) day period during their first appointment, they would not have access to their paid sick leave until they have worked for a thirty- (30-) day period during their second appointment. If an employee is re-hired after one (1) year of their termination, they will be required to satisfy the ninety- (90-) day period again.

C. Record Keeping

1. Under Labor Code section 2810.5, a Notice to Employee shall be provided to all employees eligible for paid sick leave at the commencement of their employment.
2. Information showing available paid sick leave shall be displayed on employees' bi-weekly, itemized pay statements.
3. Records showing paid sick leave usage for individual employees shall be kept for three (3) years following termination, in accordance with the Town's Records Retention Schedule. This information shall be available for review by the Department of Industrial Relations.

III. Responsibility for Review

The Human Resources Manager, or designee, is responsible for reviewing this policy as needed or at least every five (5) years.