MEMORANDUM

TO: Principal Investigators and Project or Program Directors
   All Research Foundation Employees

FROM: Cheree Aguilar, Deputy Executive Director
      and Senior Director, Human Resources

DATE: June 10, 2015

RE: Healthy Workplaces, Healthy Families Act of 2014 (AB 1522)
    Sick Leave Policy For Non-Benefited Employees

On September 10, 2014, when Governor Edmund G. Brown signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522, the “Act”), California became the second state in the nation to require employers to provide paid sick leave.

This Act applies to the SJSU Research Foundation (“Research Foundation”). The purpose of this communication is to provide Research Foundation employees a brief summary of the Act and of their rights.

Who qualifies for paid sick leave under the Act?

The Act applies to all of the Research Foundation’s employees. However, the Act does not impact benefited employees of the Research Foundation, as there is a Sick Leave policy that exceeds the Act’s requirements in effect for benefited employees.

The Act requires an employer to provide up to 24 hours of paid sick leave to all non-benefited employees, including student, part time and temporary employees who satisfy the following requirements: all non-benefited employees hired on or after January 1, 2015 qualify for paid sick leave by being employed by their employer for at least 30 days within a year in California and by satisfying a 90-day employment period. Per the Act, if an employee is employed for less than 30 days in California and is not employed for at least 90 days by their employer, they are not entitled to paid sick leave.

How much paid sick leave is provided?

While the Act gave employers a number of different options for implementation, the method that the Research Foundation has chosen is: Effective July 1, 2015, all non-benefited employees who qualify for the sick leave benefit pursuant to the Act will be credited with 24 hours of paid sick leave. An employee may then use their sick leave hours immediately following their start date. While the Act allows implementation “waiting” periods, as noted above, the Research Foundation exceeds the Act’s requirements by eliminating “waiting” periods.
Thereafter, on January 1 of each year or on their date of hire, non-benefited employees will be provided 24 hours of paid sick leave, which, again, can be accessed immediately.

There is no carryover of unused sick leave. All sick leave hours under the Act will be zeroed out each calendar year on December 31. Per the Act, sick leave will not be paid out at the end of employment.

When can sick leave be used?

Non-benefited employees who qualify for sick leave under the Act can start using their credited sick leave immediately following their start date or July 1, 2015.

Per the Act, the Research Foundation has set a reasonable minimum increment of two hours for the use of paid sick leave. However, each employee may determine how much paid sick leave he/she needs to use, keeping with the minimum usage.

How can an employee use paid sick leave?

An employee can use paid sick leave for an existing health condition or preventive care for themselves or a “family member.” A “family member” under the Act is a:

- Child
- Parent
- Spouse or registered domestic partner
- Grandparent
- Grandchild
- Sibling

Paid sick leave may also be used for an employee who is a victim of domestic violence, sexual assault, or stalking.

When must paid sick leave be provided?

Paid sick leave will be provided upon an employee’s oral or written request. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice. If not, the employee must provide notice as soon as practicable.

How is paid sick leave paid?

Sick leave is paid at each employee’s regular or base rate of pay, and is charged to each employee’s salary/wage line and the active account.

Other

The Research Foundation will not retaliate against any employee who uses their paid sick leave.

An employee who uses their sick leave pursuant to the Act need not find a replacement for himself/herself for their time off.

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Specific information regarding AB 1522, the Sick Leave Act, can be found at the following site:

http://www.dir.ca.gov/DLSE/ab1522.html