

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA APPROVING AN UNREPRESENTED
HOURLY EMPLOYEES PAID SICK LEAVE LAW POLICY**

WHEREAS, under Municipal Code Section 3.04.160, hourly employees shall only be entitled to the compensation or benefits provided for in that Section, or as provided in a collective bargaining agreement, or as mandated by State or Federal laws; and

WHEREAS, effective July 1, 2015, California's Paid Sick Leave law requires the City of Santa Barbara to provide paid sick leave to virtually all employees;

WHEREAS, certain unrepresented hourly employees who were not previously eligible for paid time off are now eligible for paid sick leave; and

WHEREAS a policy has been developed to assist employees and their supervisors to understand the requirements of the new law;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. The Unrepresented Hourly Employees Paid Sick Leave Law Policy, attached hereto as Exhibit A, is hereby adopted;
2. The City Administrator is authorized to make changes to this policy, without further Council action, in order to respond to changes in the law and related administrative requirements.

CITY OF SANTA BARBARA UNREPRESENTED HOURLY EMPLOYEES PAID SICK LEAVE LAW POLICY

The following policy applies only to part-time, temporary, and seasonal employees who are not covered under a collective bargaining agreement with a recognized employee organization and who are not otherwise eligible to accrue a Sick Leave or Paid Time Off (PTO) bank approved by the City Council.

Effective July 1, 2015, California's Paid Sick Leave law requires the City of Santa Barbara to provide paid sick leave to employees under the following conditions:

- An employee begins to accrue paid sick leave at the rate of 0.034 hours of paid sick leave for every hour worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the City.
- An employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period.
- An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.
- In accordance with California's Paid Sick Leave law, an employee may use 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of the following reasons:
 - For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
 - For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
 - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)*
 - *Spouse or Registered Domestic Partner*
 - *Parent (including 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.)*
 - *Grandparent*
 - *Grandchild.*
 - *Sibling.*
 - To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

- *A temporary restraining order or restraining order.*
 - *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
 - *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
 - *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
 - *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*
 - *To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.*
- Sick leave may only be used for reasons enumerated above, and not for vacation or personal time off. Falsification of the need for sick leave is a serious violation of City policy.
 - An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (*e.g.*, doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
 - An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.
 - Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City.
 - If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.