

203.23. Human Resources – Sick Leave

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Introduction

In order to minimize the economic hardships that may result from an unexpected short-term illness or injury to an employee or legal dependent, the Forty-Niner Shops provides all employees with sick pay benefits for the actual illness or injury of an employee, and to care for the employee’s spouse, domestic partner, parent, sibling, children, grandchild or grandparent. Paid sick leave also may be used for doctor appointments, preventive care, and by victims of domestic violence, sexual assault, or stalking to obtain relief, including medical attention and psychological counseling.

Scope of Policy

This policy applies to all Company employees.

Policy

1. Sick Leave Eligibility.

For part-time employees (part-time temporary, part-time regular, students, and seasonal employees):

- 1.1. Who work 30 days or more will be eligible to accrue paid sick leave benefits beginning on July 1, 2015, or if hired after that date, on the first day of work.
- 1.2. All part-time employees are entitled to use these accrued paid sick days beginning the 90th day of employment. At that time, the employee may use paid sick days as accrued, subject to the yearly 24 hours available to be used, per year limit.

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For full-time employees (salaried and hourly):

- 1.3. All full-time employees are entitled to accrue paid sick leave benefits beginning on their first day of employment. There is no limit to the amount of paid sick leave that can be accrued for full-time employees.

2. Accrual and Usage.

An employee may not use more sick pay than what is allowed, per the criteria below.

For part-time employees:

- 2.1. Part-time employees will accrue one hour of sick pay for every 30 hours worked beginning on July 1, 2015, or if hired after that day, on the first day of work.
- 2.2. All part-time employees are entitled to use these accrued paid sick days beginning the 90th day of employment. At that time, the employee may use paid sick days as accrued, subject to the yearly 24 hours available to be used, per year limit.

The measurement period for usage is reset at the beginning of each year; January 1st – December 31st.

- 2.3. The maximum amount a part-time employee may accrue annually is 48 hours per year.
- 2.4. Unused sick pay for part-time employees is carried over from year to year, up to a maximum of 48 hours.

For full-time employees:

- 2.5. Full-time employees will accrue 8 hours of sick leave each month.
- 2.6. There is no limit on the amount of sick leave that an employee can accumulate.
- 2.7. Unused sick pay for full-time employees will be carried over from year to year.

3. Rate of Pay.

Paid sick days will be compensated at the same wage as the employee normally earns during regular work hours. The rate of pay will be based on the employee's hourly wage.

- 3.1 If an employee has different hourly rates in the 90 days before taking accrued paid sick leave or was a nonexempt salaried employee, the rate of pay will be calculated by dividing the employee's total wages (not including overtime premium pay) by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

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4. Unused Accrued Days.

Upon employee separation or termination, there is no compensation to the employee for unused sick leave, except in the following situations:

- 4.1. Full-time employees hired before January 1, 1989 have been grandfathered into the previous policy of payment of accumulated sick hours upon termination.
- 4.2. Full-time employees, who are participating in PERS, are eligible to receive PERS service credit at the rate of 0.004 years of service for each day of sick leave unused, provided there is less than 120 days between date of separation and eligible retirement date.

Other considerations

- 4.3. If an employee leaves the Forty-Niner Shops and returns within a 12-month period, he/she can reclaim the sick hours that had accrued in their leave prior to their departure.

5. Recordkeeping.

5.1. Duration.

Generally sick leave must be taken in one hour increments.

5.2. Exempt Employees.

An exempt employee is required to use accrued sick time or take a deduction in salary when absent from work for a full eight-hour day for illness, injury or to care for a family member. An exempt employee wishing to work a partial day and leave early due to illness, injury or to care for a family member, will be required to use accrued sick time if working less than a four-hour work day.

- Example: Partial Day Absence
 - An exempt employee that works at least a four-hour day and takes the remaining day off due to illness, injury or to care for a family member, will be paid for the entire day without being required to use accrued sick time.
 - An exempt employee that works less than a four-hour day and takes the remaining day off due to illness, injury or to care for a family member, will be charged the appropriate amount of sick time to cover the full eight-hour day.
- Example: Whole Day Absence

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- An exempt employee that takes a full day off due to illness, injury or to care for a family member, will be required to use accrued sick time to cover the full eight-hour day. Salary deductions may be made for full day absences when an exempt employee is absent due to illness, injury or to care for a family member and the employee has yet to qualify for sick accrual or has exhausted his/her leave allowance.

5.3. Employees With No Accrued Leave.

5.3.1. Exempt Employees.

Salary deductions may be made for full day absences when an exempt employee is absent for personal reasons or because of illness or injury, if the employee has yet to qualify for the sick leave hours, or has exhausted his/her leave allowance.

5.3.2. Non-exempt Employees:

Pay deductions may be made for full or partial day absences of non-exempt employees who have no paid leave available.

5.4. Return to Work.

A verification or release by a health care provider may be a condition of returning to work.

6. Corrective Action.

Employees who abuse sick leave policies or misrepresent the reasons for using sick leave will be subject to corrective action, up to and including termination.

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Version Information

Policy Version	Date	Author	Description (If applicable)	Approved	Distribution
2.0	07/11/07	Nancy Green	An updated policy that includes limits		In manual, by email
2.1	01/26/09	Nancy Green	An update to include information for new employee classification (9 month employee)		49er Policy Drive
2.1	12/16/10	Nancy Green	An update to remove information for 9 month employee positions	R. de Wit	49er Policy Drive
2.2	6/3/15	Rosa Hernandez	Revised language to include sick leave for part time employees.		In manual, 49er Policy Drive, by email
2.3	11/18/16	Michelle Connole	Included the measurement period and rollover maximum for part time employees.		49er Policy Drive
2.4	02/24/17	Michelle Connole	Revised language under Accrual and Usage 2.5 for full-time employees, Recordkeeping 5.2 for exempt employees.		49er Policy Drive, by email