



Sick Leave

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Purpose

In order to minimize the economic hardships that may result from an unexpected short-term illness or injury to an employee, 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 may also 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

This policy applies to all Company employees

Guidelines

- 1. Sick Leave Eligibility
 - 1.1. For part-time employees (part-time temporary, part-time regular, and students)
 - 1.1.1. Who work 30 days or more will be eligible to receive 24 hours of paid sick leave benefits beginning on July 1, 2015, or if hired after that date, on the first day of work.
 - 1.2. For full-time employees (salaried and hourly):
 - 1.2.1. All full-time employees are entitled to accrue paid sick leave benefits beginning on their first day of employment or first day of full-time status. There is no limit to the amount of paid sick leave that can be accrued for full-time employees.

2. Accrual

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

2.1. For part-time employees:

2.1.1. Part-time employees will receive 24 hours of sick pay at the beginning of each 12-month period beginning on January 1, 2020, or if hired after that day, on the first day of work.

2.1.2. All part-time employees are entitled to use these paid sick hours after the 90th day of employment has been completed. At that time, the employee may use paid sick hours, subject to the yearly 24 hours available to be used, per year limit.

2.1.3. The measurement period for usage is reset after the first payroll for the year has been processed and is the calendar year January 1st – December 31st.

2.2. For full-time employees:

2.2.1. Full-time employees will accrue an estimated 7.38 hours of sick leave for each completed month of employment. There is no limit on the amount of sick leave that an employee can accumulate.

2.2.2. Unused sick pay for full-time employees will be carried over from year to year.

3. Rate of Pay

3.1. The rate of pay will be based on the employee's hourly wage.

3.1.1. If a part-time employee has different hourly rates in the 90 days before using paid sick leave, 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.

3.1.2. Full-time hourly employees will be paid their sick hours at their normal hourly rate.

4. Unused Accrued Days

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

4.1.1. Full-time employees hired before January 1, 1989, have been grandfathered into the previous policy of payment of accumulated sick hours upon termination.

4.1.2. Full-time employees, who are participating in CalPERS, are eligible to receive CalPERS 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.

4.2. Other considerations:

4.2.1. If an employee leaves the Forty-Niner Shops and returns within a 6-month period, he/she can reclaim the sick hours that had accrued in their sickleave prior to their departure.

5. Usage

5.1 Requesting Time Off

- 5.1.1. The employee must notify the employer in advance if the sick leave is planned, as may be the case with scheduled doctors' visits. If the need is unforeseeable, the employee needs to notify their manager or supervisor as soon as practical, as may occur in the case of unanticipated illness or a medical emergency.
- 5.1.2. All requests for paid sick leave must be made through ADP by the employee before the pay period closes.
- 5.1.3. An authorized representative for each department will be responsible for approving the use of sick hours as requested by an employee.

5.2 Exempt Employees

5.2.1 An exempt employee, who performs any work during a work week, will be paid his/her entire salary for that week.

- Example: Partial days worked/Partial Absence
 - An exempt employee works for three hours on Monday and leaves early due to an illness. This employee will be paid his/her entire salary for that day and that week.
- Example: Whole Day Absence
 - An exempt employee takes an entire workday off for an illness, he/she can use 8 hours of sick time (if available).

5.2.2 At the discretion of the Human Resources department, a verification or release by a health care provider may be a condition of returning to work, if the employee has been out from work for more than 3 consecutive days.

5.3 Employees with No Leave

5.3.2 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. 5.2 Return to Work (should it be moved to the Guidelines section?)

5. Corrective Action

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



Version Information

Version	Author	Revision date	Notes
2.0	Nancy Green	07/11/2007	An updated policy that includes limits; Distribution: in manual, by email
2.1	Nancy Green	1/26/2009	An update to include information for new employee classification (9 month employee); Distribution: 49er Policy Drive
2.1	Nancy Green	12/16/2010	An update to remove information for 9 month employee positions; Distribution: 49er Policy Drive
2.2	Rosa Hernandez	06/03/2015	Revised language to include sick leave for part time employees; Distribution: in manual, 49er Policy Drive, by email
2.2	Michelle Connole	11/18/16	Included the measurement period and rollover maximum for part time employees; Distribution: 49er Policy Drive
3.0	Rachel Spidell	4/15/2020	Updated to reflect new sick leave distribution effective 1.1.2020; Distribution: Employee Handbook and 49er Policy Drive
4.0	Rosa Hernandez	4/26/2023	Updated language and added more context; Distribution: Employee Handbook and 49er Policy Drive