

Paid 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 Beach 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, registered domestic partner, parent, parent-in-law, sibling, children, grandchild, grandparent or designated person. Paid sick leave may also be used for medical appointments, preventive care, victims of domestic violence, sexual assault, stalking, and other qualifying acts of violence to obtain relief, including medical attention, psychological counseling, or to appear in legal proceedings.

Scope

This policy applies to all Beach Shops employees.

Guidelines

1. Sick Leave Eligibility

1.1. For all part-time employment types:

- 1.1.1. Who work 30 days or more within a calendar year are eligible to accrue paid sick leave benefits
- 1.1.2. All part-time employees are entitled to use their accrued paid sick leave upon completion of 90 days of employment. At that time, the employee may use their accrued paid sick leave, subject to the yearly 40 hours available to be used.

1.2. For full-time employees (salaried and hourly):

- 1.2.1. All full-time employees are eligible to accrue paid sick leave hours beginning on their first day of employment or first day of full-time status.

2. Accrual

An employee may not use more sick hours than allowed, per the criteria below:

2.1. For all part-time employment types:

- 2.1.1. Part-time employees will accrue 1 hour of sick pay for every 30 hours worked, beginning the first day of work.
- 2.1.2. All part-time employees are entitled to use their accrued paid sick leave upon completion of 90 days of employment. At that time, the employee may use accrued paid sick leave, subject to the yearly 40 hours available to be used. The available hours will not be displayed in your ADP Employee Profile until the required waiting period has been completed.
- 2.1.3. The measurement period for usage is based off the calendar year, January – December. The measurement period is reset after the first payroll of the calendar year has been processed.
- 2.1.4. Unused paid sick leave is carried over from year to year, up to the accrual maximum of 80 hours.

2.2. For full-time employees:

- 2.2.1. Full-time employees will accrue an estimated 7.99 hours of sick leave for each completed month of employment. There is no limit on the number of sick hours that an employee can accrue.
- 2.2.2. Unused sick hours will be carried over from year to year.
- 2.2.3. An employee who is out on a leave of absence will not accrue sick hours while they are out on leave.

3. Sick Rate of Pay

The sick rate of pay will be based on the employee's regular rate of pay.

- 3.1.1. All part-time and full-time employees will be paid their sick hours at their regular rate of pay.

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 hired after January 1, 1989, that retire from the Shops and participate in CalPERS, may be 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 Beach Shops and returns within a 12 month period, the employee will retain any accrued sick leave hours that were not exhausted prior to their departure.

5. Usage

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.

- 5.1.1. All requests for paid sick leave must be made through ADP by the employee before the pay period in which they want to use the sick leave closes.
- 5.1.2. An authorized representative for each department will be responsible for reviewing and accepting and in some cases declining the use of sick hours as requested by an employee.

5.2 Employees with No Sick Leave hours

5.2.1 Non-Exempt Employees:

No pay will be provided for missed shifts if the employee has yet to qualify for the sick leave hours or has exhausted their leave allowance.

5.2.2 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 their leave allowance.

5.3 Return to Work

- 5.3.1 A verification or release by a health care provider may be a condition of returning to work for some sick leave absences.

6. Sick Leave Abuse & Corrective Action

- 6.1 Sick leave abuse is not permitted. Sick leave abuse includes using paid sick leave for reasons other than those stated in the policy, misrepresenting the reasons for using paid sick leave, or if completion of normal work requirements is adversely affected. If there is reasonable suspicion of sick leave abuse, employees may be asked to supply a doctor's note to Human Resources.

6.1.1 Paid sick leave abuse may be suspected if paid sick leave is frequently used on Mondays and/or Fridays, around seasonal times of year such as holidays and campus closures, excessive use of paid sick leave during periods of progressive discipline, immediately prior to retirement, or in place of other declined time-off requests.

6.2 Employees who abuse sick leave policies or misrepresent the reasons for using paid sick leave will be subject to appropriate disciplinary measures as detailed in the Progressive Disciplinary Process.

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	3/15/2023	Updated language and added more context; Distribution: Employee Handbook and 49er Policy Drive

5.0	Sandra Ramirez	01/01/2024	Update company name: Detailed accrual for those on a Leave of Absence. Update sick hours for part-time employees.
5.1	Sandra Ramirez	2/7/2024	Updated accrual section for part-time employees.
6.0	Yvonne Bermudez	6/10/2024	Updated basis for accrual for part-time employees. Updated policy abuse statement.
6.1	Yvonne Bermudez	2/4/2025	Updated purpose and basis of accrual for full-time employees. Removed prior "front-load" language.