

# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council

**FROM:** Gloria Leon, Administrative Services Director

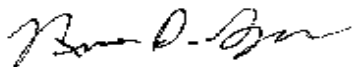
**VIA:** Richard Spitler, City Manager

**DATE:** June 2, 2015

**SUBJECT:** Consideration of a Resolution Approving a Paid Sick Leave Policy Pursuant to AB 1522 for Part-Time, Temporary and Seasonal Employees and Establishing the Accrual Method and the Minimum Paid Sick Leave Usage Increment

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APPROVAL FOR FORWARDING:




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Richard D. Spitler, City Manager

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2 **ISSUE:** Consideration of a Resolution Approving a Paid Sick Leave Policy Pursuant to

3 AB 1522 for Part-Time, Temporary and Seasonal Employees and Establishing the

4 Accrual Method and the Minimum Paid Sick Leave Usage Increment.

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6 **RECOMMENDATION:** Adopt resolution.

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8 **DISCUSSION:** On September 10, 2014, Governor Brown signed into law the Healthy

9 Workplaces, Healthy Families Act of 2014 that provides three (3) days of paid sick leave

10 for eligible employees beginning July 1, 2015. Effective January 1, 2015 employers were

11 required to post information about AB 1522 but the paid sick leave provisions do not go

12 into effect until July 1, 2015. AB 1522 sets forth the conditions and purposes for which

13 paid sick leave is to be paid. AB 1522 allows the employer to choose between two

14 accrual methods and sets a minimum usage increment for paid sick leave that does not

15 exceed two (2) hours.

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17 An employee who, on or after July 1, 2015, works for 30 or more days within a year, is

18 entitled to paid sick leave. Employees, including part-time, temporary and seasonal

19 employees, must earn at least one hour of paid leave for every 30 hours worked. Accrual

20 begins on the first day of employment or after July 1, 2015, whichever is later.

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22 City part-time, temporary and seasonal employees are not covered by any collective  
23 bargaining agreement, benefits resolution or any other benefits policy. As such, these  
24 employees are subject to the provisions of AB 1522. All other employees of the City are  
25 covered under collective bargaining units or a benefits resolution that meet or exceed the  
26 minimum requirements for AB 1522 paid sick leave and are, therefore, not subject to AB  
27 1522.

28  
29 An employee is not eligible to begin using any accrued paid sick leave until after 90 days  
30 of employment with the City. An employee is only allowed to use up to a maximum of 3  
31 days or 24 hours, whichever is greater, of paid sick leave in a 12-month period. The  
32 employee can only accrue paid sick leave up to a cap of six (6) days or 48 hours,  
33 whichever is greater, ongoing. Sick leave does not accrue once the cap is reached, but  
34 accrual begins again when accrued sick leave drops below the cap. Any unused accrued  
35 paid sick leave carries over year to year while continuously employed.

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37 If an employee separates from City employment and is re-hired by the City within one  
38 year of the date of separation, previously accrued and unused paid sick leave hours shall  
39 be reinstated. However, if a re-hired employee had not yet worked the requisite 90 days  
40 of employment to use paid sick leave at the time of separation, the employee must still  
41 satisfy the 90 days of employment requirement collectively over the periods of  
42 employment with the City before any paid sick leave can be used.

43  
44 **FISCAL IMPACT:** The financial impact of implementing AB 1522 is unknown at this  
45 time; however any additional costs would be limited to covering services performed by  
46 part-time staff during sick leave absences.

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49 **ATTACHMENTS:**

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51 1. Resolution  
52 2. Sick Leave Policy for Part-Time, Temporary and Seasonal Employees  
53 3. Assembly Bill No. 1522

**RESOLUTION NO. 2015- XXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A PAID SICK LEAVE POLICY PURSUANT TO AB 1522 FOR PART-TIME, TEMPORARY AND SEASONAL EMPLOYEES AND ESTABLISHING THE ACCRUAL METHOD AND THE MINIMUM PAID SICK LEAVE USAGE INCREMENT**

**WHEREAS**, on September 10, 2014 the Governor of the State of California signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522) providing paid sick leave for covered employees effective July 1, 2015; and

**WHEREAS**, the AB 1522 paid sick leave provisions are to take effect July 1, 2015; and

**WHEREAS**, the City of Calistoga wishes to establish a paid sick leave policy pursuant to AB 1522 for part-time, temporary and seasonal employees; and

**WHEREAS**, part-time, temporary and seasonal employees are not covered by any existing collective bargaining agreement, benefits resolution nor any other benefits policy; and

**WHEREAS**, AB 1522 allows the City to establish the accrual method and the minimum usage increment for paid sick leave; and

**WHEREAS**, AB 1522 provides City employees who work 30 or more days a year are entitled to paid sick leave to be accrued at a rate of no less than one hour for every 30 hours worked; and

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Calistoga hereby adopts the provisions under the City of Calistoga’s Sick Leave Policy for Part-Time, Temporary and Seasonal Employees shown as Exhibit A to this resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **2<sup>nd</sup> day of June, 2015** following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

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**CHRIS CANNING, Mayor**

**ATTEST:**

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**KATHY FLAMSON, City Clerk**