



Human Resource Services & Payroll Department Frequently Asked Questions from Substitutes & Per Diem About Ab1522/304 Law

Questions from SCUSD Substitutes & Per Diem Employees	Answer
How qualifying employees accrue and take paid sick leave?	A qualifying employee begins to accrue paid sick leave beginning on July 1, 2015, or if hired after that date on the first day of employment. An employee is entitled to use (take) paid sick leave beginning on the 90th day of employment . SCUSD provide at least three days of paid sick leave per year.
How do I qualify for paid sick leave?	Work for the same employer, on or after January 1, 2015, for at least 30 days within a year in California, and Satisfy a 90-day employment period (similar to a probationary period) before taking any sick leave
What if I work less than 30 days in California within a year?	If you work less than 30 calendar days within a year for the same employer in California, then you are not entitled to paid sick leave under this new law.
What if I work more than 30 days in California within a year but less than 90 days?	The 90 calendar day period works like a probationary period. If you work less than 90 days for your employer, you are not entitled to take paid sick leave.
Does paid sick leave apply to all employees who work in California?	All employees who work at least 30 days for the same employer within a year in California, including part-time, per diem, and temporary employees, are covered by this new law with some specific exceptions. <u>Employees exempt from the paid sick leave law include:</u> <ul style="list-style-type: none"> • Employees covered by collective bargaining agreements with specified PROVISIONS. • Retired annuitants working for governmental entities.
What happens if I return to work for the same employer after more than one year?	The paid sick leave law does not require that your accrued sick leave be restored to you.

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How does an employer satisfy the provision for putting the full amount of leave into my leave bank under the alternative “up-front” (or advance) method for providing paid sick leave?	The law states that an employer is <i>not required</i> to have an accrual or carryover policy for paid sick leave if the “full amount of leave” is provided to employees at the beginning of each year of employment, calendar year or 12-month period. The “full amount of leave” that an employer is required to provide under this provision is at least three days of paid sick leave. For initial hires, however, the employee must still meet the 90-day employment requirement prior to taking any paid sick leave.
What can I use paid sick leave for?	<p>You can take paid sick leave for yourself or a family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if you are a victim of domestic violence, sexual assault or stalking</p> <ul style="list-style-type: none"> • Family members include the employee’s parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. • Preventive care would include annual physicals or flu shots <p>The employee may decide how much paid sick leave he or she wants to use (for example, whether you want to take an entire day, or only part of a day). <i>Your employer can require you to take a minimum of at least two hours of paid sick leave at a time.</i></p>
Do I have to notify my employer before taking sick leave?	<p>The employee must notify Site/Sub Office in advance if the sick leave is planned, as may be the case with scheduled doctors’ visits. If the need is unforeseeable, the employee need only give notice as soon as practical, as may occur in the case of unanticipated illness or a medical emergency.</p> <p><i>Note to Substitute Employees: Please ensure all fields are completely filled out on this Form-12b. This is a required document and must be delivered to the Substitute Office no later than the 25th of each month. Failure to do so will result in the absence being considered as unauthorized, and a non-paid day.</i></p>
When I take paid sick leave, will I get paid as I normally do for the applicable pay period?	<p>The new law requires that an employer provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken. This does not prevent an employer from making the adjustment in the pay for the same payroll period in which the leave was taken, but it permits an employer to delay the adjustment until the next payroll. For example, if you did not clock in for a shift and therefore were not paid for it but utilized your paid sick leave, <i>your employer would have to pay you not later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.</i></p>
How will I know how much sick leave I have accrued?	Employers must show how many days of sick leave you have available on your pay stub, or on a document issued the same day as your paycheck. If an employer provides unlimited paid sick leave or unlimited paid time off, the employer may indicate "unlimited" on your pay stub or other document provided to you the same day as your wages.

<p style="color: green; margin: 0;">Questions from SCUSD Substitutes & Per Diem Employees</p>	<p style="color: green; margin: 0; text-align: center;">Answer</p>
<p>Do I have the right to cash out my unused sick days, like I can with vacation and paid time off?</p>	<p>No, not unless your employer's policy provides for a payout. If you leave your job and get rehired by the same employer within 12 months, you can reclaim (restore) what you had accrued in paid sick leave, provided it was not paid out pursuant to a paid time off policy at termination.</p>
<p>What step or hourly rate will I be paid out as?</p>	<p>If you are a Substitute Teacher and have earned you sick time this will be paid out as Step 2. If you are a Classified Substitute and have earned your sick time then you will be paid out at your lowest classified hourly of pay. Unless you provided the job # in which you have been working in a <u>long term position</u> (30 days or more) in (job # is required for this on Form-12b) we will then consider this higher rate of pay.</p>