

AB-1522: Mandatory Paid Sick Leave

Checklist of Employer Responsibilities

On September 10, 2014, Governor Jerry Brown signed into law the California Healthy Workplaces, Healthy Families Act of 2014 (AB 1522). Under this law, employees are entitled to earn at least one hour of paid leave for every 30 hours worked. Accrual begins on the first day of employment or July 1, 2015, whichever is later.

The following pages are a checklist to help determine how the AB 1522 regulations will be implemented in your district – what actions have been taken, and which actions or decisions are remaining.

The County Office of Education will continue to offer support and training to district staff regarding AB 1522, including the implementation of new and existing QCC features. Please let us know how we can be of assistance.

I. Required Posting and Notices to Employees

Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave poster – (January 1, 2015).

Employer must begin providing written notice of paid sick leave to certain employees – (January 1, 2015).

Employers are required to provide employees with written notice of the amount of paid sick leave available on either the employees itemized wage statement, or in a separate writing provided on the designated pay date with the employees' payment of wages – (July 1, 2015).

<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Complete</i>
Has the district displayed the Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave poster at all work sites in a place where employees can easily read it?	<input type="radio"/>	<input type="radio"/>
Is the district providing employees written notice of the sick leave policy at the time of hire? Exemptions: An employee directly employed by the state or any political subdivision thereof, including any city, county, city and county, or special district. AND Employees covered by a valid collective bargaining agreement which expressly provides for wages, hours of work, and working conditions of the employee, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30% more than the state minimum wage.	<input type="radio"/>	<input type="radio"/>
Is the district providing information regarding paid sick leave to nonexempt employees hired after January 1, 2015 using the revised Wage Theft Prevention Act form? Note: School districts are political subdivisions and do NOT need to provide this written notice, however, foundations, and other non-governmental agencies must provide this notice.	<input type="radio"/>	<input type="radio"/>
Has the district set up QCC Absence Tracking to provide employees with sick leave balances on their pay stubs?	<input type="radio"/>	<input type="radio"/>

II. Determining Eligibility for Accrual and Use of Paid Sick Days

An employee who works for 30 or more days within a year from the beginning of employment, is entitled to accrue paid sick leave at a rate of 1 hour per 30 hours worked. As an alternative to accrual, employer can provide 24 hours at the beginning of each calendar year, anniversary date or twelve months basis (front-load).

<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Decide</i>	<i>No</i>
Will the district: a.) <u>Accrue</u> paid sick leave based on hours worked, subject to eligibility criteria of 30 days worked within a year of hire? OR b.) <u>Front-load</u> 24 hours paid sick leave on July 1, 2015 or subsequent hire date, and annually thereafter? OR	<input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/>	<input type="radio"/> <input type="radio"/>
c.) Use a different approach as follows? <div style="border: 1px solid black; height: 150px; width: 100%;"></div>			

An employee is entitled to begin using available paid sick leave on the 90th calendar day of employment.

<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Decide</i>	<i>No</i>
Will the district: a.) Monitor which employees are eligible to <u>use</u> leave based on if the employee has been employed for 90 days since their hire date? OR b.) Allow all employees to <u>use</u> available paid sick leave before reaching the 90 th day of employment? OR	<input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/>	<input type="radio"/> <input type="radio"/>
c.) Use a different approach as follows? <div style="border: 1px solid black; height: 150px; width: 100%;"></div>			

III. Determining Maximum Accrual and Maximum Use

Accrued paid sick leave must carry over to the following year and may be capped at 48 hours based on a policy. However, no carryover is required if 24 hours of paid sick leave is front-loaded. The employer may limit use to 24 hours per year, but employees need to be notified prior to implementation of this policy.

<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Decide</i>	<i>No</i>
Will the district:			
a.) Limit the total accrued balance of paid sick leave to 48 hours?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b.) Limit the annual use of paid sick leave to 24 hours?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c.) Exclude front-loaded paid sick leave from carryover?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

IV. Reinstatement of Previously Accrued Sick Leave Balances

Upon termination, resignation, retirement or other separation from employment, an employer is not required to provide compensation to an employee for accrued, unused paid sick. However, an employee that is rehired by the employer within 1 year from the date of separation, shall have their previously accrued and unused paid sick leave reinstated and available to use upon rehire.

<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Complete</i>
Does the district have any policies governing the disposition of accrued sick leave upon an employee's separation from employment?	<input type="radio"/>	<input type="radio"/>
If yes, does the district's policy accommodate the requirements of AB 1522 making previously accrued leave available for reinstatement for up to one year after initial separation?	<input type="radio"/>	<input type="radio"/>
What process does the district utilize to clear leave banks per current policy?	<div></div>	

V. Record Keeping

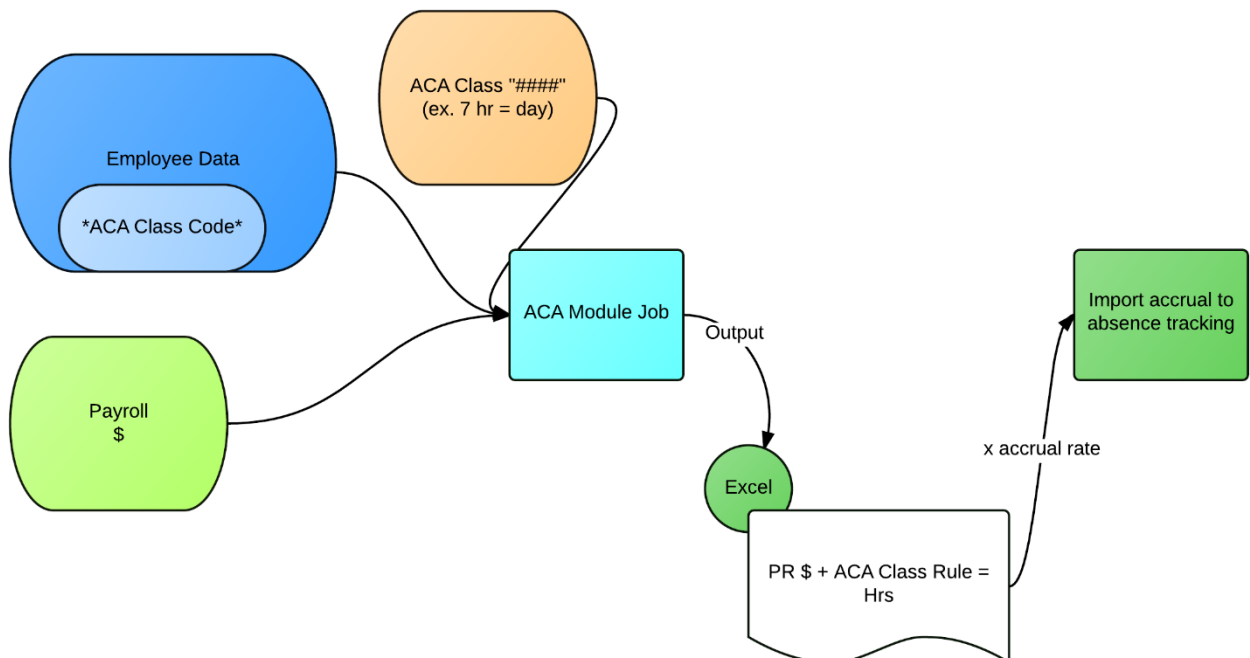
In addition to providing sick leave to employees, employers must maintain certain records. Specifically, employers must maintain “records documenting the hours worked and paid sick days accrued and used by an employee.” Employers must maintain these records for 3 years and make them available for inspection by the Labor Commissioner.

STATUS QUESTIONNAIRE	Yes	Need to Complete
Has the district established a policy to keep records for 3 years to document: <ul style="list-style-type: none">• Hours worked?• Paid sick leave accrued and used by the employee?	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
Has the district established a policy to keep records of sick leave balances for employees being rehired by the district within 1 year from the date of separation?	<input type="radio"/>	<input type="radio"/>

VI. Setting up the QCC ACA Monitoring Tool Elements

The ACA tool can assist with the AB 1522 accrual calculation, as well as monitoring days worked to determine when eligible to use accrued leave. Designing a “Class Code” structure can reduce the time spent making accrual calculations by establishing an hours-per-day standard for employees who are not paid based on hours worked.

The csv file created by this program contains an intensive amount of employee payroll data, even without the ACA Class Code structure set up. Additional information about this program is contained in separate documentation. A general overview of how this program would facilitate AB 1522 accrual is shown below.



<i>STATUS QUESTIONNAIRE</i>	<i>Yes</i>	<i>Need to Complete</i>	<i>No</i>
<p>Does the district plan to use the QCC ACA Monitoring Tool in implementing:</p> <p>a.) AB 1522 – Calculating sick leave accrual based on actual hours worked?</p> <p>AND/OR</p> <p>b.) The Affordable Care Act – Calculating which employees are considered full-time, or the total count of full-time employees and equivalents?</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>If the district has decided to use the QCC ACA module:</p> <p>a.) Has the district designed a Class Code structure to group employees based on their hours per day?</p> <p>b.) Has the district assigned a Class Code to each employee and entered that code on the employee's W4 screen?</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[Send an Email to MCOE](#)

Resources

- Paid Sick Leave Website - www.dir.ca.gov/DLSE/ab1522.html
- QCC ACA Monitoring Tool [Webinar](#) & [Handout](#) [qccuser@marinschools.org / Marin12qcc]
- [Assembly Bill 1522](#) (2014) – Healthy Workplaces, Healthy Families Act of 2014
- [Assembly Bill 304](#) (2015) – Proposed Amendments to AB 1522