

Notice of Employment Rights for Substitute/Temporary/Walk-on/Student Employees

This letter is inform you of your rights under a recent legislative act, the Healthy Workplaces/Healthy Families Act of 2014 (HWHFA). The HWFA gives temporary and substitute employees, who work more than 30 days a year, access to sick leave.

Healthy Workplaces/Healthy Families Act

I. Eligibility

1. Effective July 1, 2015, employees who have worked 30 days in California within one year are eligible to accrue paid sick leave at a rate of one hour of sick leave for every 30 hours worked.
2. Employees who did not previously earn sick leave, including substitutes, professional experts, return retirees, paid interns, paid student workers and temporary workers, who work for 30 or more days within a year of the first day worked, are entitled to mandatory paid sick days.
3. Mandatory paid sick days are not in addition to sick days granted to certain employees under the Education Code or bargaining unit agreements.
4. The District is not required to, and does not provide additional paid sick days under the Act to employees who already earn sick leave.

III. Mandatory Paid Sick Days

1. The District has elected to “accrue” the annual allotment of mandatory paid sick days.
2. An employee who starts work on or after July 1, 2015, is entitled to use mandatory paid sick days beginning on the 90th day of employment. The employment year will start on the employee’s first day of work.
3. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours.
4. The maximum number of paid sick hours an employee can use per absence day is based on the employee’s assignment hours per day on the day the employee used mandatory paid sick time.
5. Mandatory paid sick days may only be used on days the employee is scheduled to work or offered an assignment.
6. The District will not lend or advance mandatory paid sick days/hours to an employee prior to the employee’s eligibility to receive the days.

IV. Purpose of Mandatory Paid Sick Days

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member.
2. Need of the employee to obtain or seek relief or medical attention for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

V. Notice

1. An employee must make a written request to use mandatory paid sick days for a purpose consistent with the Act (see Purpose, section IV).
2. A written request for mandatory paid sick days must be documented on the Certification of Absence form.
3. If the need for the use of mandatory paid sick days is foreseeable, an employee must provide reasonable advance notice.
4. If the need for mandatory paid sick days is not foreseeable, the employee must give notice as soon as practicable.
5. An employee request to use mandatory paid sick leave for a prescribed purpose, as outlined in this bulletin, cannot be denied.

VI. Notice of Available Sick Leave

1. Paycheck stubs will indicate an employee's unused sick leave balance.
2. Sick leave can only be used when the temporary or substitute employee has accepted an assignment with the District. A temporary or substitute employee cannot use the same sick day in multiple school districts.
3. No employee shall be denied the right to use accrued sick days and the District shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, or filing a complaint with the Labor Commissioner.