



Office of Human Resources

Sick Leave for Substitute and Short-Term Temporary Employees California Senate Bill (SB) 616 and Labor code 230.8

What is SB 616 (or, revisions to Healthy Workplaces, Healthy Families Act of 2014)?

SB 616 ensures temporary and part-time workers who work for an employer in California for 30 or more days can earn and use paid sick leave.

How do I accrue leave?

Under the law, an employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment. An employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment, and no less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment (assuming full-time employment).

Accrued paid sick days shall carry over to the following year of employment. However, an employee's use of accrued paid sick days is limited to 40 hours or five days in each year of employment, calendar year, or 12-month period.

A temporary employee's total accrual of paid sick leave is limited to exceed 80 hours or 10 days.

How soon may I use this sick leave?

An employee is entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.

Sick Leave Use:

You can use sick leave for the following:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.
- If you are a victim of domestic violence, sexual assault, or stalking.

Reporting Leave:

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification to their immediate supervisor, typically an hour before their scheduled start time at minimum. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.

Payout of Sick Leave Upon Termination of Employment:

- Subs and short-term employees are not entitled to a payout of unused sick leave upon the termination of their employment.

- Leave balance will remain on the books for one year. If the employee returns within the year, they will have access to their previously accrued sick leave.

Can I use this leave for childcare or to attend my child's school activities (grades k-12)?

Merced College allows employees to use their accrued leave to remain in paid status to take time off of work to participate in their child's school or child care activities, as follows:

California Labor Code 230.8, the Family-School Partnership Act, allows for up to 40 hours of unpaid leave each year (prorated for those working less than full-time) to:

(A) Find, enroll, or reenroll his or her child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of his or her child, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee. Time off pursuant to this subparagraph shall not exceed eight hours in any calendar month of the year.

(B) Address a child care provider or school emergency, if the employee gives notice to the employer.

Only 8 hours may be used to find, enroll, or re-enroll a child.

Time off without pay is also allowable under the Family-School Partnership Act.