

Berkeley Unified School District  
Board Policy 4121  
Personnel

### **Paid Sick Leave for Temporary, Non-Regular, and Substitute Employees**

Coverage and Definitions: This Policy applies to temporary, non-regular and substitute employees of the District, who are not otherwise covered by a collective bargaining agreement, and excluding those employees who are retired annuitants under the Public Employees Retirement System (PERS). The term “covered employee” or “employee” as used in this Policy refers only to employees who meet all of the criteria described above, and who are not already otherwise entitled to at least twenty four (24) hours of paid sick leave per year pursuant to the Education Code or another Board Policy or Administrative Regulation. The term “paid sick leave” as used asud

to the employee upon rehire and he or she will only be required to wait the balance of the ninety (90) calendar days before being eligible to use his or her accrued paid sick leave.

Entitlement: Each employee who works in California for the same employer for 30 or more days within a year from the beginning of employment is entitled to paid

is that a covered employee with a daily schedule of less than two (2) hours can use and receive paid sick leave for a full day absence totaling less than two (2) hours.

Where the employee uses paid sick leave as provided for in this Policy to cover absences due to pregnancy, miscarriage, childbirth and recovery, such leave will run concurrently with any other state and federal statutory leaves for which the employee may be eligible.

Procedures: If the need for paid sick leave is foreseeable, such as for preventable care or for pre-scheduled appointments and medical procedures, the employee shall provide reasonable advance notification at least one full day prior to the absence. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. The initial notification of the employee's need for paid sick leave may be made by oral or written request. However, in order to ensure accurate processing and tracking of available leave balances, the employee will be expected to confirm his or her request by filling out a written sick leave request form.

The District shall not require an employee to search for or find a replacement worker to cover the days of anticipated absence, as a condition of using paid sick days under this policy.

For nonexempt employees (i.e., those subject to overtime provisions), sick leave will be calculated based on the regular rate of pay for the workweek in which the employee uses sick leave, regardless of whether or not the employee actually works overtime in that workweek. When an employee who is compensated exclusively by periodic stipend uses his or her accrued paid sick leave, the employee's total stipend will not be reduced as a result of the absences.

The District shall provide payment for sick leave taken by an employee under this policy no later than the payday for the next regular payroll period after the sick leave was taken.

Non-Retaliation: No eligible employee shall be denied the right to use accrued sick days pursuant to this Policy and the District shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging District violation of Labor Code sections 245-249. The Superintendent or designee shall display a poster containing required information and provide individualized notice to each eligible employee of the amount of accrued paid sick leave which is available to him or her, on either the employee's itemized wage statement or in a

separate writing provided on the designated pay date with the employee's payment of wages. The District shall also keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code sections 245 through 249.

Approved November 14, 2015