

Sick Leave

1046.1 PURPOSES FOR SICK LEAVE

Sick leave is paid leave from work that can be used for the following purposes:

- (a) diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling (Labor Code §§ 233(b)(2); 245.5(c); 246.5(a)(1)); or
- (b) for an employee who is a victim of domestic violence, sexual assault, or stalking to:
 - i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety. (Labor Code §§ 230(c); 233(b)(3)(A); 246.5(a)(2).)

1046.2 ACCRUAL & CARRYOVER FOR DIFFERENT CATEGORIES OF EMPLOYEES

Full time employees accrue eight hours of sick leave for each calendar month of paid status. Accrued sick leave for full time employees carries over from year to year with no accrual limit.

Part-time, employees who work for 30 or more days within a year from the beginning of employment will be granted 24 hours of sick leave beginning on the first day of employment and at the beginning of each calendar year thereafter. A part-time employee may use their available paid sick leave beginning on the 90th day of employment. Accrued sick leave for part-time employees does not carry over from year to year.

1046.3 SICK LEAVE USE

An employee may use accrued sick leave, in a minimum increment of two hours, beginning on the 90th day after the first day of employment with the District, subject to the limits and request provisions in this Policy. (Labor Code § 246(c) & (j).)

Employees shall not use sick leave as a means to obtain additional vacation time or as a substitute for vacation time. Any abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment.

1046.4 PROTECTED SICK LEAVE

For full time employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this Policy. For part-time employees, the 24 hours of sick leave granted upon employment and each calendar year thereafter is protected and may be used for any of the purposes stated in this Policy. (Labor Code §§ 233(b)(2); 233(b)(3)(A); 246(d).)

Sick Leave

1046.5 SICK LEAVE REQUEST

To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. (Labor Code §§ 246(l); 246.5(a).)

If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. (Labor Code § 246(l).) If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.

1046.6 CERTIFICATION OR DOCUMENTATION OF NEED FOR LEAVE

The District may require that employees provide a physician's certification to support any absence that involves the illness of the employee or family member. All employees who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter. (Labor Code § 230(d)(2).)

1046.7 SICK LEAVE ON SEPARATION FROM EMPLOYMENT

Unused statutory sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment. (Labor Code § 246(f)(1).)

1046.8 SICK LEAVE REINSTATEMENT

If an employee separates and is rehired within one year from separation, accrued and unused sick leave, to a maximum of 6 days or 48 hours, whichever is greater, will be reinstated. (Labor Code § 246(f)(2).) An employee who worked at least 90 days in the initial employment with the District may immediately use reinstated sick leave. An employee who had not worked 90 days in the initial employment with the District must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave. (Labor Code § 246(c).)

1046.9 EMERGENCY PAID SICK LEAVE

From April 1, 2020 through December 31, 2020, eligible employees can take Emergency Paid Sick Leave for one of the six qualifying reasons described below.

Eligible employees are entitled to up to 80 hours of Emergency Paid Sick Leave at their full regular rate of pay, subject to maximum dollar amounts as provided under the Families First Coronavirus Response Act ("FFCRA") if they are unable to work or telework for the following reasons:

- (a) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, as defined in the Emergency Paid Sick Leave Definitions section below. An employee who lives with an individual who is among one or more of those categories of individuals advised to shelter in place, stay at home, isolate or quarantine will qualify for Emergency Paid Sick Leave based on that reason under this

Fresno County Fire Protection District

Policy Manual

Sick Leave

subsection. However, such an employee may be qualified for Emergency Paid Sick Leave pursuant to the qualifying reason provided for in a section below.

- (b) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (c) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

Eligible employees are entitled to up to 80 hours of Emergency Paid Sick Leave at two-thirds (2/3) of the employee's regular rate of pay, subject to maximum dollar amounts as provided under the FFCRA, if they are unable to work or telework because:

- (a) The employee is caring for an "individual," who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (b) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. "Son or daughter" and "child care provider" are defined in Emergency Paid Sick Leave Definitions section below.
- (c) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employees hired on or after April 1, 2020 who took the full 80 hours of Emergency Paid Sick Leave when employed by another employer are not entitled to take any additional Emergency Paid Sick Leave with the District. An employee who has taken some, but not all, of the Emergency Paid Sick Leave to which they are entitled, when they were employed by another employer, is entitled only to the remaining portion of such leave from the District the employee meets the eligibility requirements provided above.

1046.9.1 EMERGENCY PAID SICK LEAVE DEFINITIONS

Emergency responder - means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave:

- (a) Anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19; or
- (b) Anyone who serves in the military or national guard, or as a law enforcement officer, correctional institution personnel, fire fighter, emergency medical services personnel, physician, nurse, public health personnel, emergency medical technician, paramedic, emergency management personnel, 911 operator, child welfare worker and service provider, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

Health care provider - means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave:

Sick Leave

- (a) Anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity; and
- (b) Any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services support the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.

Child Care Provider - means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements. However, under the Families First Coronavirus Response Act ("FFCRA"), the eligible child care provider if he or she is a family member or friend, such as a neighbor, who regularly cares for the Employee's child.

Son or Daughter - means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability. (29 U.S.C. 2611; 29 CFR 826.10(a).)

Subject to a Quarantine or Isolation Order - means a quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the Employee to be unable to work even though his or her Employer has work that the Employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of Employees to be unable to work even though their Employers have work for them.

Individual - means an employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. "Individual" does not include persons with whom the Employee has no personal relationship.

1046.9.2 OTHER STATUTORY OR CONTRACTUAL LEAVES

Leave taken as Emergency Paid Sick Leave is in addition to any other statutory or contractual leave to which the employee is entitled. Unused Emergency Paid Sick Leave does not carryover for any employee.

Sick Leave

1046.9.3 AMOUNT OF LEAVE UNDER EMERGENCY PAID LEAVE

Full time employees working 40 hours per week may take up to 80 hours of Emergency Paid Sick Leave.

Part time employees may take up to the number of hours that they work on average over a two-week period as determined by reviewing the six-month period prior to the usage of leave. If the employee has not worked for the District for six months, the District should calculate the leave entitlement based on the period during which the employee has been employed.

1046.9.4 CAPS ON THE AMOUNT OF PAY PROVIDED FOR EMERGENCY PAID SICK LEAVE

Emergency Paid Sick Leave is subject to the following caps:

- (a) \$511 per day and \$5,110 in the aggregate for the following qualifying reasons:
 - The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- (b) \$200 per day and \$2,000 in the aggregate for the following qualifying reasons:
 - The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised to self-quarantine as described in subparagraph (2) of the preceding subsection.
 - The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
 - The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

1046.9.5 INTERMITTENT LEAVE

Per an agreement between the District and an employee, an employee may take intermittent leave as follows:

An employee who is teleworking may take Emergency Paid Sick Leave intermittently for any of the six qualifying reasons;

An employee who is still working at the District's worksite may take Emergency Paid Sick Leave intermittently in full-day increments only if that employee has requested leave to care for their son or if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

Sick Leave

1046.9.6 EXEMPTIONS

The District may elect to exempt from the receipt of Emergency Paid Sick Leave any employee or class of employees who qualify as a “health care provider” or “emergency responder”.

- (a) The District has designated the following job classifications as “healthcare providers”:
None
- (b) The District has designated the following job classifications as “emergency responders”: Paid Call Firefighters

1046.9.7 RESTORATION TO PRIOR POSITION

An employee who uses Emergency Paid Sick Leave is entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave such that the employee would not otherwise have been employed at the time of reinstatement.

1046.9.8 EXPIRATION OF EMERGENCY PAID SICK LEAVE

The provision of this section shall expire on December 31, 2020 or when the Emergency Paid Sick Leave Act is no longer effective.

1046.9.9 PROTECTED EMERGENCY PAID SICK LEAVE

Emergency Paid Sick Leave is protected when used for one of the six qualifying reasons.

1046.9.10 SICK LEAVE REQUEST

The District may not require an employee to provide notice of the need to use Emergency Paid Sick Leave until after the first workday of usage of such leave. However, an employee may provide notice of the need to use Emergency Paid Sick Leave prior to the usage of such leave.

After the first workday for which an employee takes Emergency Paid Sick Leave, the District may require that the employee provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Paid Sick Leave orally or in writing, or may provide such notice through the employee’s spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice him or herself.

If an employee fails to provide proper notice, the District will provide the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee’s request for leave.

1046.9.11 CERTIFICATION OR DOCUMENTATION OF NEED FOR LEAVE

An employee using Emergency Paid Sick Leave must provide the following information prior to taking Emergency Paid Sick Leave:

- Employee’s name;

Fresno County Fire Protection District

Policy Manual

Sick Leave

- Date(s) for which leave is requested;
- Qualifying reason for the leave; and
- Oral or written statement that the Employee is unable to work because of the qualified reason for leave.

In addition, based on the qualifying reason for use of Emergency Paid Sick Leave, the employee is required to provide to the District documentation in support of his/her request for Emergency Paid Sick Leave as follows:

- To take Emergency Paid Sick Leave because the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, the employee must provide the name of the government entity that issued the Quarantine or Isolation Order.
- To take Emergency Paid Sick Leave because the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, the employee must provide the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.
- To take Emergency Paid Sick Leave because the employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order, the employee must provide either:
 - The name of the government entity that issued the Quarantine or Isolation Order to which the individual being care for is subject; or
 - The name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.
- To take Emergency Paid Sick Leave because the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions, the employee must provide:
 - The name of the Son or Daughter being cared for;
 - The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and
 - A representation that no other suitable person will be caring for the Son or Daughter during the period for which the Employee takes Paid Sick Leave or Expanded Family and Medical Leave.

1046.9.12 SICK LEAVE ON SEPARATION FROM EMPLOYMENT

Unused Emergency Paid Sick Leave, is not cashed out upon termination, resignation, retirement, or other separation from employment. (Labor Code § 246(f)(1).)

1046.9.13 EMERGENCY PAID SICK LEAVE REINSTATEMENT

An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Paid Sick Leave for the

Fresno County Fire Protection District

Policy Manual

Sick Leave

six qualifying reasons. Unused Emergency Paid Sick Leave will not be reinstated after December 31, 2020.