

RESOLUTION NO. 16-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 15-093 BY ADOPTING AN UPDATED PAID SICK LEAVE POLICY FOR ALL UNREPRESENTED PART-TIME AND TEMPORARY EMPLOYEES PURSUANT TO THE HEALTHY WORKPLACE HEALTHY FAMILY ACT OF 2014 (AB 1522) AND ITS SUBSEQUENT AMENDMENT BILL (AB 304)

WHEREAS, on September 10, 2014, the Governor of the State of California signed the Healthy Workplace Healthy Family Act of 2014 (AB 1522), which became effective January 1, 2015 and required employers to begin providing paid sick leave to covered employees effective July 1, 2015; and

WHEREAS, on July 13, 2015, the Governor of the State of California signed Assembly Bill 304, which amended and clarified AB 1522 and took effect immediately; and

WHEREAS, regular full-time City of Carson ("City") employees are provided with sick leave benefits pursuant to memoranda of understanding and resolutions of salary and benefits that meet the minimum requirements of AB 1522 and AB 304; and

WHEREAS, in order to comply with the requirements of AB 1522 and AB 304, on August 4, 2015, the City Council adopted Resolution No. 15-093, which provided paid sick leave benefits to part-time and temporary employees in accordance with the requirements of state law; and

WHEREAS, Resolution No. 15-093 erroneously stated that part-time represented employees were provided with sick leave benefits pursuant to a Memorandum of Understanding; and

WHEREAS, on May 17, 2016, the City approved a Memorandum of Understanding between the City and the American Federation of State, County and Municipal Employees (AFSCME) Union, Council 36, Local 809, for the Unclassified Part-Time Bargaining Unit of the City of Carson, July 1, 2013 through June 30, 2017 ("Part-Time Employees MOU"); and

WHEREAS, the Part-Time Employees MOU provides part-time represented employees paid sick leave benefits that satisfy the requirements of AB 1522 and AB 304; and

WHEREAS, between July 1, 2015 and May 17, 2016, part-time represented employees were provided paid sick leave in accordance with Resolution 15-093 in order to comply with state law; and

WHEREAS, the City Council now desires to amend and restate Resolution No. 15-093 by adopting a new resolution updating the City's paid sick leave benefits provided to part-time unrepresented employees, such that the paid sick leave benefits provided to part-time unrepresented employees will be consistent with the paid sick leave benefits provided pursuant to the Part-Time Employees MOU (i.e., adding that part-time employees later

appointed to full-time positions will be allowed to carry over accrued sick leave to their new full-time position).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. Resolution No. 15-093 is hereby amended and restated as this Resolution 16-046. Resolution 15-093 shall be of no force and effect as of the date of the adoption of this resolution.

Section 3. This resolution shall apply to the City's unrepresented, unbenefited part-time and temporary employees. Part-time represented employees are provided paid sick leave pursuant to the Part-Time Employees MOU.

Section 4. Resolution No. 16-046 is hereby adopted to provide an updated paid sick leave policy pursuant to AB 1522 and AB 304 for all unrepresented, unbenefited part-time and temporary employees as follows:

- a. Paid sick leave shall accrue at the rate of one (1) hour for each 30 hours worked to a maximum of 24 hours per year.
- b. Unused sick leave accrual shall be carried over annually, subject to a 48 hour limit. Part-time employees later appointed to full-time positions will be allowed to carry over their accrued sick leave to their new position.
- c. An employee shall be entitled to use accrued paid sick time beginning on the 90th day of employment, defined as the number of days worked.
- d. Employees who have not worked in a 12 month period shall be considered a new employee for purposes of sick leave accrual and usage.
- e. Employees who have separated from City employment and are rehired within 12 months shall have their sick leave reinstated. Employees shall not be paid for accrued sick leave balance at separation.
- f. Paid sick leave shall be taken in increments of not less than one (1) hour.
- g. Calculation of paid sick leave for non-exempt employees shall be calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek OR by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.



- h. Calculation of paid sick leave for exempt employees shall be calculated in the same manner as the City calculates wages for other forms of paid leave time.
- i. Retired annuitants of a public agency are not eligible for this benefit.
- j. Paid sick leave benefits have been effective since July 1, 2015, and shall remain in effect until modified, terminated, or rescinded by subsequent Resolution of the City Council, or by changes to applicable state or federal law.

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF JUNE, 2016.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK DONESIA L. GAUSE, CMC

APPROVED AS TO FORM:

CITY ATTORNEY

