

PERSONNEL REGULATION

166.4 SICK LEAVE

A. Eligibility. Sick leave benefits shall only be provided to those employees in classes assigned to Executive Management, the Middle Management Representation Unit, the Law Enforcement Middle Management Representation Unit, the Law Enforcement Representation Unit, the Correctional Officer Representation Unit, and the Government Attorneys Association. Provided, however, that employees in classes assigned to the General Representation Unit who have sick leave balances to their credit as of midnight July 20, 1979 may use such balances as provided in this section. No sick leave shall accrue to employees in classes assigned to the General Representation Unit after July 20, 1979. Sick leave benefits shall be provided in accordance with the following:

1. Full-Time Employees. Each employee in a full-time position shall be entitled to utilize sick leave on the 90th day of employment.
2. Part-Time Employees. Each employee in a part-time position shall be eligible to utilize sick leave on the 90th day of employment.
3. Elected County Officers. Elected County Officers under bond shall not be subject to these sick leave provisions. Elected County Officers who earned sick leave prior to 7/1/15 shall have their accrual converted to a Service Credit Accrual as described in Section 165 U.
4. Extra-Help Employees. Extra-help employees shall be eligible to utilize sick leave on the 90th day of employment.
5. Provisional Employees on Original Appointment. If a provisional employee is given a probationary appointment without a break in service, the employee shall be granted credit for hours of service as a provisional employee for purposes of earning sick leave credit.
6. Employees Reappointed from Layoff. Employees who are laid off and reappointed within a period of 24 months of layoff shall receive credit for hours of service accumulated prior to layoff for purposes of determining eligibility for sick leave.
7. Reinstated Employees. Employees granted reinstatement within a period of two years following resignation shall be considered as new employees for purposes of sick leave eligibility and accrual, unless the reinstatement follows layoff from a budgeted position.

B. Sick Leave Allowance.

1. Employees Reappointed from Layoff (within 24 months).
 - a. Employees who were not eligible for sick leave conversion at the time of layoff shall, upon reappointment, be credited with all unused sick leave accrued at the time of layoff.

- b. Conversion of unused sick leave at time of layoff eliminates all earned sick leave accrued by employees.
- 2. Reinstated Employees. Employees granted reinstatement do not receive credit for any sick leave earned prior to their resignation.
- 3. Accrual - Employees in the Law Enforcement Unit and Correctional Officer Unit.
 - a. Eligible full-time employees shall accrue 48 hours of sick leave upon completion of 1040 hours of service.
 - b. Eligible part-time employees shall accrue sick leave on a prorated basis proportionate to the authorized hours of their position, upon completion of the required hours of service under subsection A 2 of this section.
 - c. Thereafter, each eligible part-time and full-time employee shall accumulate .0462 hours of sick leave for each subsequent completed hour of service (approximately 12 days per year of service).
- 4. Accrual - Eligible Executive, Middle Management, Law Enforcement Middle Management and Government Attorneys Association.
 - a. Eligible full-time employees shall accrue 24 hours of sick leave upon completion of 1040 hours of service.
 - b. Eligible part-time employees shall accrue sick leave on a prorated basis proportionate to the authorized hours of their position, upon completion of the required hours of service under subsection A 2 of this section.
 - c. Thereafter, each eligible part-time and full-time employee shall accumulate .0231 hours of sick leave for each subsequent completed hour of service (approximately 6 days per year of service)
- 5. Extra-Help Employees. Extra-help employees shall accrue sick leave at the rate of .0333 based on the number of hours worked and may only accrue a maximum of 80 hours of sick leave. Such accrual may not be cashed-out by employees. (Res. 202-15, 6/23/15)
- 6. Accrual - Employees on LC4850 Leave. Employees who receive paid leave under the provisions of California Labor Code 4850 shall not accrue sick leave.

C. Permissible Uses.

- 1. Employee.
 - a. Sick leave with pay can be used in case of a bona fide illness or incapacity of the employee or a member of the employee's family upon the approval of the department head. In accordance with CA Government Code Section 12945.2 leave may be taken to care for a child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or

designated person. Designated person is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship.

D. Limitations on Use.

1. Sick leave is not allowed when the disability results from willful, self-inflicted illness, injury or misconduct, or in the event of disability sustained on a leave of absence.
2. Accrued sick leave may be prorated to add to Worker's Compensation temporary disability benefits in order to provide a compensation level equal to the employee's normal pay.
3. An employee must use all sick leave accrued prior to going on a leave of absence without pay for illness, injury, or incapacity to work.
4. An employee must use all accrued sick leave during an absence from work for an occupational injury in County service.

E. Maximum Accrual.

1. For eligible employees other than those in the Law Enforcement and Correctional Officer Units, sick leave and any unused portion thereof may only accrue until it has reached a total of 1440 hours.
2. For eligible employees in the Law Enforcement and Correctional Officer Units, sick leave may only be accrued until it reaches a total of 600 hours. For employees in the Law Enforcement Unit, sick leave balances to an employee's credit in excess of 600 hours as of March 13, 1992, shall be grandparented. For employees in the Detention Officers Unit, sick leave balances to an employee's credit in excess of 600 hours as of August 28, 1992, shall be grandparented. (Res. 106-92; rev. 8/29/92)

F. Conversion of Unused Sick Leave upon Separation.

1. Full-Time Employees with 2080 - 10,400 Hours of Service. Any employee in a full-time position who separates from County employment upon a resignation in good standing, or by a layoff, retirement, or death, and who has completed 2080 - 10,400 hours of service prior to such separation shall thereupon be paid:
 - a. For employees in the General, Law Enforcement and Correctional Officer Representation Units, 10 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 300 hours.
 - b. For employees in the Government Attorneys Association and Middle Management representation Units and executive management employees except department heads, 10 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 450 hours.

c. For employees in the Law Enforcement Middle Management Representation Unit, 10 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 430 hours. (Effective 8/14/93, Res. 617-93)

2. Full-Time Employees with 10,401 - 20,800 Hours of Service. Any employee in a full-time position who separates from County employment upon a resignation in good standing, or by a layoff, retirement, or death, and who has completed 10,401 - 20,800 hours of service prior to such separation shall thereupon be paid:

a. For employees in the General, Law Enforcement and Correctional Officer Representation Units, 25 percent of the monetary value of any unused sick leave then to the credit of such employee up to maximum of 300 hours.

b. For employees in the Government Attorneys Association and Middle Management Representation Units and executive management employees except department heads, 50 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 450 hours.

c. For employees in the Law Enforcement Middle Management Representation Unit, 50% of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 430 hours. (Effective 8/14/93, Res. 617-93)

3. Full-Time Employees with 20,801 and Over Hours of Service. Any employee in a full-time

position who separates from County employment upon resignation in good standing, or by a layoff, retirement, or death, and who has completed 20,801 or more hours of service prior to such separation shall thereupon be paid as outlined below in 3a 3c. Specified rules applicable to conversion upon retirement with ten years of service are noted in 3d for applicable groups.

a. For employees in the General, Law Enforcement and Correctional Officer Representation Units, 50 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 300 hours.

b. For employees in the Government Attorneys Association and Middle Management Representation Units and executive management employees except department heads, 75 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 450 hours.

c. For employees in the Law Enforcement Middle Management Representation Unit, 75% of the monetary value of any unused sick leave then to the credit of such employee to a maximum of 430 hours. (Effective 8/14/93, Res. 717-93).

d. For employees in the Middle Management Representation Unit, Government Attorneys Association, and Unrepresented Employees (including non-elected

department heads) with ten or more years of service and who retire from County service, shall have 100% of the sick leave balances paid out up to a maximum of 600 hours. (Res. 355-05, 12/13/05; Res. 358-05, 12/13/05)

4. Part-Time Employees. Each employee in a part-time position shall be eligible for conversion of sick leave as set forth above in subparagraphs 1, 2, and 3 of this subsection, provided, however, that the hours of service required of part-time employees shall be computed on a prorated basis proportionate to the number of authorized hours for the employee's position.

5. Non-Elected Department Heads. Each non-elected department head who separates from

County employment upon resignation in good standing, or by a layoff, retirement or death, shall thereupon be paid 75 percent of the monetary value of any unused sick leave then to the credit of such employee up to a maximum of 450 hours unless 166. 4. F. 3d is applicable.

6. Computation. The monetary value of the unused sick leave shall be computed by multiplying

the employee's regular hourly rate of compensation at the time of separation from employment by the number of hours of unused sick leave, not to exceed 300 hours except for: (1) employees in the Government Attorneys Association and Middle Management Representation Unit and Executive Management employees in which case the maximum shall not exceed 450 hours; or (2) employees in the Law Enforcement Middle Management Unit in which the maximum shall not exceed 430 hours. (Effective 8/14/93, Res. 617-93)

7. Elimination of Sick Leave Balance. Conversion of sick leave at the time of separation eliminates all sick leave earned by the employee. (Ord. 489, 5/15/65; Ord. 504, 11/25/56; Ord. 1531, 7/14/70; Ord. 1655, 11/23/71; Ord. 1727, 6/20/72; Ord. 2145, 7/1/75; Ord. 2221, 12/16/75; Res. 405-77, 7/12/77; Res. 406-79, 7/17/79; Res. 664-79, 12/11/79; Rev 4/21/81; Res. 542-86)

G. Reserved.

H. Advancement of Sick Leave Accruals. The County Administrative Officer is authorized to approve requests for the advancement of sick leave up to a total of 48 hours at the time of appointment for difficult to recruit classifications. The advance accrual will be offset against the regular rate of accrual on a per pay period basis as the credit is exhausted. Only under this provision, employees are permitted to access and utilize sick leave without regard to other requirements. (Res. 76-2006, 3/7/06)