

## SUBSTITUTE SICK LEAVE FACT SHEET

In accordance with the Healthy Workplace/Healthy Families Act (AB1522) and SB 616, California law provides for mandatory paid sick leave for substitutes. Substitutes who have worked for the same employer for 30 or more days within a school year are eligible to accrue up to no less than 40 hours (or 5 days) of paid sick leave. Eligible substitutes may use their paid sick leave beginning on their 90<sup>th</sup> day of employment.

Sick leave may be used for the diagnosis, care, or treatment of an existing health condition, as well as preventative care for the employee or family member. In addition, sick leave may be used for an employee that is the victim of domestic violence, sexual assault or stalking.

Paid sick leave may be taken in a minimum of two (2) hours increments for any assignment greater than two (2) hours and is limited to no less than 40 hours (or 5 days) per year while the substitute is employed by the District.

In order for the temporary or seasonal substitute not covered by a collective bargaining leave plan to utilize paid sick leave benefits, the eligible substitute will need to first confirm the following:

1. The eligible substitute has been offered a substitute position through the SmartFind Express (SFE) system or has officially been assigned work by District Administration.
2. The eligible substitute was not or will not be employed elsewhere during the work hours within the time period claimed as sick leave.

If the above criteria is met, the substitute must fill out the [Request for Substitute Sick Leave](#) form indicating the dates, hours, and location of the assignment for which sick leave is being used.

In order to verify eligibility and process sick leave payment, the completed form must be submitted within three (3) calendar days of leave. Once the *Request for Substitute Sick Leave* form is received and verified, payment for the claimed hours will be processed on the next regular payday for the eligible substitute. You will be notified once your request is approved.

For questions regarding:

- Your leave request - email [subdesk@cajonvalley.net](mailto:subdesk@cajonvalley.net)
- Available leave - login to the [iVisions portal](#) (If you do not have access, please reach out to the IT Department at [help@cajonvalley.net](mailto:help@cajonvalley.net))

Please note that up to 80 hours (or 10 days) of unused sick leave will carry over into the next school year.

## AB 1522/SB 616 Frequently Asked Questions (FAQs)

### 1. Am I a qualified substitute under AB1522/SB 616?

A qualified substitute is a temporary, on-call, as-needed, worker and is not represented by a recognized bargaining unit agreement (union). Retirees of a public agency are not eligible.

### 2. How do I qualify for paid sick leave?

A qualified substitute must have worked for the District, on or after January 1, 2015, for at least 30 days and satisfy a 90-day employment period (similar to a probationary period) before being qualified to take paid sick leave.

### 3. How do I accrue paid sick leave?

A qualified substitute begins to accrue paid sick leave beginning on July 1, 2015, or, if hired after that date, on the first day of employment at the rate of one (1) hour for every thirty (30) hours worked. A substitute is entitled to use (take) paid sick leave beginning on the **90th day of employment**. A substitute may accrue up to 40 hours (or 5 days) of paid sick leave per year. A maximum of 80 hours (or 10 days) may be carried over.

### 4. What if I work less than thirty (30) days in California within a year?

If you work less than 30 calendar days within a year for the District, then you are not entitled to paid sick leave under this law.

### 5. What if I work more than thirty (30) days in California within a year but less than ninety (90) days?

If you work less than 90 days for the District, you are not entitled to take paid sick leave.

### 6. Does paid sick leave apply to all substitutes who work in California?

All substitutes who work at least 30 days for the District within a year, including part-time, per diem, and temporary workers, are covered by this law with some specific exceptions.

#### **Employees exempt from the paid sick leave law include:**

- Employees covered by collective bargaining agreements with specified provisions.
- Retirees of CalPERS and CalSTRS (or other public agencies) are not eligible to earn paid sick leave under AB 1522/SB 616.

### 7. What happens if I return to work for the same employer after more than one year?

Paid sick leave will be restored if you return to work for the District within one (1) year. The paid sick leave law does not require that your accrued sick leave be restored to you if you haven't worked for the District in more than one (1) year.

### 8. What can I use paid sick leave for?

You may take paid sick leave for yourself or a family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the substitute's parent, child, spouse, registered domestic partner, grandparent, grandchild, and

sibling. Preventive care would include annual physicals or flu shots. The substitute may decide how much paid sick leave he or she wants to use (for example, whether you want to take an entire day, or only part of a day). **Your employer can require Non-Teaching Substitutes to take a minimum of at least two (2) hours of paid sick leave at a time. Certificated Substitutes must take either half- or full-day leave depending on the assignment.**

**9. Do I have to accept an assignment to be eligible for Substitute Sick Leave?**

You must have been offered and have declined an assignment due to one of the reasons listed above (see #8) to be eligible for Substitute Sick Leave. (Accepting a job you have no intention of filling to attempt to access substitute sick leave is an abuse of this leave and will result in your request not being granted.)

**10. How do I request paid sick leave?**

You must complete the [Substitute Sick Leave Request Form](#) indicating the date(s), hours, and location of job assignment for which sick leave is being requested.

**11. Do I have to notify my employer before taking sick leave?**

The substitute must notify the site/sub desk in advance if the sick leave is planned, i.e., scheduled doctor's visits. If the need is unforeseeable, the substitute need only give notice as soon as practical, such as in cases of unanticipated illness or a medical emergency.

Note to Substitute: Please complete the [Substitute Sick Leave Request Form](#) form within three (3) business days of the absence. Failure to submit a timely request will result in a non-paid day.

**12. When I take paid sick leave, will I get paid as I normally do for the applicable pay period?**

The law requires that an employer provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken. This does not prevent an employer from making the adjustment in the pay for the same payroll period in which the leave was taken, but it permits an employer to delay the adjustment until the next payroll. For example, if you did not report anticipated time out in advance and therefore were not paid for it but utilized your paid sick leave, **your employer would have to pay you no later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.**

**13. How will I know how much sick leave I have accrued?**

Employers must show how many days of sick leave you have available on your pay stub, or on a document issued the same day as your paycheck. To view your available leave, please login to the [iVisions portal](#).

**14. What step or hourly rate will I be paid?**

If you are a Substitute Teacher and have earned sick time you will be paid out at the half- or full-day rate based on your assignment and loyalty step. If you are a Classified Substitute and have earned sick time then you will be paid out at the rate of pay for the declined assignment.

**15. If I get hired in a contract position with the District, what happens to my unused substitute sick leave?**

Unused substitute sick leave will automatically be transferred to your contract illness leave accrual.

**16. Do I have the right to cash out my unused sick days?**

No, paid sick leave is not paid out when a substitute terminates their employment.