

RESOLUTION NO. 24-4767

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, APPROVING PART-TIME EMPLOYEE SICK LEAVE

WHEREAS, existing law authorized employers to provide their employees with paid sick leave;

WHEREAS, on September 10, 2014, Governor Edmund Gerald Brown Jr. signed into law the Healthy Workplaces, Healthy Families Act of 2014, Assembly Bill 1522 (“AB 1522”) to provide employees working in California for thirty (30) or more days within a year with paid sick days, to be accrued at a rate of no less than one (1) hour for every thirty (30) hours worked, beginning July 1, 2015;

WHEREAS, AB 1522 authorized the City of Murrieta (“City”) to limit an employee’s use of paid sick days to three (3) days or twenty-four (24) hours in each year of employment, which an employee would be entitled to use beginning on their 90th day of employment; AB 1522 required the City to satisfy specified posting and notice and recordkeeping requirements;

WHEREAS, the City prepared Administrative Policy No. 500-05 Part-Time Sick Leave which was adopted by former City Manager Rick Dudley on July 1, 2015;

WHEREAS, on October 4, 2023, Governor Gavin Newsome signed Senate Bill 616 (“SB 616”) into law amending the Healthy Workplaces, Healthy Families Act of 2014, effectively increasing the number of paid sick days employees are entitled per year of employment and the minimum number of paid sick days employees may carry over from one year of employment to the next beginning January 1, 2024;

WHEREAS, SB 616 expanded mandatory paid sick leave from three (3) days or twenty-four (24) hours, to five (5) days or forty (40) hours and permits the City to continue providing paid sick leave at one (1) hour for every thirty (30) hours worked and permits an annual usage cap of forty (40) hours;

WHEREAS, in accordance with the changes in law, the City has amended its Part-Time Employee Sick Leave, and

WHEREAS, the City Council now desires to supersede Administrative Policy No. 500-05 regarding Part-Time Employee Sick Leave and approve the Part-Time Employee Sick Leave benefits attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Part-Time Employee Sick Leave attached hereto as Exhibit A is adopted and shall be effective July 2, 2024.

Section 2. That Resolution No. 24-4767 supersedes Administrative Policy No. 500-05 Part-Time Sick Leave approved on July 1, 2015.

PASSED, AND ADOPTED, this 2nd day of July 2024, by the City Council of the City of Murrieta, State of California.

Lori Stone, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 24-4767 was duly adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 2nd day of July, 2024, and was signed by the Mayor of said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

EXHIBIT A

City of Murrieta
PART-TIME EMPLOYEE SICK LEAVE
July 2, 2024

OVERVIEW

On October 4, 2023, Governor Newsom signed Senate Bill 616 (“SB 616”) into law, amending the Healthy Workplaces, Healthy Families Act of 2014 (Labor Code sections 245-249) to increase the minimum number of paid sick days in which employees, are entitled per year of employment as well as the minimum number of paid sick days employees may carry over from one year of employment to the next.

PURPOSE

SB 616 took effect January 1, 2024, and sets forth a number of significant changes to paid sick leave entitlements. The new law does not change the 1:30 accrual rate, but if an employer uses a different accrual method, the law now requires the employer to provide at minimum five (5) days or forty (40) hours of paid sick leave by the employee’s 200th day of employment. If an employer utilizes an accrual method for paid sick leave, the employer must allow employees to carry over all accrued and unused sick leave from year to year. Under the accrual method, employees are eligible to accrue up to ten (10) days or eighty (80) hours of paid sick leave. If an employer utilizes a paid sick leave method that front-loads an employee’s paid sick leave days, the employer is not required to allow employees to carry over unused paid sick leave from year to year.

POLICY

A. General Policy

- 1) An employee who, on or after January 1, 2024, works thirty (30) or more days within a year from the commencement of employment is entitled to paid sick leave.
 - a. Employees, including part-time, temporary, and seasonal employees, will earn one (1) hour of paid leave for every thirty (30) hours worked.
 - b. Accrual begins on the individual’s first day of employment or after January 1, 2024, whichever is later.
 - c. Employees may use sick leave in increments of half (.5) an hour.

B. Coverage Provisions

Effective January 1, 2024, the City of Murrieta (“City”) will provide paid sick leave to its employees under the following conditions:

- 1) This policy applies to all City (and subsidiary district) Part-Time, Temporary and Seasonal Employees.
- 2) Employees are eligible to begin using accrued paid sick days beginning on their 90th days of employment.
- 3) An employee can accrue paid sick days up to a maximum cap of eighty (80) hours or ten (10) days per year of employment.

- 4) Accrued paid sick days shall carry over to the following year of employment. However, the City limits an employee's use of accrued paid sick days to forty (40) hours or five (5) days in each year of employment.
- 5) Sick leave does not accrue once the eighty (80) hours or ten (10) days per year of employment cap has been reached, but accrual restarts once the accrual has dropped below the cap.
- 6) If an employee separates from the City and is re-hired within one (1) year from the date of separation, previously accrued and unused paid sick leave hours shall be reinstated.
 - a. However, if the re-hired employee had not yet satisfied the requisite ninety (90) days of employment requirement to use paid sick days at the time of separation, the employee must satisfy this requirement prior to being eligible to use paid sick days.
- 7) Paid sick leave will not be considered hours worked for purposes of overtime calculation.
- 8) Any accrued paid sick days that are not used prior to an employee's last day of employment will be lost at the time of resignation, termination or other separation from City employment.

PROCEDURES

An employee may use accrued paid sick leave for one of the following reasons:

- 1) For the diagnosis, care, or treatment of an existing health condition or preventative care for themselves or a family member.
- 2) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking.
- 3) An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable, and if not foreseeable, notice should be provided as soon as practicable.