

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**SUBSTITUTE, SHORT-TERM AND TEMPORARY EMPLOYEES PAID SICK LEAVE**Policy Statement

Persons employed by the Fresno County Superintendent of Schools ("FCSS"), who are not covered by a collective bargaining unit agreement or other FCSS sick leave policies, are entitled to sick leave as outlined by the *Healthy Workplace Healthy Families Act of 2014*. The FCSS affords eligible employees sick leave pursuant to this policy.

Eligibility

Except for CalSTRS and/or CalPERS retirees, any substitute, short-term or temporary employee who works for thirty (30)<sup>1</sup> or more days<sup>2</sup> within the first year of their employment from their initial date of hire will be **credited** with forty (40) hours of paid sick leave for that year.

Initial hires covered by this policy shall be entitled to **use** accrued sick leave beginning on the 90<sup>th</sup> day of employment. A "year" is defined as July 1 through June 30. Forty (40) hours of sick leave will be credited by July 1 of each subsequent year of employment following the employee's first year of eligibility.

Should any eligible substitute, short-term, or temporary employee not work thirty (30) or more days within the first year of their date of hire, their next eligibility period will start on the first anniversary of their date of hire to determine their rights to paid sick leave.

Example:

- The employee is hired in October and works for twenty-five (25) days within their first year of employment. The employee does not meet eligibility criteria for paid sick leave.
- The following year, starting in October on their anniversary date, the employee must work 30 days within the subsequent year of employment to be eligible for paid sick leave.
- Once eligible, the employee shall be credited with forty (40) hours of paid sick leave by July 1 of each subsequent year of employment.

Should an employee separate service and then be subsequently rehired, the employee must meet the eligibility criteria upon rehire to be credited sick leave hours.

Sick Leave Credit

After the closing of each regular monthly payroll cycle, the Human Resources Department will work with the Payroll Department to verify the days worked during each month for initial hires. Once the thirty (30) day requirement for each employee has been met, the Human Resources Department will credit the employee with forty (40) hours of sick leave, which will be available for use upon the 90<sup>th</sup> day of employment or the first day of the following month, in which they met the eligibility requirement.

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<sup>1</sup> Employee must work thirty (30) days, which may not be consecutive.

<sup>2</sup> A "day" is defined as working a minimum of two (2) hours or more.

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Notification

Eligible employees will be notified via FCOE email when they have met the eligibility requirements, and the email will indicate the date of eligibility. Employees will also have their individual sick leave balance provided on their next available regular month-end payroll warrant. Eligible employees may also access their sick leave balance via the District Management Systems ("DMS") website at: <https://dms.fcoe.org>.

Use of Sick Leave

An employee may determine how much paid sick leave they need to use. However, sick leave must be taken in an increment of two (2) or more hours, not to exceed eight (8) hours in one day. Unused sick leave shall not carry over into the following year of employment (Labor Code 246).

A substitute, short-term or temporary employee may use credited sick leave for absences due to:

- 1) The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or their family member as defined in Labor Code 245.5.
- 2) Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or their child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

For the purposes of this policy, "*family member*" is defined as follows:

- 1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.
- 8) Designated person, as defined and subject to the limitations set forth in Labor Code section 245.5(c).

Leave Usage

To use sick leave, the substitute, short-term or temporary employee covered by this policy must be scheduled in advance to report to work on the day the use of sick leave is requested.

The employee requesting sick leave is not responsible for securing a replacement worker to cover the time during which the employee uses sick leave, only to report their absence using the required procedures.

Absence Reporting Procedure

**Short-term and Temporary Employees:** When use of sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for use is unforeseen, the employee must report the absence prior to the start time of his/her scheduled assignment. The employee

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has the responsibility to enter their sick leave through the District Management Systems (“DMS”) website at: <https://dms.fcoe.org> and to contact their immediate supervisor.

**Substitute Employees:** When use of sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for use is unforeseen, the employee must report their absence prior to the start time of their scheduled assignment. The substitute employee has the responsibility to report their absence to the Human Resources Technician II for the substitute automated absence system.

Payment of Sick Leave

When available sick leave is utilized, substitute, short-term or temporary employees will be paid from their monthly time report submitted to the Payroll Department. Payment will be included on the next regular month-end payroll after the sick leave is taken. The rate of pay will be the applicable compensation rate of the assignment the employee was scheduled to work on the day sick leave was used.

No employee shall be denied the right to use accrued sick leave, and the office shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging a violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees’ use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249.

Adopted: 7/01/2015

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CSBA

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