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**NOTICE OF CITY COUNCIL PUBLIC HEARING**

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**DATE OF MEETING:** TUESDAY, May 12, 2015

**TIME OF MEETING:** 2:00 p.m.

**PLACE OF MEETING:** COUNCIL CHAMBERS, 12TH FLOOR, CITY ADMINISTRATION BUILDING, 202 "C" STREET, SAN DIEGO, CALIFORNIA 92101

**SUBJECT:** Introduction of an Ordinance amending Chapter 2, Article 3, Division 11 of the San Diego Municipal Code by adding section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).

**FOR ADDITIONAL INFORMATION:** Council District 3 Office = (619) 236-6633

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as an interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following subject: **Introduction of an Ordinance amending Chapter 2, Article 3, Division 11 of the San Diego Municipal Code by adding section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).**

Section 1. That Chapter 2, Article 3, Division 11 of the San Diego Municipal Code is amended by adding section 23.1112, to read as follows:

**Article 3: Civil Service**  
**Division 11: Leaves of Absence**

**§23.1112 Hourly Sick Leave (A.B. 1522)**

- (a) Eligibility: Hourly employees, regardless of classification, who receive no paid Annual Leave or other paid leave under this Rule, are entitled to a paid sick leave benefit, consistent with that provided by State of California Assembly Bill 1522 (A.B. 1522), which enacted the Healthy Workplaces, Healthy Families Act of 2014, set forth at California Labor Code, Division 2, Part 1, Chapter 1, Article 1.5, sections 245 through 249. These employees are referred to as Eligible Employees in this Section. The benefit they receive is referred to as Hourly Sick Leave (A.B. 1522), under the conditions set forth in this Section. Hourly Sick Leave (A.B. 1522) is a different benefit, subject to different conditions, than Sick Leave, which accrued prior to September 4, 1981, and Annual Leave.
- (b) Accrual: Effective July 1, 2015, Eligible Employees will accrue Hourly Sick Leave (A.B. 1522) at a rate of one hour for every 30 hours worked, up to a maximum accrual of 48 hours. Eligible Employees begin accruing Hourly Sick Leave (A.B. 1522) at the commencement of employment, but may not use the accrued leave until the 90th day of employment, which is measured by 90 actual days worked. Any amount of time spent working on a day counts as one day toward the 90-day employment period. Any unused, accrued Hourly Sick Leave (A.B. 1522) will carry over to the following fiscal year, up to a maximum accrual of 48 hours. After an Eligible Employee has worked 90 actual days, he or she may use accrued Hourly Sick Leave (A.B. 1522) up to the maximum accrual.
- (c) Permitted Use: Eligible Employees may use up to 24 hours of Hourly Sick Leave (A.B. 1522) in any fiscal year for:
  - (1) Diagnosis, care, or treatment of an existing health condition of, or preventative care for, the Eligible Employee or family member; or

(2) If the Eligible Employee is a victim of domestic violence, sexual assault, or stalking, to take time off from work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; obtain or attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child; seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; obtain psychological counseling services related to an experience of domestic violence, sexual assault, or stalking; or participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

(3) For purposes of this subsection, family member means:

(A) the Eligible Employee's biological, adopted, or foster child, stepchild, legal ward, or a child to whom the Eligible Employee stands in loco parentis regardless of age or dependency status of the child;

(B) the Eligible Employee's biological, adoptive, or foster parent, stepparent, or legal guardian of an Eligible Employee or the Eligible Employee's spouse or registered domestic partner, or a person who stood in loco parentis when the Eligible Employee was a minor child;

(C) the Eligible Employee's spouse;

(D) the Eligible Employee's registered domestic partner;

(E) the Eligible Employee's grandparent;

(F) the Eligible Employee's grandchild; or

(G) the Eligible Employee's sibling.

(4) The City may require Eligible Employees to provide documentation substantiating the facts justifying the use of Hourly Sick Leave (A.B. 1522), to the extent permitted by California law. This requirement does not limit or affect any laws guaranteeing the privacy of health information or information related to domestic violence, sexual assault, or stalking, regarding an Eligible Employee or an Eligible Employee's family member. That information will be treated as confidential and not disclosed to any person except to the affected Eligible Employee, or as required by law.

(d) Pay Rate: Eligible Employees will be compensated for use of Hourly Sick Leave (A.B. 1522) at the Eligible Employee's current hourly pay rate for regular work hours. If an Eligible Employee, in the 90 days of employment before using accrued Hourly Sick Leave (A.B. 1522), had different hourly pay rates, then the Eligible Employee will be compensated at the highest hourly pay rate, not including overtime premium pay, earned during the prior 90 actual days of employment.

(e) Notice: If the need for Hourly Sick Leave (A.B. 1522) is foreseeable, Eligible Employees must provide reasonable advance notice to their supervisors, in writing or verbally. If the need for Hourly Sick Leave (A.B. 1522) is unforeseeable, Eligible Employees must provide notice of the need for Hourly Sick Leave (A.B. 1522) as soon as practicable.

(f) No Cash Value: Eligible Employees may not cash out Hourly Sick Leave (A.B. 1522) while

employed or upon termination, resignation, retirement, or other separation from City employment. However, if an Eligible Employee separates from City employment and is rehired within one year from the date of separation, the City will reinstate previously accrued and unused Hourly Sick Leave (A.B. 1522). Eligible Employees may immediately use any previously accrued and unused Hourly Sick Leave (A.B. 1522), and accrue additional Hourly Sick Leave (A.B. 1522) upon rehire, up to the maximum accrual of 48 hours. If an Eligible Employee does not return to City service within one year from the date of separation, all accrued and unused Hourly Sick Leave (A.B. 1522) will be forfeited.

- (g) Change of Employment Status: If an Eligible Employee moves into a position or status, which entitles him or her to paid Annual Leave, then the employee will no longer be an Eligible Employee under this section, and any accrued, unused Hourly Sick Leave (A.B. 1522) will be held during employment, but not available for use, unless the employee returns to a position or status in which the employee is no longer eligible for paid Annual Leave.
- (h) Records: The City will maintain records for three years documenting the hours worked and Hourly Sick Leave (A.B. 1522) accrued and used by an Eligible Employee, and will make these records available to an Eligible Employee or the State of California Labor Commission as required or permitted by California law.
- (i) Enforcement: Retaliation or discrimination against an Eligible Employee for requesting or using Hourly Sick Leave (A.B. 1522), consistent with this Section, is prohibited. An Eligible Employee has the right to enforce the provisions of this Section, in a manner consistent with California law.
- (j) The Hourly Sick Leave (A.B. 1522) benefit under this Section accrues concurrently with any additional sick leave benefit authorized by the City or approved by voters in the future, meaning the accumulated leave amounts under this Section and any future ordinance will not be added together to create a more generous benefit, unless a future ordinance specifies otherwise.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

**COMMUNICATIONS:** This item may begin at any time after the time specified. Any interested person may address the City Council to express support or opposition to this issue. Time allotted to each speaker is determined by the Chair and, in general, is limited to three minutes; moreover, collective testimony by those in support or opposition shall be limited to no more than fifteen minutes total per side. Those unable to attend the hearing may write a letter to the attention of: City Clerk, 202 'C' Street, San Diego, CA 92101-3862, MS 2A; OR you can email at: **Hearings1@sandiego.gov**, or by facsimile at: (619) 533-4045. Communications will be forwarded to the Mayor and Council. If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings. This material is available in alternative formats upon request. To order information in an alternative format, or to arrange for a sign language or oral interpreter for the meeting, please call the Clerk's office at least five working days prior to the meeting at (619) 533-4000 (voice) or (619) 236-7012 (TT).