

**RESOLUTION NO. 17-26**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, REPEALING RESOLUTIONS 95-12 AND 13-28, AND  
ADOPTING THE FOLLOWING POLICIES: ALTERNATIVE WORK SCHEDULE;  
FAMILY AND MEDICAL LEAVE; PAID SICK TIME; AND, TRANSITIONAL  
RETURN TO WORK**

**WHEREAS**, the Town Council is authorized under the provisions of Ordinance 89-06 to adopt rules for the administration of the personnel system created in said ordinance; and,

**WHEREAS**, given a new resolution (Resolution 17-04, establishing Personnel Rules) has been adopted providing updated recruitment and selection procedures as part of the Personnel Rules, it is appropriate to repeal Resolution 13-28 adopting earlier recruitment and selection procedures; and,

**WHEREAS**, given the length of time that has passed since the adoption of Resolution 95-12 on April 5, 1995 and the recent modifications to the Family and Medical Leave Act, it is necessary to adopt an updated Family and Medical Leave policy; and,

**WHEREAS**, it is desirable to have an Alternative Work Schedule policy in place in order to promote a healthy work-life balance and allow employees to work a flexible work schedule; and,

**WHEREAS**, in accordance with California Labor Code, section 245 *et seq.*, it is necessary to adopt a Paid Sick Time policy in order to allow limited-term employees paid sick days to address their medical needs; and,

**WHEREAS**, it is desirable to have a Transitional Return to Work policy in place in order to assist injured employees who are temporarily precluded from performing their normal duties in returning to work.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Council of the Town of Mammoth Lakes does hereby repeal Resolutions 95-12 and 13-28 and adopt the following policies: Family and Medical Leave, as provided in Exhibit A; Alternative Work Schedule, as provided in Exhibit B; Paid Sick Time, as provided in Exhibit C; and, Transitional Return to Work, as provided in Exhibit D.

APPROVED AND ADOPTED THIS 17<sup>TH</sup> DAY OF MAY, 2017.



SHIELDS RICHARDSON, Mayor

ATTEST:



JAMIE GRAY, Town Clerk



**TOWN OF MAMMOTH LAKES  
POLICIES AND PROCEDURES**

**SUBJECT: PAID SICK TIME POLICY**

**Number:** 200.03  
**Effective Date:** 01/2016  
**Revised:** 01/2017  
**Authority:** Town Council  
**Adopted by Resolution No.:** R17-26  
**Town Manager:** 

**I. Purpose and Scope**

In accordance with the Healthy Workplaces/Healthy Families Act of 2014, The Town of Mammoth Lakes (“Town”) recognizes that employees will need days off from work from time to time to address their medical needs. This document establishes the policies and procedures the Town shall adhere to with regards to paid sick time in accordance with California Labor Code section 245 *et seq.*

This policy applies to temporary, part-time, and seasonal employees (exempt and non-exempt) who, on or after July 1, 2015, work for the Town of Mammoth Lakes for 30 or more days within 12 months from the beginning of employment and who are not eligible for any form of “comprehensive leave” benefit provided by the Town to other employee groups.

Employees not covered by this policy are those who are eligible for the “comprehensive leave” benefit provided by the Town pursuant to a memorandum of understanding (represented employees), employee benefits resolution (non-represented employees), or employment agreement, which exceed the minimum requirements. As defined by AB 304, retired annuitants are not eligible for paid sick time.

**II. Policy**

**A. Entitlement**

Employees covered by this policy are entitled to three (3) days or 24 hours of paid sick time annually which may be used within a 12-month period or term of employment. The maximum benefit is 24 hours except in situations where a day in an employee’s regular work schedule is longer than an eight (8) hour day (e.g. an employee who works four (4), ten (10) hour days per week). In such cases, a “day” shall be the equivalent of the hours in the employee’s regularly scheduled workday.

Paid sick leave made available under this policy has no cash value, and the Town does not pay employees for available or unused sick leave upon separation.

**B. Usage**

1. An employee may use available paid sick days beginning on the 90<sup>th</sup> calendar day of employment. However, at its sole discretion, the Town may allow the use of paid sick leave by an employee in advance of the 90<sup>th</sup> day of employment.
2. The Town shall allow the use of paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking, and the purposes described in Labor Code section 230(c) and Labor Code section 230.1(a).
3. “Family member” for purposes of this policy means a:
  - child (biological, adopted, or foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis, regardless of the age or dependency status);
  - 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;
  - spouse;
  - registered domestic partner;

- grandparent;
- grandchild; or,
- sibling.

The employee must provide reasonable advance notification, orally or in writing, of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the employee must provide notice as soon as practical. The Town will not condition the use of sick leave on the employee finding someone to cover their work.

4. Employees must use sick leave in at least one half (0.5) hour increments.
5. Employees will only receive paid sick time for the number of hours they would have worked during their scheduled shift. For example, if the employee was scheduled for a four (4) hour shift, they will be compensated with four (4) hours of paid sick time only.
6. The Town will limit the use of paid sick days to 24 hours or three (3) days in each year of employment.
7. Employees will be provided the total amount of sick leave that may be used per year 24 hours or three (3) days at the beginning of each calendar year beginning July 1, or the first date of employment, whichever is later, therefore *no* accrual or carry-over is permitted.
8. For returning temporary employees who have a break in service of more than one (1) year, paid sick time will be provided as outlined above. However, returning temporary employees who have a break in service of less than one (1) year, do not need to wait until the 90<sup>th</sup> day of employment to use their paid sick leave, providing they worked for at least a 90-day period in their previous term of employment. They will have access to their available sick leave for that fiscal year immediately upon re-employment with the Town, provided their returning start date is within 12 months of their previous departure date.

If a returning seasonal employee did not satisfy the 90-day probationary period during their first appointment, they will not have access to sick leave until this requirement has been met. For example, if the employee only worked for a 60-day period during their first appointment, they will not have access to their sick leave until they have worked for a 30-day period during their second appointment.

If an employee is re-hired after 12 months of their termination, they will be required to satisfy the 90-day probationary period again.

### **C. Record Keeping**

1. Information showing available paid sick leave shall be displayed on employees bi-weekly pay statements.
2. Records showing paid sick leave usage for individual employees shall be kept for three years following termination, in accordance with the Town's Records Retention Schedule. This information should be available for review by the Department of Industrial Relations.

### **III. Responsibility for Review**

The Human Resources Manager is responsible for review of this policy as needed or at least every five (5) years.