

OUHSD 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.

Certificated 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 6.67 days / 6 hour days) of paid sick leave. Eligible substitutes may use their paid sick leave beginning on their 90th day of employment.

Classified 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/ 8 hour days) of paid sick leave. Eligible substitutes may use their paid sick leave beginning on their 90th 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.

Requirements for Paid Sick Leave

Temporary or seasonal substitutes must confirm:

1. The eligible substitute has been offered a substitute position through the Frontline 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 are 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.

To verify eligibility and process sick leave payment, the completed form must be submitted within three (3) calendar days of leave. Once received and verified, payment for the claimed hours will be processed on the next regular payday. Notification will be sent upon approval.

Up to 60 hours (or 10 days) of unused sick leave may carry over into the next school year. The district will cap usage up to 40 hours (5 days) per use in one 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?

Work for the District on or after January 1, 2015, for at least 30 days and satisfy a 90-day employment period before being qualified to take paid sick leave.

3. How do I accrue paid sick leave?

Begins accruing on July 1, 2015 (or first day of employment after that date) at the rate of one (1) hour for every thirty (30) hours worked. Use begins on the 90th day of employment. Maximum accrual: 40 hours per year; up to 80 hours or 10 days may carry over.

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

Not entitled to paid sick leave.

5. What if I work more than 30 days but less than 90?

Not entitled to take paid sick leave.

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6. Does sick leave apply to all substitutes?

Generally yes, except:

- Employees covered by collective bargaining agreements with specified provisions
- Retirees of CalPERS, CalSTRS, or other public agencies

7. If I return to work for the same employer after more than one year?

Paid sick leave is restored if you return within 12 months or one (1) year. Not restored after more than one year.

8. What can I use paid sick leave for?

For self/family care, preventive care, diagnosis, or treatment of health conditions, or for specified purposes if you are a victim of domestic violence, sexual assault, or stalking. Family includes parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care applies to annual physicals or flu shots.

9. Do I have to accept an assignment to be eligible?

Yes, substitute employees must have been offered and declined an assignment for valid reasons. Abuse of sick leave (e.g., accepting an assignment with no intent to work just to claim leave) may result in the denial of paid sick leave.

10. How do I request paid sick leave?

Complete the Request Form indicating date(s), hours, and location of job assignment for which sick leave is being requested.

Minimum usage for Certificated Substitutes: half or full day, depending on District assignment.

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

Advance notice for planned leave (e.g., doctor's appointment). For emergencies/unforeseen illness: notify as soon as practical. Complete Request Form within three (3) business days.

13. How do I know my sick leave balance?

Should be shown on a pay stub or document issued the same day. Check via Frontline portal.

14. Pay rate for sick leave?

Substitute Teacher: half- or full-day rate based on assignment. Classified Substitute: rate for the declined/canceled assignment.

15. If hired in a contract position, what happens to unused sick leave?

Employees hired to positions with the district will be eligible for contract sick leaves which become effective as of hire date. HFA sick leave is for employees not eligible for contract sick leaves only.

16. Can I cash out unused sick days?

No, unused sick leave is eligible for a pay out to employees for any reason. Abuse of sick leave (e.g., accepting an assignment with no intent to work just to claim leave) may result in the denial of paid sick leave.

References:

AB 1522, Healthy Workplace Healthy Families Act (2014): https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1522

SB 616 (2017) — Clarifying AB 1522 applicability to school districts/substitutes:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB616

CA Labor Code Sections 245–249, 233 (definitions and accrual)

CDE Guidance: Substitute Teachers & Paid Sick Leave