CDSS Implementation of Sick Leave Earning & Usage Requirements

Public Stakeholder Discussion/Conference Call

California Department of Social Services
Adult Programs Division
Policy & Quality Assurance Branch

June 9, 2017
Objective: To describe a revised approach to IHSS provider sick leave earning and usage requirements and to provide opportunity for stakeholder discussion.
Beginning July 1, 2018, an IHSS provider who works 30 calendar days within one year from the implementation date or the commencement of employment (whichever is later) as an IHSS provider will earn 8 hours of paid sick leave. [Labor Code (LC) section 246(a)(2)]
Upon implementation on July 1, 2018, an IHSS provider who has worked 100 hours providing authorized services to an IHSS recipient will receive 8 hours of paid sick leave.

> The 100-hour requirement is based on a review of the CMIPS II system to determine the average number of hours worked by an IHSS provider in California during a 30-day time period.

> The 100-hour requirement was chosen as the most fair and equitable method as it allows those IHSS providers with more work hours to earn their paid sick leave more quickly than those who worked limited hours.
Existing providers will earn the 8 hours of paid sick leave after they have worked 100 hours after the July 1, 2018, implementation date.

New providers who begin working after July 1, 2018, will earn their 8 hours of paid sick leave after they have worked for 100 hours after their initial hire date.
The amount of paid sick leave earned is the full amount of leave each provider will receive for the year. Because of this, there will be no carryover of paid sick leave from year to year.

» **July 1, 2018—December 31, 2019:** IHSS providers earn eight (8) hours of paid sick leave per year. [LC section 264(e)(1)]

» **January 1, 2020—December 31, 2021:** IHSS providers earn sixteen (16) hours of paid sick leave per year when the minimum wage has reached $13 per hour. [LC section 264(e)(2)]

» **January 1, 2022:** IHSS providers earn twenty-four (24) hours of paid sick leave per year when the minimum wage has reached $15 per hour. [LC section 264(e)(3)]
IHSS providers who have met the 100-hour requirement as described previously will receive their full amount of earned paid sick leave at the start of each fiscal year (July 1).

Once earned, each provider will have one full year (from July 1 to June 30) to use his/her earned paid sick leave.
Example 1: On July 1, 2018, John begins working 40 hours a week for his recipient Frank.

- Once John has worked 100 hours providing authorized services for Frank (on approximately July 18, 2018) he will earn 8 hours of paid sick leave.

- Any remaining sick leave John has at the end of FY 2018-2019 (June 30, 2019) will be lost.

- John will earn 8 hours of paid sick leave again at the beginning of the next fiscal year—July 1, 2019.
**Example 2:** On July 1, 2018, Samantha begins working 10 hours a month as a backup provider for her recipient, Alice.

- Once Samantha has worked 100 hours providing authorized services for Alice (approximately May 1, 2019), she will earn 8 hours of paid sick leave.
- Any remaining sick leave Samantha has at the end of FY 2018-2019 (June 30, 2019) will be lost.
- Samantha will earn 8 hours of paid sick leave again at the beginning of the next fiscal year—July 1, 2019.
IHSS providers may begin using paid sick leave after they have worked for an IHSS recipient for 90 calendar days of work from the commencement of their employment.

[LC section 246(c)]
Sick Leave Usage

After an IHSS provider has worked 100 hours and earned his or her 8 hours of paid sick leave, the provider must work an additional 200 hours, or 60 calendar days must pass after meeting the 100 hour requirement (whichever comes first) in order to use the 8 hours of paid sick leave.
Sick Leave Usage

Once an existing provider has worked 100 hours after the July 1, 2018, paid sick leave implementation date, he or she will be required to work an additional 200 hours, or 60 calendar days must pass after the date the 100 hours requirement is met (whichever comes first) before using the earned paid sick leave.

New providers who begin working after July 1, 2018, will earn 8 hours of paid sick leave after working 100 hours, but they must work an additional 200 hours or 60 calendar days must pass after the date the 100 hours requirement is met (whichever comes first) to be eligible to use their 8 hours of paid sick leave.
Example 1: John began working 40 hours per week for his recipient Frank on July 1, 2018.

John met his 100 hours requirement and earned his 8 hours of paid sick leave on approximately July 18, 2018. John will need to work an additional 200 hours, or 60 calendar days must pass (whichever comes first) before he can use his earned paid sick leave. In this example, John will meet the 200 hours requirement on approximately August 22, 2018, prior to 60 days.
Example 2: Samantha began working 10 hours per month as a backup provider for her recipient Alice on July 1, 2018. She works 2 hours a day, for 5 days in each month.

Samantha earned her 8 hours of paid sick leave on approximately May 1, 2019. Samantha will need to work an additional 200 hours, or 60 calendar days must pass (whichever comes first) before using her earned paid sick leave. In this example, Samantha will meet the 60-day requirement on approximately July 1, 2019, 60 calendar days after she met the 100-hour requirement to earn paid sick leave.
Sick Leave Usage

How Much Sick Leave Can Be Used at a Time?

The employee determines how much paid sick leave he/she will need to use, provided that the employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave. [LC section 246(k)]

» A base minimum increment of 1 hour shall be established for use of paid sick leave.

» Paid sick leave can be requested in increments of half-hour periods after the first hour.

» If the provider has accrued 8 hours of sick leave, he/she may use all 8 hours if needed.
Sick Leave Tracking

CDSS plans to track paid sick leave through the Case Management, Information, and Payrolling System II (CMIPS II).

Adult Programs Division Systems Bureau will design and develop the requirements to track sick leave within the system. The design and development process is expected to begin soon.

Stakeholders will be involved in the process as it moves forward.
Questions?