

## **Alternate Accrual Language**

The language below has been adapted from a combination of California's law (section 246 (b) of the Labor Code) and Massachusetts' paid sick leave law (940 CMR 33.07(8)).

Couple of caveats:

- I've based this around employers providing up to 40 hours of EPSL annually. If the committee goes with a different number or a tiered approach, updated or additional charts may be needed.
- The provision specifically for new employees below (Alternate Accrual Method #1) is premised upon the ordinance including a waiting period of 90 days for employees to use their EPSL. If that should change, this language would need to be adjusted as well.
- If we set a minimum number of hours that must be worked per year to receive the benefit, the chart for Alternate Accrual Method #3 will need to be adjusted to eliminate any irrelevant rows.

With those caveats, here's what I propose for insertion where appropriate in Section 2(a):

### **Alternate Accrual Methods**

Employers that prefer not to track accrual of sick time over the course of the benefit year may instead use the following methods for providing lump sums of sick leave or paid time off to their employees. Employers using these methods will be in compliance even if an employee's hours vary from week to week. Employers may accelerate the accrual or increase the number of hours provided to employees if they choose.

*Alternate Accrual Method #1* (specifically for new employees):

By the completion of the employee's 90<sup>th</sup> calendar day of employment, the employer will provide not less than 40 hours or five days of paid sick leave which is immediately available to the employee to use.

*Alternate Accrual Method #2:*

Employees will be provided with a lump sum of 40 hours of earned sick time at the start of each employee or calendar year and will be eligible to use up to 40 hours of earned sick time during that employee or calendar year.

*Alternate Accrual Method #3:*

Employees will be provided earned sick time in lump sums at the set rates provided in the chart below based on the average number of hours they work per week.

Employee's average hours/week	Employer will provide EPSL in lump sums as follows:
37.5-40	8 hrs/month for 5 months
30	5 hrs/month for 8 months
24	4 hrs/month for 10 months
20	4 hrs/month for 9 months
16	3 hrs/month for 10 months
10	2 hrs/month for 10 months
5	1 hr/month for 10 months
Under 5	1 hr/month for 8 months

**Rollover Language**

Instead of Section 2(b) as written, I would like to propose the following:

Employees accruing earned paid sick time in accordance with this ordinance will have the right to rollover their unused earned paid sick leave up to 40 hours to the next benefit year. Accrual may be delayed while an employee maintains an unused bank of 40 hours.

I believe this more clearly addresses the ability to roll over unused time while also simplifying recordkeeping by allowing accrual to be suspended while an employee is carrying a balance of 40 hours.