



PTO, PSL, and ESI POLICY

FHCS D Policy and Procedure

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General Description

Purpose

PTO (Paid Time Off), PSL (Paid Sick Leave) and ESI (Extended Sick Insurance) are benefits provided by Family Health Centers of San Diego (FHCS D) to ensure employees have periodic time off for personal need.

Policy

A. All regular employees who work 24 or more hours weekly accrue PTO and ESI credit each pay period based on the percentage of time or number of hours worked for that particular pay period. Eligible employees accrue PTO/ESI during their first 90 days of regular employment or eligibility period, but are not allowed to use PTO/ESI until successful completion of that period. Part-time employees working less than 24 hours per week, per diem, and temporary employees are not eligible for PTO/ESI.

1. PTO (Paid Time Off)

- a. The accrual rate for PTO is determined by below accrual categories (refer to attached table), and by the length of continuous eligible service.
- b. Eligible service is based on the date the employee began working 24 or more regular hours per week, and does not include temporary or per diem employment hours.
- c. All years of service as a regular employee working at least 24 hours per week, without a break in service, count towards PTO service level.
- d. Accrual Categories:
 - i. Category A: Staff, Supervisors, Project/Subject Managers
 - ii. Category B: Managers, Associate Directors, Physicians, Dentists, FNP, PA, and NMW
 - iii. Category C: Directors
 - iv. Category D: OBGYN Physicians working a base of 48 hours/week

For clarity, listed below are the definitions and proper use of the term “Manager”.

| TITLE | ABREIVIATION | DEFINITION | PTO ACCRUAL |
|----------------------------|----------------------|--|-------------|
| MANAGER (people) | MGR- (STARTS TITLE) | Manager of People – primary duty is in the guidance and direction of a staff of direct reports (80%); deliverables are produced by subordinate employees in their daily tasks. | B |
| MANAGER (project /subject) | MANAGER (ENDS TITLE) | Manager of Project/Subject – primary duty is to be the subject matter expert or to lead a project without permanent direct reports, and to perform work within the subject. Many functions have subject matter experts who are traditionally called managers but the main focus of their position is performing actual work itself, not directing others to do the work. | A |

- e. Full-time regular employees in category A earn the following PTO benefit amount. Please see attachment [PTO Schedule](#) for categories B-D.

| Years of Service | Days per year | Total hours per year | Hours Accrued per Pay Period |
|------------------|---------------|----------------------|------------------------------|
| 0 through 4 | 16 | 128 | 4.93 |
| 5 through 9 | 19 | 152 | 5.85 |
| 10 or more | 22 | 176 | 6.78 |

- f. Part-time employees working at least 24 hours per week earn a pro-rated share of PTO, based on actual hours worked each pay period.
 - i. For example, employees who work 24 hours in a week, the pro-rated accrual will be 24 hours divided by 40 hours equals .60. This percentage is then multiplied by the accrual rate. (24/40=0.6), (4.92 X 0.6 = 2.95)
- g. With supervisor approval, PTO is used for planned time off (i.e. vacations and personal days).
- h. PTO hours are available for use as they are earned each pay period. EMPLOYEES can earn up to a maximum of 320 hours, at which point no additional PTO hours will be accrued, until the accrued balance/PTO Bank falls below 320 hours. The exception to this is when management postpones an employee’s PTO to a later date which would cause the PTO balance to be over 320 hours.
- i. Effective 1/1/2018, Full-time OB/GYN Physicians are required to work 48 hours per week per Employment Agreement. OB/GYN can earn up to a maximum of 384 hours, at which point no additional PTO hours will be accrued, until the accrued balance/PTO Bank falls below 384 hours. The exception to this is when management postpones an employee’s PTO to a later date, which would cause the PTO balance to be over this maximum.
- j. Payment of PTO for full-time employees may not exceed 40 hours per week. If PTO taken is less than one week, then hours used may not exceed scheduled hours per day. Payment for PTO for part- time employees will be prorated.

- k. PTO accruals can be used starting the 90th day of employment, with exceptions for available use upon newly accrued PTO for PSL purposes for rehires within one year, as outlined 1.o. below.
 - l. PTO can be used for the caring of sick family members. Family members include children, biological/adoptive/foster parent, stepparent, legal guardian of an employee/employee's spouse/registered domestic partner, loco parentis, legal spouse, registered domestic partner, grandparent, grandchild, and sibling.
 - m. PTO is also used on an unplanned basis for the first two days of an illness or injury. For full-time employees, the "first two days" refers to the first 16 hours off from scheduled workdays. For part-time employees, the number of hours will be prorated. PTO may be denied for unplanned days off that occur immediately prior to or after scheduled PTO.
 - n. Exempt employees may use PTO in increments of two hours.
 - o. Rehires within one year of termination date can keep their previous PTO accrual rate. Furthermore, previous years of service will count towards date of eligibility for a higher accrual rate provided the rehire works more than 24 hours per week.
 - p. Payment for PTO is normally received on the next regular payday. Please refer to the section below on completion of Time Off Requests (TORs).
 - q. All earned, but unused PTO is paid out upon termination of employment.
 - r. When an employee becomes ineligible for PTO accrual due to change in status or reduction in hours, all accrued hours beyond 40 will be paid out to the employee. Employee must use PTO first before any PSL hours for sick or personal reasons.
 - s. Employees are not allowed to use PTO to extend their termination date.
 - t. No accrual exceptions, or grandfathering to older vacation/PTO plans, are permitted as of January 1, 2016.
2. ESI (Extended Sick Insurance)
- a. Full-time regular employees earn three (3) days (24 hours) of ESI per year. ESI accrues at a rate of .92 hours per pay period, and are available for use as they are accrued each pay period.
 - b. Employees may earn up to a maximum of 720 hours of ESI, at which point no additional ESI hours will be accrued, until the accrued balance falls below 720 hours.
 - c. ESI accruals can be used starting the 90th day of employment.
 - d. In most cases, ESI is used for illnesses or injuries that last three or more consecutive work days, or for subsequent days away from work that begin within one week of return to work date, related to the same illness or injury. The first two days of illness is usually paid from your PTO bank (if available).
 - e. ESI is used from the third day of an illness or injury through the duration of the illness or injury depending on the number of hours available in your ESI bank. A physician's note may be required for absences longer than 3 days at the supervisor's discretion.
 - f. There are exceptions in which employees can use ESI from the first day of illness or injury. They are:
 - i. When more than 320 hours of unused ESI have been accumulated.
 - ii. The illness or injury is due to a work-related illness or injury as defined by Worker's Compensation.
 - iii. The illness or injury results in hospitalization, an emergency room visit, outpatient surgery, or urgent care visit.
 - g. Employees may also use up to half of their annual ESI accrual per calendar year to care for an illness or injury to a family member. Family members include a child, parent, spouse, registered domestic partner and dependent of domestic partner. Refer to Kin Care leave under the [Leave of Absence policy 000.145.021](#) for details.
 - h. Normally, ESI is used from the third day of a family member's illness or injury, ESI may be used from the first day according to exceptions e.1. or e.3. noted above.
 - i. Bereavement - Three days of ESI may be used for bereavement of the death of a family member. Family members include children, biological/adoptive/foster parent, stepparent, legal guardian of an employee/employee's spouse/registered domestic partner, loco parentis, spouse, registered domestic partner, grandparent, grandchild and sibling.

- j. There is no pay-out for ESI at time of termination of employment.
- k. If an employee changes status and becomes ineligible for continued ESI accrual, all ESI accrued hours will remain available for employee use, as described above, for absences that may occur on scheduled workdays, as long as the employee remains in continued employment with FHCSO. Upon termination of employment all ESI is forfeited. Per Diem employees are not permitted to use ESI.

3. PAID SICK LEAVE (PSL)

- a. Per California and the County of San Diego Paid Sick Leave regulations, temporary, per diem, and regular part-time employees working under 24 hours per week who do not earn PTO or ESI, and who work for 30 or more days within a year earn at least one hour of Paid Sick Leave (PSL) for every 30 hours worked, or their date of hire, whichever is later. PSL accrual does not apply to regular fulltime, or part-time employees who work more than 24 hours per week, as they accrue PTO.
- b. PSL for employees who are not eligible to accrue PTO and ESI will accrue PSL hours as follows:
 - i. The total accrual will be capped 80 hours per benefit year
 - ii. Employees may use 40 hours per year without disciplinary action
 - iii. Accruals cannot be used until the 90th day of employment, except as noted below in item 3.g.
 - iv. Unused PSL hours will not be paid out at the end of employment
 - v. Per CA Labor Code, Section 246(f)(2), an employee who is rehired by the same employer within one year, is entitled to the reinstatement of all previously accrued and unused PSL hours, and may begin to use PSL on the first day of rehire.
- c. PSL for employees who are eligible for and accrue PTO and ESI will be permitted to use and designate paid sick leave under PTO and ESI:
 - i. Non-exempt employees may designate up to 40 hours per year under CA regulation and San Diego ordinance.
 - ii. Exempt employees may designate up to 24 hours per year under CA regulation.
- d. Employees can use the full amount of PSL for the diagnosis, care, or treatment of an existing health condition, or preventive care for themselves or a family member.
- e. PSL may also be used by an employee who is a victim of domestic violence, sexual assault or stalking.
- f. If an employee's status changes and becomes eligible to accrue PTO and ESI, up to 80 hours of accrued PSL will remain available for appropriate use, up to the annual limit of 40 hours for non-exempt employees per San Diego PSL ordinance, and up to 24 hours for exempt employees per CA PSL regulation, and may be used prior to PTO or ESI, if absence meets PSL eligibility.

B. TIME OFF REQUESTS

1. PTO/PSL/ESI requests are to be submitted by employees to their supervisors for approval via electronic timekeeping system, Kronos, including full and partial days away from work. Requests must be complete by the employee in a reasonable amount of time before absence for pre-approved time off, or immediately after in the case of unscheduled absences. Timecards in Kronos must be completed for all time away from work, regardless of availability of payment of PTO, PSL, or ESI.
2. Supervisors must approve or disapprove PTO/PSL/ESI requests in a reasonable period of time.
3. The Unplanned PTO (UPTO) code should be used for all requests of PTO not submitted at least 3 days prior the departure date.
4. Time off Reason Codes are available and should be used in Kronos for all time off requests.
5. Normally, payment of PTO/ PSL/ESI is received on the next regular payday.
6. Exempt employees may request PTO/ PSL/ESI in increments of two hours.

7. Please consult Human Resources for the use of PTO/ PSL/ESI pertaining to domestic violence, sexual assault, or stalking
8. Employees on Leave of Absence will not accrue PTO, PSL or ESI while on leave.

C. LEAVE WITHOUT PAY

1. Leave without pay may only be taken in the following circumstances:
 - a. The absence of PTO/ PSL/ESI accrual;
 - b. When legally permitted, such as Military Leave, Pregnancy Disability Leave, or FMLA/CFRA Leave, whereby the employee is being partially compensated through other methods of payment, such as Active Duty Pay, State Disability Insurance or Paid Family Leave payments. Although employees are not required by law to apply PTO/ PSL/ESI hours under these circumstances, they may supplement hours where appropriate.
2. All other time away from work will need to be allocated to PTO, ESI, or PSL, where applicable and available. Please refer to [Leaves of Absence policy #000.145.021](#) for leave details.
3. Employees are not permitted to "save" their PTO time, and use leave without pay throughout the year, unless otherwise stated above, or detailed in the Leave of Absence policy.

D. MEDICAL CERTIFICATIONS

1. Employees may be required to submit a medical certification prior to reinstatement to work status after sick leave. This requirement is exercised at the discretion of the Supervisor or Human Resources. Employees that fail to report to work on their expected return date, or do not call their Supervisor or Human Resources as to their status, will be considered to have voluntarily resigned their employment.
2. If an employee has a history of Monday and Friday absences, the Supervisor or Director of Human Resources or designee may require a practitioner's statement after a Monday/Friday absence. This will be at the discretion of the Supervisor or Human Resources.
3. A medical certification or release will not be accepted from a FHCS D practitioner, unless that practitioner has consistently provided care of an ongoing nature to that employee and both employee and practitioner recognize the practitioner as the employee's primary care provider.
4. Employees are expected to apply for disability payments from State Disability Insurance or Worker's Compensation, if eligible. PTO/PSL/ESI will be integrated with these other benefit sources, where permitted by law, to supplement State Disability or Worker's Compensation payments to equal regular base pay.

E. PTO CASH-IN

FHCS D will allow employees, at its sole discretion, to cash-in PTO hours when experiencing significant personal financial hardship for themselves or family member.

1. Employees may cash-in accrued PTO leave that is in excess of their annual accrual, but no more than 50% of total accrued balance. Thus, maintaining a minimum annual accrual balance available for future time off use.
2. The minimum amount of hours an employee may request for cash-in is 40 hours.
3. All PTO will be cashed-in at 100% of the employee's current pay rate.
4. PTO cash-in will be taxed at the employee's normal tax rate.
5. Requests for PTO cash-in shall be submitted to the Director of Human Resources for processing using the [Employee PTO Cash-In Request Form](#).
6. Approval will be on a case-by-case basis, including, a consideration of business demands (cash position, staffing needs) and the significance of the hardship facing the employee.

Department: HUMAN RESOURCES

Document Control

Related Documents

Attachments

- [PTO Schedule](#)
- [Employee PTO Cash-In Request form](#)

FHCS D Policies and Procedures

- [000.145.021 Leave of Absence Policy](#)

Revision History

- Ver. 1: 02/01/1992
- Ver. 2: 10/01/1994
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- Ver. 10: 03/31/2003
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All Policies and Procedures are reviewed annually by applicable Management.

Sign-Off Approvals

The person responsible for this document must verify accuracy and that the steps for this procedure or work instruction have been tested and validated. After you have approved this document, please sign and date below.

Fran Butler-Cohen, Chief Executive Officer Date

Ricardo Roman, Chief Financial Officer Date

Donna Baker, Senior Vice President and General Counsel Date

Patricia Besaw, Director of Human Resources Date