



VanderHouwen

Recruiting • Relationships • Opportunity

Paid Sick Leave (Oakland)

VanderHouwen provides eligible employees with paid sick time in accordance with the requirements of the Oakland Minimum Wage Ordinance (OMWO). For any questions about sick, please contact Human Resources HR@vanderhouwen.com.

Employee Documentation

Employees are to submit VanderHouwen's Paid Sick Leave Request Form when requesting paid sick time for the appropriate pay period. If an employee uses more than three consecutive days of sick time, VanderHouwen may request supporting documentation verifying the employee was out for a qualifying reason.

Use of Sick Time

Sick time may be used for qualifying absences (see below) in increments of one (1) hour and may be used to cover all or part of a shift. Employees must use sick time for qualifying absences. However, employees may choose to trade shifts instead of using sick time if approved by his or her supervisor. When using sick time, employees are not required to find coverage for their shift.

When using sick time, employees will be paid at the rate the employee would have earned had they not been absent, however, employees will not be paid for lost tips, commissions, or overtime.

Accrued, but unused sick time will not be paid to the employee upon termination, resignation, retirement, or other separation of employment. An employee rehired within 6 months of separation is entitled to use previously accrued sick time immediately upon re-employment.

Requesting Sick and Safe Leave and Documentation

If the need for paid sick and safe leave is foreseeable, employees must provide notice ten days before the leave would begin, unless they learn of the need to use leave within a shorter period.

If the need for paid sick and safe leave is unforeseeable, employees should provide notice as soon as practicable after the need for leave arises. To provide notice of the need to use paid sick and safe leave, employees must verbally notify his or her supervisor and send a message to HR@vanderhouwen.com.

Employee shall submit a written Paid Sick Leave Request Form to Human Resources within 5 days of returning to work (only two exceptions to the 5 day rule will be granted so long as the form is received prior to next payroll period).

VanderHouwen may require that employees provide documentation verifying that paid sick and safe leave time was used for a covered purpose. Employees are required to provide the requested documentation within five days of the request.

For paid sick and safe leave that is needed because of domestic violence or sexual assault, satisfactory documentation includes:

A police report indicating that the employee or a family member was a victim of domestic violence or sexual assault;

A court document indicating that the employee or a family member is involved in legal action related to domestic violence or sexual assault; or

A signed statement of a victim and witness advocate affirming that the employee or a family member is receiving services from a victim services organization.

The documentation need not explain the details of the violence or medical condition.

Failure to comply with these notice and documentation requirements may result in discipline.

Eligibility

All employees (whether full-time, part-time or temporary) who perform at least two hours of work in Oakland in a workweek are eligible to accrue paid sick leave under this policy. Employees are eligible to accrue paid sick leave only for the hours worked in Oakland.

Accrual and Use of Sick Leave

Eligible employees begin accruing paid sick leave upon the first day of employment, but may not use it until after 90 calendar days of employment with VanderHouwen.

Employees accrue one hour of sick leave for every 30 hours worked in Oakland, up to a maximum of 72 hours. The number of hours a nonexempt employee is deemed to work each week will be based on time records and includes all hours worked, including overtime hours. Exempt employees are assumed to work 40 hours per workweek, unless evidence exists that their normal workweek is fewer than 40 hours per week, in which case accrued paid sick leave is based upon that particular workweek.

Once the maximum accrual cap is reached, employees will not accrue additional paid sick time until their accrual balance falls below the cap. Employees must use their sick leave in one-hour increments.

Accrued but unused sick leave can be carried over from year to year. However, once the maximum amount has been accrued, no further sick leave will accrue until previously accrued sick leave is used. Employees will not accrue sick leave during unpaid leaves of absence.

Reasons Sick Leave May be Used

Paid sick leave can be used only for the following reasons:

- When the employee is physically or mentally unable to perform duties because due to an illness, injury or a medical condition;
- To obtain professional treatment or diagnosis for the employee's medical condition;

- For an employee's other medical reasons, such as pregnancy or obtaining a physical examination; and
- To care for a family member or designated person who is ill, injured or receiving medical care, treatment or diagnosis.

A family member includes an employee's child, parent, legal guardian or ward, sibling, grandparent, grandchild, spouse or registered domestic partner (the relationship may be biological, foster, adoptive or a step-relationship.) "Child" includes a child of a domestic partner and a child of a person standing in *loco parentis*. If an employee does not have a spouse or registered domestic partner, he or she may designate one person for whom the employee wishes to use sick leave to aid or provide care for that person. Designation of this person must be done within 10 workdays of VanderHouwen providing the opportunity to make a designation. Thereafter, VanderHouwen will provide an opportunity to re-designate a person on an annual basis with a window of 10 workdays.

Sick leave can be used only for the reasons identified above and only for hours when an employee is scheduled to work in Oakland. If there is reason to believe that sick leave has been misused, sick pay may not be awarded.

Employees are not required to find an employee to cover their work when they take paid sick leave.

Requesting Sick Leave/Documentation

Except in the case of an emergency, employees must give reasonable advance notice of any absence from work for which they intend to use paid sick leave. To provide notice of the need to use sick leave, employees should contact Human Resources.

Upon return, employees must immediately complete a time card (nonexempt employees) or absence report (exempt employees) documenting the use of sick leave.

For absences of three or more consecutive days, VanderHouwen reserves the right to request documentation of the qualifying use of paid sick leave, as permitted under applicable local, state or federal law. Additionally, if VanderHouwen reasonably suspects an employee is abusing this policy, it may require a doctor's note for subsequent use of paid sick leave, even if the employee's use of paid sick leave was for fewer than three consecutive workdays.

Rate of Pay for Sick Leave

For nonexempt, hourly employees, sick leave will be paid at the employee's regular hourly rate of pay at the time the employee uses the leave. For exempt employees, payment will be calculated by dividing the employee's weekly salary by 40 hours, unless evidence suggests that the employee's regular workweek is less than 40 hours. In that case, pay will be calculated by dividing the employee's weekly salary by the number of hours during their regular workweek.

Integration With Other Benefits

It is an employee's responsibility to apply for any applicable benefits for which the employee may be eligible as a result of the illness or disability, including California State Disability Insurance, workers' compensation insurance, paid family leave benefits and/or any other disability insurance benefits. If an employee elects to integrate paid sick leave with other paid benefits, VanderHouwen will integrate all paid benefits such that an employee will not be paid more than his or her regular compensation at any time.

Separation From Employment

Compensation for accrued and unused paid sick time is not provided upon separation from employment for any reason.

Confidentiality

VanderHouwen will keep confidential any medical documentation regarding leave use, in accordance with federal, state and local law.

Effect on Other Rights and Policies

VanderHouwen may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence under certain federal, state and municipal laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state, or municipal law, provided eligibility requirements for that law are met. VanderHouwen is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state, and municipal domestic violence, medical, or family leave rights.

No Discrimination or Retaliation

VanderHouwen will not retaliate, or tolerate retaliation, against any employee who seeks or obtains sick leave in accordance with this policy and/or the law, who makes a good-faith complaint about an OMWO violation, participates in any proceedings, uses any civil remedies to enforce his or her rights or otherwise asserts rights under the OMWO.

VanderHouwen
Acknowledgement of Policy

I acknowledge that I have received the Oakland Sick Leave policy for the Employee Handbook.

The attached policy is intended to be an addition to the current Employee Handbook.

I understand that it is my responsibility to read and comply with this policy. I further understand that I should consult my manager regarding any questions raised by this policy and not answered by the Employee Handbook.

Employee's Name (printed): _____

Employee's Signature: _____

Date: _____

POST WHERE EMPLOYEES CAN READ EASILY. VIOLATORS ARE SUBJECT TO PENALTIES



OFFICIAL NOTICE

OAKLAND MINIMUM WAGE

\$15.06 PER HOUR

Rate Effective Date: January 1, 2022

Beginning January 1, 2022, employees who perform at least two (2) hours of work ***in a workweek and*** within the geographic limits of the City of Oakland **must** be paid wages of not less than **\$15.06 per hour**.

Oakland's minimum wage requirement, pursuant to Measure FF and set forth in the Oakland Municipal Code section 5.92.020, applies to any employee (part-time or full-time) who performs work within the City of Oakland. Each year, the minimum wage will increase, effective January 1, by an amount corresponding to the prior calendar year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.

Under Section 5.92 et seq., employees who assert their rights to receive the City's minimum wage are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City's Department of Workplace and Employment Standards. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

- If you have questions, need additional information, or believe you are not being paid correctly, please contact your employer or the Department of Workplace and Employment Standards at: Department of Workplace and Employment Standards 250 Frank H. Ogawa Plaza, Suite 3341, 3rd Floor, Oakland, CA 94612 Telephone: 510-238-6258 or E-Mail: minwageinfo@oaklandca.gov.



OFFICIAL NOTICE

OAKLAND PAID SICK LEAVE

Effective Date: March 2, 2015

Pursuant to Measure FF and Oakland Municipal Code section 5.92.030, all employers must provide paid sick leave to each employee (part-time, full-time, and temporary) who performs at least two (2) hours of work *in a particular workweek and* within the geographic limits of the City of Oakland. Employees begin accruing paid sick leave on March 2, 2015 for employees working for an employer on or before that date. Employees who are hired after March 2, 2015 may not use any paid sick leave until after ninety (90) calendar days of employment.

Employees accrue one (1) hour of paid sick leave for every thirty (30) hours worked in the City of Oakland. Employees of employers for which fewer than ten (10) persons (including full-time, part-time, and temporary employees) work for compensation during any given week may have up to forty (40) hours of accrued paid sick leave saved at any time. Employees of other employers may have up to seventy-two (72) hours of accrued paid sick leave at any time. Employers may provide greater sick leave benefits than that mandated by Section 5.92.030. An employee's accrued paid sick leave will carry over from year to year but is not paid out at the time of separation of employment. Employees may use their accrued paid sick leave for their own medical care or to aid or care for a family member or designated person.

Under Section 5.92 et seq., employees who assert their rights to paid sick leave are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City's Department of Workplace and Employment Standards. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

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OFFICIAL NOTICE

OAKLAND SERVICE CHARGE LAW

Effective Date: March 2, 2015

Pursuant to Measure FF and Oakland Municipal Code section 5.92.040, Hospitality Employers who collect service charges from customers must pay the entirety of those charges to the hospitality workers who performed those services for which the charge was collected. A Hospitality Employer is a business who owns, controls, or operates any part of a hotel, restaurant, or banquet facility within the City of Oakland. A hospitality worker is any individual who works for a Hospitality Employer and who performs a service for which a Hospitality Employer imposes a service charge.

A service charge includes all separately designated amounts collected by a Hospitality Employer from customers that are for service performed by hospitality workers or are described in such a way that customers might reasonably believe that the amounts are for those services, including without limitation to charges designated as a “service charge,” “delivery charge,” or “portage charge.” Any tip, gratuity, money, or part of any tip, gratuity or money that has been paid or given to or left for the hospitality worker by a customer over and above the actual amount due for services rendered or for goods, food, drink or articles sold or served to the customer are excluded from Section 5.92.040.

Under Section 5.92 et seq., employees who assert their rights under Oakland’s Service Charge law are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City’s Department of Workplace and Employment Standards. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

- If you have questions, need additional information, or believe you are not being paid correctly, please contact your employer or the City of Oakland’s Department of Workplace and Employment Standards at: Department of Workplace and Employment Standards 250 Frank H. Ogawa Plaza, Suite 3341, 3rd Floor, Oakland, CA 94612 Telephone: 510-238-6258 or E-Mail: minwageinfo@oaklandca.gov.