

Petition for Earned Sick Time

The background of the slide features a large, semi-transparent watermark of the Orange County Seal. The seal depicts a large orange fruit with several leaves and a small bird perched on a branch above it, all enclosed within a square border.

**Public Hearing
Orange County Board of
County Commissioners**

September 11, 2012



Presentation Overview

- **Background**
- **Petition/Ordinance**
- **Action Requested**



Presentation Outline

- **Background**
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Background

- Orange County Charter, Article VI – Initiative, Referendum and Recall
 - 601(B) – Enact, Amend, Repeal
Ordinance needs 7% of County electors
 - 602(B) – Procedure for Initiative and Referendum (Ordinance)



Background (Con't)

- Within 30 days after names verified by Supervisor of Elections and reported to the Board, Board shall:
 - Notice and hold public hearing
 - Vote on proposed petition/ordinance
- If petition/ordinance not adopted, Board calls for a referendum by resolution on the question of petition adoption



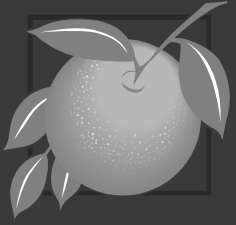
Background (Con't)

- If Petition/Ordinance approved by voters, it is declared to be enacted (by Resolution) and effective January 1, 2013.
- Board specifically prohibited from amending or repealing ordinance adopted by voter initiative for period of 1 year after effective date of ordinance.



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Petition/Ordinance

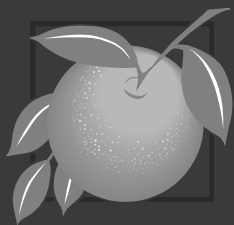
The advertised Petition/Ordinance contains various provisions which can be summarized as follows:

- Ordinance is applicable to businesses in Orange County that employ 15 or more employees.
- Ordinance defines employee as someone within geographical area of Orange County employed for at least 160 hours within a year.
- Employees accrue one hour of sick time for every 37 hours worked to a maximum of 56 hours of paid sick time in a calendar year.



Petition/Ordinance (con't)

- Employees can use accrued paid sick time beginning on the 90th calendar day following commencement of employment.
- Paid sick time shall be carried over to the following calendar year, but use of paid sick time shall not exceed 56 hours in each calendar year.
- Employee can use earned sick time for mental or physical illness, injury, health condition or treatment thereof and preventative medical care.
- Earned sick time can be used for care of family member (includes domestic partner) with mental, physical illness, injury or health condition.



Petition/Ordinance (con't)

- If earned sick time is used for more than 3 consecutive days, documentation may be required.
- Retaliation for use of earned sick time is prohibited.
- A small business (less than 15 employees) can't retaliate against an employee who uses up to 56 hours of sick time without compensation.
- Person aggrieved by a violation of ordinance may bring a civil action against employer or other person.
 - May recover full amount of paid sick time owed and actual damages, costs and reasonable attorney's fees



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Action Requested

Vote on whether to adopt the proposed
Petition/Ordinance
(as set forth in Article VI, Section 602(B),
Orange County Charter)

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