

## 3-02/040.20 - Kin Care

Kin Care authorizes an employee to use the amount of sick leave or non-elective leave in which the employee accrues during a six-month period in a calendar year (i.e., January 1 through December 31). Kin Care leave may be used to attend to the diagnosis, care, or treatment for an existing health condition or preventive care for an employee, an employee's family member, or for time off required if an employee and/or their children are a victim of domestic violence, sexual assault, or stalking.

Kin Care leave is based on a calendar year and begins on January 1st of each year. If an employee requests to use Kin Care leave, the employee does not have to use the days consecutively, may use partial days, and may be used throughout the calendar year. An employee may use their sick leave or non-elective leave for a Kin Care leave provided the employee has the accrued sick leave or non-elective leave available.

Kin Care laws supersede any other *Los Angeles County Code* or any other County or Department policy, procedure, or guideline which may conflict with the information contained in the law.

### Employee's Responsibilities

The employee shall notify their supervisor in advance if the Kin Care leave is foreseeable, as may be the case with scheduled doctors' visits. If the need is unforeseeable, the employee shall give notice to their supervisor as soon as practicable, as may occur in the case of unanticipated illness or a medical emergency.

For a foreseeable absence, the employee shall indicate on the "Reason for Absence" section of the Absence Request Prior Approval form (SH-R-96) the time being requested as Kin Care leave and designate whom the Kin Care leave is being used for (example: Kin Care leave to care for myself, child [name], or spouse [name]).

For an unforeseeable absence, the employee shall verbally advise their supervisor they are using Kin Care leave and whom it is being used for.

### Supervisor's Responsibilities

Supervisors shall designate any "paid sick" absence that meets the Kin Care requirements as "Kin Care" at the employee's discretion. In order to determine if a "paid sick" absence meets the Kin Care requirements, the supervisor shall ask the employee the following questions:

- Are you calling in sick due to self or a family member?
- If you are calling in sick due to a family member, which family member?
- Is the illness a serious health condition that may be covered by FMLA? If the answer is "yes," ask the employee for medical certification as part of the FMLA-process.

Upon the employee's verbal or written request to a supervisor, the supervisor shall authorize paid **sick days** for any of the purposes referenced in this section. If a written request is received, the supervisor shall ensure the employee indicated they are requesting Kin Care leave and whom it is being used for. If the request is verbal, the supervisor shall indicate in the "Reason for Absence" section of the Absence Request Telephonic Notification form (SH-R-96), the employee is requesting Kin Care leave and whom it is being used for.

Supervisors shall **not** request the medical reason for the employee using Kin Care leave. The supervisor cannot require the employee to find their own work replacement.

Under the Kin Care law, the supervisor cannot deny the employee the right to use their protected, accrued sick leave, including the right to use paid sick leave for a partial day (i.e., to attend a doctor's appointment) and may not discipline the employee for doing so. The supervisor cannot count the Kin Care leave as an "occurrence" under any attendance policy, monitored absence program, or absence contract if the employee has an unscheduled absence or provides insufficient notice of an absence. The supervisor cannot discharge, threaten to discharge, demote, suspend, discipline, or in any manner discriminate against the employee for using, or attempting to exercise, the rights under the Kin Care law and in this policy section.

Supervisors shall allow the employee to exhaust their sick leave or non-elective leave already accrued up to a maximum which equals 50 percent of their yearly accrued sick leave or non-elective leave without requesting a medical certification or doctor's note.

A supervisor may request a medical certification or doctor's note on the day after the employee has exhausted their maximum Kin Care leave time (see MPP section 3-02/040.18, Medical Certification or Doctor's Note).

**NOTE:** Employees who are the victim of domestic violence, sexual assault, or stalking (or their children), requesting leave and have exhausted their Kin Care leave may be required to provide a certification for the employee's absence. This certification may be in the form of a police report, protective order, court or prosecuting attorney's documentation the employee has appeared in court, and/or medical note from a doctor or licensed counselor, including a sexual assault counselor.

#### Definition of "Sick Leave"

"Sick leave" means full-pay sick leave accrued for use during absence from employment for any of the reasons specified in this section. Sick leave does not include part-pay sick leave (percentage sick time) or benefits provided under retirement, workers' compensation benefits, unemployment benefits, or benefits not payable from the employer's general assets. Below are the full-pay sick leave Kin Care usage procedures:

- For Options/Flex/Choices employees, Sick 100% (011) may be designated for Kin Care for either full or partial day absences;
- For MegaFlex employees, Non-Elective Leave (003) may be used to cover full day absences designated for Kin Care. For partial day absences, MegaFlex employees may designate Exempt Leave (019). In addition, MegaFlex employees must use previously accrued Sick 100% (011) prior to using Non-Elective Leave (003); or
- For hourly employees, Sick Personal Leave (112) may be designated for using Kin Care.

The total amount of full-pay sick leave and/or non-elective leave earned by each eligible full-time employee each year ranges between 64 and 96 hours, depending upon the *County Code* or their bargaining unit and years of County service. Full-pay sick leave accrual for each year begins January 1, or when an employee enters service, and ends each year when the employee reaches their maximum number of hours or at the end of the year.

### Definition of "Family Member"

The definition of a "family member" is:

- The employee;
- A child, which means biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis (this definition of a child is applicable regardless of age or dependency status);
- A biological, adoptive, foster parent, stepparent, legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child;
- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild; or
- A sibling.

### Domestic Violence, Sexual Assault, or Stalking Related Time Off From Work

The domestic violence, sexual assault, or stalking related time off from work as referenced in the Kin Care law applies to the employee or their children for the following:

- To seek medical attention for injuries;
- To obtain services from a domestic violence shelter, program, or rape crisis center;
- To obtain psychological counseling; and/or
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

### Examples

Below are examples of Kin Care leave:

- If an employee accrues 12 days of sick leave in a calendar year and calls in requesting Kin Care leave due to their own illness, the supervisor cannot request a doctor's note for the first six days of accrued sick leave;
- If an employee accrues 12 days of sick leave in a calendar year and calls in requesting Kin Care leave due to a covered family member, the supervisor cannot request a doctor's note for the first six days of

accrued sick leave; or

- If the employee has already used 50 percent of their accrued sick leave as Kin Care leave days within the calendar year, the supervisor **may** request a doctor's note for either the employee's own illness or illness of a covered family member.

For additional information and/or updates, please consult Personnel Administration Bureau's Pay, Leaves, and Records Units' "Leaves Unit" intranet web page.

For any questions, please contact your unit's time accountant.

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