

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: Adult Services/In-Home Supportive Services
Title: Paid Sick Leave for In-Home Supportive Services Providers Policy
Number: 1014 **Status:** Revised
Effective Date: 7/1/2018 **Revision Date:** 10/28/2024
Approved: Signature on file

PURPOSE To provide In-Home Supportive Services (IHSS) staff information regarding paid sick leave for IHSS provider regulations.

POLICY Senate Bill 616 increased the paid sick leave accrual for IHSS providers from 24 hours to 40 hours in each year of employment, calendar year, or 12-month period beginning January 1, 2024. Current IHSS providers will have a maximum paid sick leave of 24 hours through June 30, 2024, and then earn the increased paid sick leave of 40 hours starting July 1, 2024.

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BACKGROUND Governor Brown signed Senate Bill (SB) 3 on April 4, 2016, establishing a requirement to permit IHSS providers to accrue and use paid sick leave hours. This bill allowed IHSS providers to accrue eight hours of paid sick leave each year of employment, calendar year, or 12-month period beginning July 1, 2018. Accrual was then increased to 16 hours of paid sick leave each year of employment, calendar year, or 12-month period on January 1, 2020, and up to 24 hours on January 1, 2022.

DEFINITIONS

Fiscal Year
12-month accounting period from July 1st through June 30th for financial and tax reporting.

Pay Warrant
Paycheck issued by the State Controller's Office.

ACCRUAL AND USAGE OF PAID SICK LEAVE

IHSS providers will accrue and are entitled to use paid sick leave following the criteria below:

- An IHSS provider who has worked a total of 100 hours will accrue the maximum amount of paid sick leave and will continue to accrue the maximum amount of leave at the beginning of each fiscal year if they continue to work as an IHSS provider.
- Once an IHSS provider has worked 100 hours, they will be entitled to use their paid sick leave hours after working an additional 200 hours providing services to an IHSS recipient or 60 calendar days from the date the provider earned their paid sick leave hours, whichever comes first.
- An IHSS provider will lose any unused paid sick leave hours at the end of each fiscal year regardless of how many used sick leave hours remain or when they received the paid sick leave hours during the previous fiscal year.
- The number of paid sick leave hours earned, paid sick leave hours available for use, and previously used paid sick leave hours will be displayed on the provider's pay warrant.

The following examples will detail how IHSS providers will earn their paid sick leave hours after January 1, 2024:

Example 1: Jason has been a provider since June 2018. As a current provider, Jason accrued 24 hours of paid sick leave on July 1, 2023. Jason may utilize the 24 hours through June 30, 2024. If Jason does not use the 24 hours before June 30, 2024, he will lose those paid sick leave hours but will accrue 40 paid sick leave hours on July 1, 2024. If Jason continues to work as an IHSS provider, Jason will accrue 40 paid sick leave hours at the beginning of each future fiscal year.

Example 2: On February 1, 2024, Lisa is assigned 50 hours a month for a recipient. After two months, or April 1, 2024, Lisa has worked 100 hours and will accrue 24 hours of paid sick leave. Lisa will be entitled to use the paid sick leave hours after working an additional 200 hours providing services to an IHSS recipient or 60 calendar days from the date the provider earned the paid sick leave hours, whichever comes first. Since Lisa only earns 50 hours a month, paid sick leave can be used after 60 days or on June 1, 2024. Lisa will lose any unused paid sick leave hours on June 30, 2024, but will accrue 40 hours of paid sick leave on July 1, 2024. If Lisa continues to work as an IHSS provider, Lisa will accrue 40 paid sick leave hours at the beginning of each future fiscal year.

No wage compensation will be paid to a provider for any accrued and unused paid sick leave upon the provider's termination, resignation, retirement, or other separation from IHSS provider employment.

- If the provider is rehired within one year from the date of separation, previously accrued and unused paid sick leave may be reinstated. The provider can use any previously accrued and unused paid sick leave upon rehiring and will continue to accrue paid sick leave hours as usual at the beginning of each fiscal year.
- An inactive provider will not be paid for any unused paid sick leave from their previous time of employment as an IHSS provider and will begin earning paid sick leave again in the same manner as any other newly enrolled provider.
- To reinstate the active status, the provider must submit the In-Home Supportive Services Program Notice to Provider Inactivity (SOC 881) to the Orange County Public Authority (PA).

**REASONS FOR
PAID SICK LEAVE
USAGE**

IHSS providers may use paid sick leave hours for one of two purposes:

- Diagnosis, care, or treatment of an existing health condition or preventative care for a provider or a provider's family member. This includes attendance at appointments with medical care professionals, including dentists and chiropractors.
 - The family members for whom a provider may request paid sick leave are defined as a child (biological, adopted, or foster), stepchild, legal ward, or child to whom the employee stands as a guardian in the absence of the parents (this definition is applicable regardless of the age or dependency status of the "child"); a biological, adoptive, or foster parent, stepparent, or legal guardian of the provider or the provider's spouse or registered domestic partner, or a person who stood as guardian in the absence of the parents when the provider was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling.
- If the provider is a victim of domestic violence, sexual assault, or stalking:
 - To obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center because of domestic violence, sexual assault, or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

- To participate in safety planning and take other actions to increase their personal safety or the safety of their child from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

**REQUESTING
PAID SICK LEAVE**

Providers can submit a request for paid sick leave electronically or by paper form for any recipient case they are actively working on. Providers cannot claim paid sick leave on dates their recipient is on leave. To request paid sick leave, an IHSS provider will:

- Submit their request electronically through the IHSS Electronic Services Portal (ESP).
- Or submit their request by completing a paper IHSS Program Provider Sick Leave Request Form (SOC 2302). The SOC 2302 can be obtained through the CDSS website or their County IHSS office. Providers must complete this form, sign it, date it, and submit it to the Enterprise Services Sick Leave Processing Center for processing. The following is required of the provider when submitting the SOC 2302:
 - The provider must submit the SOC 2302 simultaneously with their timesheet or before the end of the pay period that sick leave was requested. The SOC 2302 should be sent in two envelopes since timesheets and the SOC 2302 are processed at different locations. Form SOC 2302 should be sent to the Sick Leave Processing Center, and timesheets should be sent to:

Timesheet Processing Center
P.O. Box 2380
Chico, CA 95927-2380.
 - Providers are not required to disclose on SOC 2302 why they need to use paid sick leave hours.
 - The SOC 2302 will be processed if the sick leave claim form is received by the end of the following month in which the sick leave is claimed.
 - If the provider fails to complete the required information on SOC 2302 correctly, the Enterprise Services Sick Leave Processing Center will send the IHSS Program Notice to Provider of Incomplete Paid Sick Leave Request Form (SOC 2303) for completion.
- Request at least one hour of paid sick leave; additional paid sick leave time may be used in increments of 30 minutes. If the provider has only 30 minutes of paid sick leave time remaining in their balance, the minimum amount for paid sick leave usage will be 30 minutes.
- If the need is foreseeable (for example, a medical or dental appointment), the provider will notify the recipient with reasonable advance notice (at least 48 hours before the use of paid sick leave) to allow the recipient time to plan for a backup provider. If the need for paid sick leave is unforeseeable (for example, an illness or other medical emergency), the provider will

contact the recipient immediately or at least two hours before the expected start time of the workday.

NOTIFICATION OF PAID SICK LEAVE Each provider's pay warrant will include information stating the amount of available paid sick leave hours and the amount of paid sick leave hours used by the provider during the previous pay period. Providers who use paid sick leave during a pay period will receive a supplemental pay warrant, including the wages they receive for the paid sick leave hours used.

REFERENCES

All County Letter No. 18-01

Implementation of Provisions of Senate Bill 3 Relating to Paid Sick Leave for In-Home Supportive Services Providers

All County Information No. I-35-18

Distribution of In-Home Supportive Services Provider and Recipient Informational Notices Regarding the New Paid Sick Leave Program

All County Letter No. 18-83

Update to Implementation of Provisions of Senate Bill 3 Relating to Paid Sick Leave for In-Home Supportive Services Providers

All County Letter No. 24-26

Implementation Of Provisions Of Senate Bill 616 Relating To Paid Sick Leave For In-Home Supportive Services Providers

ATTACHMENTS In-Home Supportive Services Program Notice to Provider Inactivity (SOC 881)

IHSS Program Provider Sick Leave Request Form (SOC 2302)

IHSS Program Notice to Provider of Incomplete Paid Sick Leave Request Form (SOC 2303)
