

Unused Sick Leave

Items to Be Discussed:

- Basic vs. Excess Sick Leave
- Base Days
- Order of Usage
- Conversion of sick leave to service credit
- Reporting to CalSTRS
- Correcting previous submissions
- Frequently Asked Questions

Basic Sick Leave

- Equivalent to one day's paid leave of absence due to illness or injury
- Employees can earn one day of basic sick leave per pay period
 - A pay period is not less than four weeks or more than one calendar month.
- If your pay period schedule is based on a calendar month, your employees can earn up to *twelve* days of basic sick leave in a school year.

TRL sections:
22170.5 (a)
22154

Excess Sick Leave

- Paid leave of absence for illness or injury
- Days earned in excess of basic sick leave days

TRL section:
22170.5 (c)

Base Days

- The number of days of creditable service required to earn one year of service credit.
- This figure should not include any school or legal holidays
- The minimum base day allowed is 175.

TRL section:
22106.2
22717 (b)

Order of Usage

1. Accumulated unused sick leave days existing before July 1, 1986
2. Basic sick leave days granted on or after July 1, 1986
3. Excess sick leave days granted on or after July 1, 1986

TRL section:
22724

Conversion of Sick Leave to Service Credit

- Once a member retires, CalSTRS will convert their total unused sick leave days into extra service credit

Total unused sick leave days / Contract Base Service Days = Service credit

Example:

$$80 / 185 = 0.4324$$

vs.

$$80/225 = 0.3555$$

Reporting to CalSTRS

- You must report any unused sick leave to CalSTRS using the *Express Benefit Report* (SR 0554E) form.
- The form must be received by CalSTRS within 30 days of the member's retirement date – OR – within 30 days of the date which the retirement application is received at CalSTRS, whichever happens later.

TRL section:
22717

Correcting Previous Submissions

- You may make corrections to previously submitted sick leave using the *Employment Termination or Sick Leave Data Correction (SR 0559)* form.

FAQ – Excess vs. Basic

- Our teacher earns 10 days of basic sick leave per their contract and they are paid 12 times a year. If they earn 2 sick leave days working summer school, is this considered excess?
 - No, the extra two days of sick leave earned for summer school would not be considered excess. Anything under 12 would be considered basic sick leave.

FAQs - *Healthy Workplaces, Healthy Families Act (AB1522)*

- Are districts required to report unused sick leave granted under the *Healthy Workplaces, Healthy Families Act (AB1522)* when a member retires? If yes, is it going to be excess unused sick leave?
 - If the member has maintained any sick leave earned under AB1522 by the time they retire, CalSTRS will accept that sick leave reported as basic sick leave, unless the member has already earned up to the 12 days of basic sick leave under that employer for that fiscal year.

FAQs – Transfer of Sick Leave

- Is there a standard form we should be using to transfer sick leave from district to district? What should we do if a district does not accept the sick leave?
 - This your internal process of transferring information from one employer to the next. The transfer of sick leave, while addressed in the Education Code is outside of the Teachers' Retirement Law and therefore outside of CalSTRS' purview.

FAQs – Transfer of Sick Leave

- Is accumulated basic sick leave from a classified position allowed to be transferred to CalSTRS when the employee is hired to perform certificated service paying into CalSTRS?
 - If a teacher was previously employed by you in a classified position and then transitions to a certificated position, the sick leave balance from the classified work can move with the teacher, as long as they are staying at the same district. Please note, this sick leave would be only be able to be reported to one retirement system.

FAQs – Sick Leave for Additional Assignments

- We provide our staff with sick leave for additional assignments. Would this sick leave be considered basic or excess? Are we required to track for sick leave separately for different assignments?
 - If the member has already earned 12 days of basic sick leave for the year, then any additional sick leave earned by the member would be considered excess.
 - You are not required to track sick leave by assignment, only by employee.

Reference Items

- Employer Directive 2017-06 – *Reporting Sick Leave as Provided by the Healthy Workplaces, Healthy Families Act of 2014*
- Employer Directive 2018-03 – *Basic and Excess Unused Sick Leave*

Questions

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