

HR Tip of the Week
P•A•S ASSOCIATES
July 17, 2017

**How Medical Appointments, Sick Leave,
Make-Up Time Relate**

What rights do employers have to approve time off work for doctor appointments, require make-up time and terminate an employee for excessive absences related to medical care?

Time off work for doctor appointments is required of all employers in California and applies to all employees and classifications of employment (hourly, exempt, full-time, part-time, seasonal, temporary, on call, etc.).

When the Healthy Workplaces, Healthy Families Act (the state mandatory paid sick leave) went into effect in 2015, it was clear that regardless of whether an employer had a sick leave policy that allowed employees to use paid sick leave for doctor appointments, the state sick leave law requires it.

Local Ordinances

In addition, many cities have implemented their own local ordinances that require paid sick leave, often requiring more than the California law. Employers should check the laws that apply in the cities in which they do business and can access a [Comparison of California State and Local Paid Sick Leave Laws](#) on *HRCalifornia*.

Sick Leave Policies

Employer sick leave policies should include a provision that informs employees of their right to use paid sick leave for medical or dental appointments for themselves and covered family members.

If medical appointments are scheduled in advance, the employer should inform employees that they must provide advance notice. No employer approval is required, however, when an employee schedules a medical or dental appointment. Nor may an employer require that the employee schedule an appointment outside of his or her working hours.

Most medical offices see patients Monday through Friday, 8 a.m.–5 p.m., which often are the same working hours as the employee.

Employers should always allow an employee to go to a doctor appointment and must allow the employee to use paid sick leave if available.

Make-Up Time

Make-up time is a provision in California that allows an *employee* to request that the time taken off work be made up; it is not something that an employer may request or require of the employee.

Make-up time requests must be made by an employee in writing and the time must be made up during the same workweek.

For example, if an employee has a 2-hour doctor appointment and has no paid sick time available, the employee might ask to shorten his/her lunch period from 1 hour to 30 minutes for 4 days that week to make up the loss of 2 hours.

Another option might be for the employee to come in early or stay late, or come in on a day off. If make-up time is approved, and if an employee works longer than 8 hours in a day or 40 hours in that same workweek, then overtime pay is not required.

All make-up time requests are subject to employer approval. Although employers are not required to provide make-up time, it can be helpful in getting work done when an employee needs to be out.

Medical Condition

If an employee is absent often due to medical appointments, the employee may have an underlying medical condition that would require the employer to accommodate the time off and not terminate the employee.

These protections may fall under the federal Family Medical Leave Act (FMLA), Pregnancy Disability Leave, workers' compensation, Americans with Disabilities Act (ADA) and state disability. For further questions in that area, contact your attorney.

To view a PDF version of this week's HR Tip, please visit

<http://www.pasassociates.com/HRTip.pdf>

**The link will take you to the most current HR Tip. Please be advised that this changes every Monday.*

Reprinted with permission from CalChamber, <http://www.calchamber.com>

Thank you for allowing us to serve you!

To view our website, please go to <http://www.PASassociates.com>



HUMAN RESOURCES CONSULTANTS
INVESTIGATIONS
CERTIFIED HR PROFESSIONALS
LEGAL COUNSEL

Click the icons below to follow us on Facebook and Twitter!



P·A·S ASSOCIATES has expertise in human resources and other areas involving employment issues. P·A·S ASSOCIATES, in providing this tip, does not represent that it is acting as an attorney or that it is giving any form of legal advice or legal opinion. P·A·S ASSOCIATES recommends that before making any decision pertaining to human resource issues or employment issues, including the utilization of information contained on this website, the advice of legal counsel to determine the legal ramifications of the use of any such information be obtained.