



## Update: How SWA Manages the Use of KinCare---Labor Code 233 December 2013

*California Labor Code 233. Any employer who provides sick leave for employees shall, permit an employee to use in any calendar year the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to an illness of a child, parent, spouse, or domestic partner of the employee. All conditions and restrictions placed by the employer upon the use by an employee of sick leave also shall apply to the use by an employee of sick leave to attend to an illness of his or her child, parent, spouse, or domestic partner...*

*In a memo dated December 12, 2013, the company has advised that effective January 1, 2014, Employees can only use KinCare when they have sick leave "accrued and available" in their sick banks, in accordance with the plain text of the law. This means that Employees must have the time available to be applied toward this leave.*

Please remember, when considering if you can use a KinCare day, it is your responsibility to know the following...

- **You must have sick hours in your bank to cover the time requested for KinCare.**
- **You will not be charged/paid more than 8 hours of sick pay in one day.**
- **A KinCare day cannot be taken UNPAID.**
- **A KinCare day taken without sufficient sick time will result in an RPA.**

Please know that the actual KinCare Law has not changed. In the past the company administered KinCare in a manner that better served the employee, this action is not required by the California labor Code 233.

If you have specific questions regarding Southwest Airline's management of California KinCare, please do not hesitate to call the union office.