

Eligibility Provisions

Employees who complete 30 days of employment in California are eligible to accrue paid sick days beginning with their first day of employment. This policy applies to all employees, but does not apply to any employees covered by collective bargaining agreements. Employees accrue paid sick days at the rate of 1 hour for every 30 hours of work, subject to the maximum limitations contained in this policy. Exempt, hourly employees are deemed to work 40 hours per workweek, unless their normal workweek is less than 40 hours. If their normal workweek is less than 40 hours, they accrue paid sick days based on their normal workweek. Eligible employees may not accrue more than 48 hours, or 6 days, of paid sick leave.

Use of Paid Sick Days

Employees may use accrued paid sick days beginning with their 90th day of employment and may use up to a maximum of 24 hours, or 3 days, of paid sick time in a year of employment. After their 90th day of employment, employees may use paid sick days as they accrue in increments of 2 or more hours. The Company (Magic Mountain LLC) has discretion to grant or deny an employee's request for an advance of paid sick days. If a request is approved, the amount of paid sick days advanced will be treated as a wage advance that will be recovered from future paid sick day accruals.

An employee may use sick leave when the employee is sick or ill. In addition, an employee may submit an oral or written request to receive paid sick days for any purpose allowed by the California Healthy Workplaces, Healthy Families Act, such as either:

- a. the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the seasonal employee or a family member, or
- b. for an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off
 - i. to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order or other injunctive relief,
 - ii. to seek medical attention, obtain services from a shelter, program or rape crisis center,
 - iii. to obtain psychological counseling,
 - iv. to participate in safety planning, or
 - v. to take other actions to increase safety from future incidents. The Company will provide paid sick days, if accrued, for either purpose.

For purposes of this policy, the term "family member" is defined and includes: a child; a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, 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. A "child" includes a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the seasonal employee stands in loco parentis.

Cap On Accruals

Unused accrued paid sick days will carry over from one year to the next. However, an employee's accrued paid sick leave may not exceed 48 hours, or 6 days. If an employee reaches this cap, no further sick day will accrue until the employee uses some sick leave and falls below the cap.

Separation From Employment

Paid sick days are intended to assist employees who miss work due to their own illness or an illness of a qualified family member during their employment. Any accrued paid sick days that are not used prior to the last day of employment are lost at the time of resignation, termination, retirement, layoff, or other separation from employment. If an employee is rehired within one year of the date of separation, any lost paid sick days will be reinstated and available for the employee to use.

Rate of Pay

Paid sick days will be compensated at the same wage as the employee normally earns during regular work hours. The rate of pay will be based on the employee's hourly wage. If the employee has different hourly rates in the 90 days before taking accrued sick leave, was paid by commission or piece rate, or was a non-exempt salaried employee, the rate of pay will be calculated by dividing the employee's total wages (not including overtime premium pay) by the employee's total hours worked in the full pay periods of the prior 90 days of employment. Paid sick days will be paid by the payday for the next regular payroll period after the sick leave is taken.

Employee Notification Obligations

If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice. If the need is unforeseeable, the employee must provide notice of the need for the leave as soon as possible.