MEMORANDUM

TO: All County Employees
FROM: Brandi Hopkins, Director of Human Resources
SUBJECT: Updated Guidance on COVID Leave Law SB 95 (SPSL)
Newly released information from Department of Industrial Relations

May 13, 2021

On April 7, 2021, you received communication from Human Resources regarding the implementation of SB 95, which went into effect March 29, 2021. Recently, the Department of Industrial Relations (DIR) issued new guidance concerning the circumstances for an employee to qualify for SPSL due to the closure or unavailability of their child’s school or place of care.

The new guidance clarifies the circumstances in which an employee would qualify to use SPSL to provide care to a child “whose school or place of care is closed or otherwise unavailable for reasons related to CCVID-19 on the premises”:

A child’s classroom in school or place of care has been closed after concern that a person who had been present on the school or daycare premises on or after January 1, 2021, was exposed to, or had contracted, COVID-19.

This does not include caring for a child whose school or daycare was closed before January 1, 2021.

If the school or daycare was closed on or after January 1, 2021, it must have been due to a closure, or partial closure, making the care unavailable due to COVID-19 on the premises.

As a result of the DIR new guidance, SPSL applies to childcare ONLY when the school, a classroom, or a place of care is shut down either for a quarantine, or a cleaning/disinfecting due to a positive COVID 19 case on the premises. It does not apply to either hybrid days of distance learning or full distance learning for schools that have not re-opened from original shutdown or that were in a general shutdown or hybrid after January 1, 2021.

Please visit the Employee COVID-19 website at https://www.sjgov.org/covid19/employees to view updated information.

Effective June 7, 2021 through September 30, 2021, Departments are advised to modify their internal review process, considering only request for use of SPSL when an employee is unable to work or telework meeting the above criteria. This includes extension requests for dates beyond June 7, 2021.
All requests submitted and approved for periods covering dates prior to June 7, 2021, will be processed based on the information that was available before the DIR clarifying guidance to employers.

Thank you for your cooperation as we continue in our efforts to provide San Joaquin County employees a safe work environment.

BH: cs

cc: County Administrator’s Office  
County Counsel  
Auditor-Controller, Payroll Unit  
Katherine Harris, Deputy Director of Human Resources  
HR Analysts  
Labor Groups