



2022 COVID-19 SUPPLEMENTAL PAID SICK LEAVE PROCEDURE

Updated: October 3, 2022

The guidelines in this procedure are subject to change as new information is released by the California Labor Commissioner

Update: On September 30, 2022, Governor Newsom signed Assembly Bill 152 into law extending the COVID-19 Supplemental Paid Sick Leave (SPSL). The new law goes into effect September 30, 2022, and expires on December 31, 2022. The new bill does not provide employees with additional SPSL hours.

This procedure provides guidelines for both the employee and the department to implement and manage 2022 COVID-19 Supplemental Paid Sick Leave timely and appropriately. Employees are to defer to their Department's internal procedures and seek guidance from a supervisor, manager, or the department's personnel representative for clarification when needed.

Senate Bill 114, COVID-19 Supplemental Paid Sick Leave (SPSL) benefits were signed into law on February 9, 2022. The law went into effect on February 19, 2022, retroactive to January 1, 2022, through September 30, 2022, and provided up to 80 hours of SPSL, in two (2) separate banks of leave, each up to 40 hours, to employees unable to work or telework for specific qualifying reasons related to COVID-19.

On September 30, 2022, Assembly Bill 152 was signed into law, effective immediately extending the expiration date through December 31, 2022. AB 152 does not provide employees with any additional SPSL hours nor does it change the qualifying reasons for which employees may use SPSL established under SB 114.

In compliance with SB 114, the County will provide employees with two (2) separate leave banks of SPSL, each up to 40 hours – not to exceed the combined total of 80 hours. All leave is subject to the maximum caps, set forth by SB 114, of \$511 for each day and no more than \$5,110 in total.

A. SPSL CONDITIONS:

1. Up to 80 hours of SPSL for full-time employees, which will be allocated in two (2) separate leave banks, each up to 40 hours.
2. SPSL hours for part time employees varies based on the number of hours the part-time employee worked prior to the leave being taken.
 - a. Part-time employees' hours will be pro-rated by County Human Resources upon receipt of initial request received from their department.
3. Employees may use SPSL before using other accrued leave.
4. If a covered employee is on an approved COVID-19 related continuous leave when the law expires on December 31, 2022, the employee can finish taking the entitled SPSL hours they are eligible to receive.
5. Upon the Department Head or Appointing Authority designee's approval, employees may use SPSL intermittently if they are unable to work or telework to care for a child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 on the premises.
6. No intermittent leave for quarantine/isolation or symptoms unless approved for telework.

B. QUALIFYING REASONS FOR TAKING LEAVE - UP TO 40 HOURS:

The first bank of COVID-19 Supplemental Paid Sick Leave, up to 40 hours, is available to employees unable to work or telework due to any one of the following reasons:

1. **Vaccine – Related:** If an employee is attending a vaccine or booster appointment for themselves or a family member or cannot work or telework because they have vaccine-related symptoms or are caring for a family member with vaccine-related symptoms. Use of SPSL – for vaccine and booster – is limited to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects. If additional leave is needed, medical verification is required.
2. **Caring for Yourself:** If an employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.

3. **Caring for a Family Member:** If an employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19.
4. **Caring for a child:** If an employee is caring for a child whose school or place of care is closed or unavailable due to *COVID-19 on the premises*.

NOTE: *The quarantine or isolation period related to COVID-19 is the period defined by an Order or guidance from the California Department of Public Health (CDPH), the federal Centers for Disease Control and Prevention (CDC), or a local public health officer with jurisdiction over the workplace.*

C. QUALIFYING REASONS FOR UP TO 40 HOURS WITH PROOF OF POSITIVE COVID-19 TEST RESULTS

The second bank of SPSL, up to 40 hours, is available if:

1. An employee tests positive for COVID-19; or is caring for a family member who tested positive for COVID-19, and
2. The employee provides proof of a positive COVID-19 test result or a health care provider certification confirming the diagnosis for themselves or a qualifying family member.

D. COVID-19 SUPPLEMENTAL PAID SICK LEAVE PAY CODES:

1. First Leave Bank **(Section 3, reason 1-4 on the SPSL Request Form)**
 - SPSL - Supplemental Paid Sick Leave
 - SPSLE - Supplemental Paid Sick Lv Eve
 - SPSLN - Supplemental Paid Sick Lv Ngt
2. Second Leave Bank **(Section 4, reason 5 only the SPSL Request Form)**
 - LSB - SPSL Second Bank
 - LSBE - SPSL Second Bank Eve
 - LSBN - SPSL Second Bank Night

E. QUALIFYING FAMILY MEMBERS

1. SPSL may be used for qualifying family members, as defined by Labor Code §§ 245.5(c); 248.2(b)(1)(F): a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.
 - a. A child can include a biological, adopted, or foster child, a step-child, legal ward, or child to whom the employee stands in loco parentis.
 - b. A parent includes a biological, adoptive, or foster parent, step-parent, or legal guardian of the employee or the employee’s spouse or registered domestic partner or person who stood in loco parentis when the employee was a minor child.

F. PROCEDURE:

1. Employees should submit a completed COVID-19 LEAVE REQUEST FORM according to their department’s internal leave process, which may require submittal to their supervisor, manager, or the department’s personnel representative.
2. Use of SPSL is contingent upon review and approval of each COVID-19 LEAVE REQUEST FORM by the Department Head or Appointing Authority designee to confirm:
 - 1) The employee meets the criteria for using SPSL set forth in SB 114.
 - 2) Approving the amount available under each SPSL leave bank.
3. All leave requests are subject to the approval of the Department Head or Appointing Authority designee contingent upon receipt of the required documentation.
4. If circumstances present that have strong indicators that the request for leave may need to be denied for reasons unrelated to COVID-19, contact Christy Sanders, Leave Administration Coordinator, or your department’s assigned analyst.
5. Any leave of absence may be revoked by the Director of Human Resources upon the written request of the Department Head, supported by evidence the reason for granting the leave was misrepresented or has ceased to exist.
6. SPSL has no cash-out value at time of separation or upon expiration of law.
7. Approval of any individual employee to engage in telework is at the sole discretion of the Department Head or Appointing Authority designee.

G. DOCUMENTATION OF VERIFICATION REQUIREMENTS

1. Employees seeking leave to isolate because they or a family member they are caring for has been diagnosed with or tested positive for COVID-19 must provide a copy of a positive COVID-19 test result or a health care provider certification confirming the diagnosis for themselves or a qualifying family member to receive up to an additional 40 hours of SPSL. Employees are to submit test results to a designated staff, a supervisor, or a manager following Department's internal procedure. Employees who refuse to provide documentation of test results for themselves or a qualified family member are not eligible for up to an additional 40 hours of SPSL under reason 5.
2. An employee that provides proof of positive test results has the option to use available hours in either SPSL leave bank up to 80 hours not to exceed maximum cap amount.

***For example:** A full-time covered employee can use 10 hours from the first leave bank to receive a COVID-19 vaccine booster shot and recover from symptoms. Then use 40 hours from the second leave bank to care for a family member that tested positive for COVID-19 upon submittal of positive test results, and 30 hours remaining from the first leave bank to care for a child whose daycare had closed due to COVID-19 on the premise.*

3. Employees receiving vaccinations or vaccination boosters at their worksite or at County sponsored sites are not required to use SPSL for these appointments. Employees seeking leave to attend vaccination or booster appointments at offsite locations may use a reasonable number of SPSL hours. Generally, two hours is sufficient time for travel to the appointment and return to work; however, additional time may be approved when supported by the circumstances.
4. Employees seeking use of SPSL – for vaccine and booster – is limited to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects. If additional leave is needed, medical certification is required to verify recovery time is needed.
5. Employees seeking leave to care for a child whose school or place of care is closed or unavailable due to COVID-19 *on the premises* are required to submit supporting documentation or verification.
6. Employees who are fully vaccinated for COVID -19 are not required to quarantine as the result of a close contact with a COVID -19 positive

individual, and are therefore, not entitled to use SPSL for this purpose unless they subsequently develop symptoms or test positive.

H. RETROACTIVE REQUEST REQUIREMENTS

1. All retro requests for use of SPSL between January 1, 2022, and February 19, 2022 must be submitted before April 11, 2022.
2. Documentation requirements as specified above do NOT apply for requests between January 1, 2022, and February 19, 2022.
3. If an employee used accrued leave for a qualifying SPSL reason, upon approval, that accrued leave will be credited back to the appropriate accrual bank, through the department's internal payroll change process.
4. If an employee was approved time off that was unpaid for a qualifying SPSL reason, upon approval, SPSL may be applied through the department's payroll change process.
5. Retro requests submitted after April 11, 2022 deadline will require justification from the Department Head or Appointing Authority designee for consideration.
6. Any request for dates after February 19, 2022, are subject to documentation requirements upon submittal to the Department Head or Appointing Authority designee to determine if the employee qualifies for SPSL.

I. INTEGRATION WITH OTHER COVID-19 BENEFITS

Workers' Compensation

SB 1159 provides COVID-19 presumptions for specific job classes and circumstances. However, employees (in general) are able to submit a workers' compensation claim if they feel have sustained an injury and/or illness because of work.

For claims that are accepted, the County's third-party administrator (TPA) will determine appropriate and applicable benefits specific to workers' compensation labor codes as well as consideration of other applicable pay/wages received.

Payment authorization must be received (by Risk Management) first from the TPA, prior to any workers' compensation indemnity benefits (TD, TPD, or LC 4850) being processed.

Cal OSHA Emergency Temporary Standards Exclusion Pay

This section does not apply to facilities or employees covered by Cal-OSHA Aerosol Transmissible Diseases Standards (ATD).

1. Employees cannot be required to use available SPSL before receiving Exclusion Pay required under the Cal-OSHA COVID-19 Emergency Temporary Standards (ETS pay).
2. Upon receipt of COVID-19 SCREENING AND INVESTIGATION FORM, County Human Resources will determine an employee's eligibility for ETS pay. In such cases, where an employee used SPSL during their exclusion period, County Human Resources will notify the Department to apply ETS pay and submit a payroll change to credit back SPSL used to appropriate SPSL leave bank.
3. Employees are entitled to receive ETS (rather than use SPSL) under the following conditions determined through the COVID-19 screening/investigation process:
 - a. If the employee is excluded from work and is unable to telework as a result of a close contact with a COVID-19 case in the workplace.
 - b. If the employee is excluded from work and unable to telework because they have a confirmed COVID-19 case that is work-related as defined in the Cal OSHA ETS.
 - c. If the employee did not receive Disability Payments or Workers' Compensation Temporary Disability Payments during the exclusion period.

J. POSTING REQUIREMENTS

Under California law, employers are required to display the [required poster](#) about 2022 COVID-19 Supplemental Paid Sick Leave in a place at the worksite where employees can easily read it.

If an employer's covered employees do not frequent a workplace, the employer may satisfy the notice requirement by disseminating notice through electronic means.