



## **ADMINISTRATIVE POLICY AND PROTOCOLS FOR CALIFORNIA COVID-19 SUPPLEMENTAL PAID SICK LEAVE**

**Effective Date: March 29, 2021**

### **I. Preamble**

The purpose of the California COVID-19 Supplemental Paid Sick Leave (CPSL) is to protect the economic wellbeing of employees who are unable to work or telework due to reasons relating to COVID-19.

Under the 2021 COVID-19 Supplemental Paid Sick Leave law (Labor Code 248.2), covered employees are entitled to paid sick leave that is in addition to leave that was provided under previous laws which expired on December 31, 2020 (the federal Families First Coronavirus Response Act and the 2020 COVID-19 Supplemental Paid Sick Leave laws).

This policy is intended to provide City employees with the paid sick leave they are entitled to under the law.

### **II. Statement of Policy**

The City will provide eligible employees with COVID-19 supplemental paid sick leave pursuant to Labor Code 248.2. The following provisions set forth certain rights and obligations with respect to said leave.

### **III. Compliance**

The City will fully and faithfully comply with the requirements set forth in the law and the regulations promulgated by the DIR in its administration of this policy.

### **IV. Policy**

#### **Section 1. Effective Dates**

The leave shall apply retroactively to January 1, 2021 and shall remain in effect through September 30, 2021, except that a covered employee taking COVID-19 supplemental paid sick leave at the time of the expiration of this section shall be permitted to take the full amount of COVID-19 supplemental paid sick leave to which the covered employee otherwise would have been entitled under this section.

The Administrative Policy and Protocols for California CSPSL shall expire on September 30, 2021, or when the provisions of Labor Code 248.2 are no longer effective under the law, whichever is later.

### **Section 2. Definitions**

- A. “Covered Employee” means an employee who is unable to work or telework for an employer because of a reason listed under Section 3 below.
- B. “Family Member” for the purpose of Section 3.F means an employee’s: child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status; 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; spouse; registered domestic partner; grandparent; grandchild; or sibling.

### **Section 3. Emergency Paid Sick Leave**

#### **Qualifying Reasons for Emergency Paid Sick Leave:**

A covered employee shall be entitled to COVID-19 supplemental paid sick leave if that covered employee is unable to work or telework due to any of the following reasons:

- A. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace. If the covered employee is subject to more than one of the foregoing, the covered employee shall be permitted to use COVID-19 supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidelines that provides for the longest such minimum period.
- B. The covered employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- C. The covered employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
- D. The covered employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.

- E. The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- F. The covered employee is caring for a family member who is subject to an order or guidelines described in subparagraph (A) or who has been advised to self-quarantine, as described in subparagraph (B).
- G. The covered employee is caring for a child, as defined under family member, whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

**Amount of Emergency Paid Sick Leave:**

- Leave taken as California CSPSL is in addition to any other statutory or contractual leave to which the employee is entitled.
- A covered fulltime employee is entitled to 80 hours of COVID-19 supplemental paid sick leave, if the covered employee satisfies either of the following criteria:
  - (i) The employer considers the covered employee to work full time.
  - (ii) The covered employee worked or was scheduled to work, on average, at least 40 hours per week for the employer in the two weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave.
- A covered employee who is a firefighter who was scheduled to work more than 80 hours for the employer in the two weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave is entitled to an amount of COVID-19 supplemental paid sick leave equal to the total number of hours that the covered employee was scheduled to work for the employer in those two preceding weeks.
- Part-time employees with normal weekly schedules will receive the total number of hours the covered employee is normally scheduled to work for the employer over two weeks.
- Part-time employees with variable schedules will receive 14 times the average number of hours the covered employee worked each day for the employer in the six months preceding the date the covered employee took COVID-19 supplemental paid sick leave. If the covered employee has worked for the employer over a period of fewer than six months but more than 14 days, this calculation shall instead be made over the entire period the covered employee has worked for the employer; or if the covered employee works a variable number of hours and has worked for the employer over a period of 14 days or fewer, the total number of hours the covered employee has worked for that employer.

Below is an example:

Total Number of Hours Worked During 6-Month Period	520 hours
--	-----------

Total Number of Days in 6-Month Period	182 days
Average Number of Hours Worked Each Day in 6-Month Period	520 hours ÷ 182 days = 2.857 hours
2021 COVID-19 Supplemental Paid Sick Leave Entitlement	2.857 x 14 = 40 hours

The City will provide the leave at the employee's regular rate of pay; however, the City shall not claim more than the statutory daily (\$511/day) or aggregate cap (\$5,110) if seeking reimbursement through any source.

**California COVID-19 Supplemental Paid Sick Leave is Protected Leave:**

Emergency Paid Sick Leave is considered protected leave when used for the reasons specified in Section 3. The City shall not discharge, discipline, or in any other manner discriminate against an employee who takes Emergency Paid Sick Leave.

**Leave Request:**

After the first workday for which an employee takes CSPSL, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use CSPSL orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, the City will give the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee's request for leave.

**Certification of CSPSL:**

An employee who seeks CSPSL must provide the following information, orally or in writing, prior to the commencement of the leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) and time(s) for which leave is requested;
- (3) Qualifying reason for the leave; and
- (4) Oral or written statement that the employee is unable to work or telework because of the qualified reason for leave.

**Leave Reported through Employee Self-Service:**

An employee who utilizes CSPSL for a qualifying reason as defined in this policy must report the time used through the Employee Self-Service (ESS) system so that it is properly accounted for and deducted from the employee's available CSPSL balance. Supervisors are responsible for ensuring the absence is recorded properly and approving the leave.

**Carry-Over:**

Unused CSPSL will carryover for any employee who after termination, resignation, retirement, or other separation from employment is rehired prior to the expiration. Under no circumstances will unused CSPSL carry over after the defined expiration.

**No CSPSL Cash-Out or Conversion to Service Credits:**

Unused CSPSL may not be cashed out upon termination, resignation, retirement, or other separation from employment. Unused CSPSL may not be converted to retirement service credits.

**Department of Industrial Relations Fact Sheet**

<https://www.dir.ca.gov/dlse/2021-COVID-19-Supplemental-Paid-Sick-Leave.pdf>