

2021 COVID-19 Supplemental Paid Sick Leave (SPSL)

Background on Legislation

On March 19, 2021, Governor Newsom signed Senate Bill 95 (“SB 95”) into law, which creates new Labor Code section 248.2 and mandates that employers provide employees with up to 80 hours of supplemental paid sick leave (“SPSL”) for various COVID-related absences. SB 95 took effect on March 29, 2021, and will expire on September 30, 2021. It is retroactive to January 1, 2021.

Paid Leave

- For full-time employees (e.g., work 40 hours per week), they are entitled to 80 hours of SPSL.
- For part-time employees with a regular weekly schedule, they are entitled to the number of SPSL hours equal to the number of hours the employee is normally scheduled to work over two weeks.
- For part-time employees with variable schedules, they are entitled to the number of SPSL hours equal to 14 times the average number of hours worked per day over the past 6 months.
- SPSL leave shall not exceed \$511 per day and \$5,110 in total.

Reasons for Leave

Under SB 95, employees may use this new bank of SPSL leave if they are unable to work or telework, and meet one of the reasons listed below.

Caring for Yourself:

- The employee is subject to a federal, state, or local quarantine or isolation period related to COVID-19, as defined by an order or guidelines of the State Department of Public Health, the federal CDC, or a local health officer who has jurisdiction over the workplace.
- The employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

Caring for a Family Member:

- The employee is caring for a family member who is subject to a federal, state, or local quarantine or isolation order or guidelines related to COVID-19, or who has been advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19.
- The employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises (i.e. child’s school is closed due to an outbreak).

Vaccine-Related:

- The employee is attending an appointment to receive a COVID-19 vaccine.
- The employee is experiencing symptoms related to a COVID-19 vaccine that prevent them from working or teleworking.

Process to Request SPSL Leave

1. All absences should be reported via Absence Management. A drop down menu will provide employees with different options for COVID-related leave (i.e. Caring for yourself, Caring for a family member, Vaccine-related).
2. Complete the [COVID-19 Supplemental Paid Sick Leave Form](#) as directed. Alternatively, employees may make an oral request for SPSL leave to their Director of Human Resources at (858) 521-2764.
3. P-9s are not required for COVID-related absences.
4. Employees should not prearrange substitute coverage for the day following a vaccination in anticipation that they *might* experience side effects. This leave may only be used in the event the employee *actually* experiences symptoms that prevent them from working or teleworking.

Process to Request Leave Retroactively to January 1, 2021

Employees who used their own accrued leave (e.g., accrued sick leave, differential leave, vacation, or compelling reasons leave) to cover COVID-related absences for the reasons defined above during the period of January 1, 2021 to present, and who wish to utilize SPSL hours for this period of time and restore their leave balance, should complete the [COVID-19 Supplemental Paid Sick Leave Form](#) as directed. Alternatively, employees may make an oral request for retroactive SPSL leave to their Director of Human Resources at (858) 521-2764. Please work with your site supervisor for assistance in completing the form if needed.