



POLICY TITLE: COVID-19 Supplemental Paid Sick Leave Policy

POLICY NUMBER: 3700

On September 30, 2022, Governor Newsom signed Assembly Bill (“AB”) 152 into law extending the expiration of COVID-19 Supplemental Paid Sick Leave (“SPSL”) to December 31, 2022. AB 152 also authorizes an employer to require additional COVID-19 testing for employees who test positive for COVID-19. AB 152 does not provide additional leave allotments. The law is effective immediately. In accordance with AB 152, the Cambria Community Service District (“CCSD”) amended its existing COVID-19 Supplemental Paid Sick Leave Policy consistent with the law. CCSD will fully comply with all relevant and applicable requirements under the Labor Code.

I. Statement of Policy

This policy is intended to provide all eligible and qualified CCSD employees with SPSL to which they are entitled under Labor Code section 248.6.

II. Definitions

“Child” means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

“Covered Employee” means any CCSD employee who is unable to work or telework for the CCSD for one or more of the reasons related to COVID-19 as set forth in this policy.

“COVID-19 Supplemental Paid Sick Leave” or “SPSL” means paid sick leave pursuant to Labor Code sections 248.6.

“Family Member” means any of the following:

- (i) A “child”, as defined above.
- (ii) 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.
- (iii) A spouse.
- (iv) A registered domestic partner.
- (v) A grandparent.
- (vi) A grandchild.
- (vii) A sibling.

“Firefighter” means an active firefighter employed by the CCSD.

III. Policy and Effective Dates

This policy applies to all Covered Employees employed by the CCSD. The policy is effective immediately upon adoption, and the paid leave benefits provided herein shall be retroactive to January 1, 2022.

SPSL benefits expire after December 31, 2022, except that the CCSD will provide a Covered Employee who is on SPSL at the time of the expiration of such benefits the full amount of SPSL to which the Covered Employee would otherwise be entitled.

Unless the law is extended, this policy will expire by operation of law after December 31, 2022, except that certain Covered Employees may continue to use SPSL after that date as provided by law.

IV. Qualifying Reasons for SPSL

A Covered Employee qualifies for SPSL if they are unable to work or telework due to one of the following reasons:

1. The Covered Employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health (“CDPH”), the federal Centers for Disease Control and Prevention (“CDC”), or a local public health officer who has jurisdiction over the workplace;
2. The Covered Employee has been advised by a health care provider to self-quarantine due to COVID-19;
3. The Covered Employee is attending an appointment for themselves or a Family Member to receive a vaccine or a vaccine booster for protection against COVID-19;
4. The Covered Employee is experiencing symptoms, or caring for a Family Member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevents the employee from being able to work or telework;
5. The Covered Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
6. The Covered Employee is caring or a Family Member who:
 - a) Is subject to a CDPH, CDC, or local health officer order or guidance to isolate or quarantine, OR
 - b) Has been advised by a health care provider to isolate or quarantine.
7. The Covered 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; or
8. The Covered Employee, or a Family Member for whom the Covered Employee is providing care, tests positive for COVID-19.

If an employee is requesting the additional allotment of SPSL due to reason 8, the CCSD may require that the employee provide the positive test results to confirm that the employee qualifies for such leave. The CCSD may also require that the employee provide the Family Member’s positive test result if the employee is requesting the additional allotment of SPSL leave in order to provide care to a covered Family Member.

The CCSD may require an employee who has taken SPSL for qualifying reason 8 to test for COVID-19 on or after day five, following the initial positive test and provide documentation of those results. If the employee tests positive for COVID-19 on or after day five, the CCSD may require the employee submit to a second COVID-19 test within no less than 24 hours, and provide documentation of those results. If the CCSD requires additional tests, the CCSD will provide the tests at no cost to the employee.

V. Amount of SPSL Leave

a. Amounts of SPSL for Qualifying Reasons 1 through 7

Leave taken as SPSL is in addition to any other statutory and/or contractual leave to which the employee is otherwise entitled, and which is not specific to COVID-19.

A. Full-Time Employees

Employees who worked at least 40 hours per week in the two weeks before they take SPSL, or who the CCSD considers to be full-time employees, are entitled to 40 hours of SPSL for qualifying reasons 1 through 7, above.

B. Firefighters

Firefighters who were scheduled to work more than 40 hours in the workweek *before* they take SPSL are entitled to the amount of SPSL equal to the “total number of hours that the covered employee was scheduled to work for the Cambria Fire Department in that workweek,” which may exceed 40 hours, for qualifying reasons 1 through 7.

C. Other Employees

If an employee does *not* fall into the first two categories (*e.g.*, works part-time), then the amount of SPSL will depend on the employee’s schedule as identified below.

i. Part-Time Employees with Regular Schedules

If the part-time Covered Employee has a regular weekly schedule, then the employee will receive an amount of SPSL equivalent to one regular workweek for qualifying reasons 1 through 7.

ii. Part-Time/Seasonal Employees with Irregular Schedules

If the part-time Covered Employees works a variable number of hours, then the CCSD must calculate the average number of hours the employee worked each workday over the last six months and multiply the result by seven to get the amount of SPSL. If the employee has worked for fewer than six months, then the CCSD calculates the average hours worked for the entire employment period and multiplies the daily average by seven.

If an employee works variable hours and has only worked for seven days or fewer, then the employee receives an amount of SPSL equivalent to the total number of hours worked for the CCSD.

b. Amount of SPSL for Qualifying Reason 8

Employees are eligible to receive additional SPSL under qualifying reason 8 and are entitled to an amount not to exceed that which the employee received under qualifying reasons 1 through 7.

Covered Employees may determine how many hours of SPSL to use based upon a qualifying reason, up to the total number of hours to which the Covered Employee is entitled.

If a Covered Employee is provided SPSL retroactively for qualifying leave before adoption of this policy, the CCSD will count the retroactive SPSL provided against the SPSL to which the Covered Employee is entitled.

VI. Compensation While on SPSL

Covered Employees are entitled to compensation for SPSL at their regular rate of pay *or* the employee’s total wages less any overtime premium pay, including pursuant to any applicable collective bargaining agreement, subject to a cap of \$511 per day and \$5,110 in the aggregate.

The CCSD is *not* required to pay employees more than \$511 per day when using SPSL and *not* more than \$5,110 in total.

If an employee's regular compensation exceeds \$511 per day, the employee may elect to supplement the SPSL maximum pay amount with other accrued paid leaves to make up the difference in pay.

VII. *Employee Notice of SPSL*

Covered Employees must notify the CCSD that they intend to take SPSL. The Covered Employee may provide such notice either orally or in writing to their immediate supervisor.

VIII. *Employee Status While on Leave*

The CCSD will compensate Covered Employees who use SPSL according to the manner described in this policy and will otherwise treat Covered Employees who use SPSL as if they are using paid sick leave according to the CCSD's Payment & Compensation Plan.

IX. *Request for SPSL Retroactively*

Employees are entitled to SPSL retroactive to January 1, 2022. If an employee was absent due to a 2022 COVID-19 related illness and had to use their leave accruals for the absence, their leave accruals will be reinstated, and the amount will depend on whether the employee is full-time, part-time or a firefighter.

If the CCSD did not compensate the employee for leave that would otherwise have qualified as SPSL between January 1, 2022 and the effective date of this policy, in an amount equal to or greater to what the employee would have been entitled to under this policy, the employee is eligible for a retroactive payment from the CCSD for such leave.

In order to receive payment or credit for such leave, employees must make an oral or written request to be paid for such leave to the CCSD's Human Resources Department.

For any such retroactive payment, the number of hours of leave corresponding to the amount of the retroactive payment shall count towards the total number of hours of SPSL that the employer is required to provide to the Covered Employee.

In accordance with the Federal Families First Coronavirus Response Act, the District adopted the policy effective July 1, 2021. On March 19, 2021, Governor Newsom signed into law Senate Bill ("SB") 95, codifying Labor Code section 248.2 regarding new obligations on public agency employers to provide COVID-19 Supplemental Paid Sick Leave to employees who are unable to work or telework and have certain enumerated qualifying reasons for such paid leave. SB 95 provides a new employee entitlement to such leave retroactive to January 1, 2021, and effective through September 30, 2021. The policy expired on 9/30/2021.