

COVID-19 UPDATE

SENATE BILL 95 (SB 95) COVID-19 SUPPLEMENTAL PAID SICK LEAVE

MESSAGE FROM THE ASSISTANT CEO/HR DIRECTOR

On March 19, Governor Newsom signed Senate Bill (SB 95), which creates new Labor Code section 248.2 and mandates that public and private employers with 25 or more employees provide up to 80 hours of Supplemental Paid Sick Leave for COVID-related absences in addition to paid time off benefits employees receive by law or policy. The law went into effect on March 29, 2021, applies retroactively to January 1, 2021, and is effective through September 30, 2021.

All employees (including TAP and Per Diems) who are unable to work or telecommute due to one of the below qualifying reasons are eligible:

- Quarantine or isolation due to COVID-19
- Employees advised to self-quarantine due to concerns related to COVID
- Employees experiencing symptoms similar to COVID and seeking a medical diagnosis
- Employees caring for a family member who is subject to quarantine
- Caring for a child whose school or place of daycare is closed due to COVID
- Employee attending a vaccination appointment for COVID
- Employee experiencing symptoms as a result of the COVID vaccine

Employees who are considered full-time or who have worked or been scheduled to work, on average, 40 hours per week in the preceding two weeks are entitled to 80 hours of COVID-19 Supplemental Paid Sick Leave. All other employees, i.e. part-time employees, are entitled to the number of hours the employee would normally be scheduled to work over a two-week period.

The total number of hours of COVID-19 Supplemental Paid Sick Leave to which an employee is entitled is in addition to any prior COVID-19 paid sick leave received in 2020, and in addition to any leaves already available to the employee. Any COVID-related sick leave previously provided to an employee in 2021 may count toward the total number of hours provided under SB 95. Employees will not be required to use other accrued leave before using COVID-19 Supplemental Paid Sick Leave. Additional information is also available in this [FAQ](#) provided by the State of California Department of Industrial Relations.

The County is updating the COVID-19 Employee Guidelines to assist employees in understanding how SB 95 may apply to them. If you believe you are eligible to receive this COVID-19 Supplemental Paid Sick Leave and are requesting retroactivity to January 1, 2021, please reach out to your supervisor/manager.

If you have additional questions, please reference the poster provided by the Department of Industrial Relations or please contact your Supervisor/Manager for assistance.

We're not out of the woods yet, so continue to protect yourselves by wearing the required face coverings, practicing social distancing and washing or sanitizing your hands regularly.

Thank you for your service and your assistance in keeping both yourself and others safe.



BRENDA DIEDERICHS

2021 COVID-19 Supplemental Paid Sick Leave

Effective March 29, 2021

Covered Employees in the public or private sectors who work for employers with more than 25 employees are entitled to up to 80 hours of COVID-19 related sick leave from January 1, 2021 through September 30, 2021, immediately upon an oral or written request to their employer. If an employee took leave for the reasons below prior to March 29, 2021, the employee should make an oral or written request to the employer for payment.

A covered employee may take leave *if the employee is unable to work or telework for any of the following reasons:*

- Caring for Yourself: The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local 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.
- Caring for a Family Member: The covered 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, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.
- Vaccine-Related: The covered employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

Paid Leave for Covered Employees

- 80 hours for those considered full-time employees. Full-time firefighters may be entitled to more than 80 hours, caps below apply.
 - For part-time employees with a regular weekly schedule, the number of hours the employee is normally scheduled to work over two weeks.
 - For part-time employees with variable schedules, 14 times the average number of hours worked per day over the past 6 months.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave: Non-exempt employees must be paid the highest of the following for each hour of leave:
 - Regular rate of pay for the workweek in which leave is taken
 - State minimum wage
 - Local minimum wage
 - Average hourly pay for preceding 90 days (not including overtime pay)
- Exempt employees must be paid the same rate of pay as wages calculated for other paid leave time.

Not to exceed \$511 per day and \$5,110 in total for 2021 COVID-19 Supplemental Paid Sick leave.

Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited. A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the office by looking at the [list of offices on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) (<http://www.dir.ca.gov/dlse/DistrictOffices.htm>) using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.



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