

2021 COVID-19 Supplemental Paid Sick Leave Policy

Purpose

To provide emergency paid sick leave to employees affected by the COVID-19 outbreak in compliance with California's new COVID-19 supplemental paid sick leave requirements adopted in SB95 and the federal American Rescue Plan Act ("ARPA"). This policy will be applied retroactive to January 1, 2021, and unless subsequently extended, will be in effect from March 29, 2021 through September 30, 2021. All other applicable leave policies still apply (and where legally permitted, such other leaves will run concurrently with leave provided under this policy). This policy may be updated periodically based on implementing regulations and additional guidance from the DOL and/or the California Labor Commissioner and replaces the City's Temporary COVID-19 Paid Sick Leave Policy.

Eligibility For COVID-19 Supplemental Paid Sick Leave ("CSPSL")

All employees, whether full- or part-time, scheduled but unable to work (or telework) from January 1, 2021 through the effective period of this policy, due to one of the following reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
4. The employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.
5. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
6. The employee is caring for a family member (minor or adult child, parent, spouse domestic partner, grandparent, grandchild, or sibling) who is subject to either number 1 or 2 above.
7. The employee is caring for their child (regardless of age) whose school or place of care is closed or otherwise unavailable on the premises for reasons related to COVID-19.

"Child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

Amount of Paid Sick Leave

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.

- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Increments and Intermittent Use of Leave

Where needed and consistent with medical requirements, employees may take leave intermittently, on a schedule that is mutually agreeable to the employee and their manager.

Pay During CSPSL

Emergency sick leave will be paid at the employee's regular rate of pay. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken.

For exempt, salaried employees, CSPSL pay will be calculated in the same manner as the City calculates other forms of paid leave time (subject to the caps above).

For non-exempt, hourly employees, CSPSL will be highest of the following (subject to the caps above):

- the regular rate of pay for the workweek in which the employee uses CSPSL, whether or not the employee actually works overtime in that workweek;
- the employee's total wages, not including overtime premium pay, divided by the employee's total hours worked in the full pay periods of the previous 90 days of employment.
- California minimum wage or local minimum wage, whichever is applicable.

CSPSL taken between January 1, 2021 and March 29, 2021

The CSPSL provisions are retroactive to January 1, 2021. An employee who utilized other forms of leave (paid or unpaid) for a qualifying reason between January 1, 2021 and March 28, 2021 should contact Human Resources to determine how to retroactively apply CSPSL leave time to the employee's situation, which will be addressed in the next full pay period after the employee's request.

The City reserves the right to request employees receiving retroactive CSPSL benefits to execute an acknowledgement of the accuracy of the information provided by the employee, as well as the corresponding CSPSL compensation owed (whether as a cash payment or as a replenishment of accrued paid time off (PTO, vacation, sick leave, etc.) that was utilized.)

Any CSPSL leave time applied retroactively as allowed by this policy counts against the CSPSL maximum leave benefit. Similarly, employees who were permitted to take paid leave between January 1, 2021 and March 28, 2021 as part of the City's voluntary extension of FFCRA leave programs, for a reason now covered by CSPSL, and with pay that meets CSPSL requirements, will have such leave counted against the overall CSPSL entitlement.

Interaction with Other Paid Leave

The employee may use paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Paid sick leave may also be used when an employee is on leave under traditional FMLA for their own COVID-19-related serious health condition or to care for a qualified family member with such a condition.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify their manager or the HR manager of the need and specific reason for leave under this policy either prior to leave or as soon as possible after leave commences. A form will be provided to all employees in a manner accessible to all. Verbal notification will be accepted until practicable to provide written notice. Employees will be required to complete a leave request form certifying the basis for the leave. Once paid sick leave has begun, the employee and their manager must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

If an employee is applying for the leave retroactively for leave taken between January 1, 2021 and the date this Policy goes into effect, the employee should complete the form and submit it, along with the documentation indicated above, to the HR Manager.

Carryover

Paid emergency sick leave under this policy will not be provided beyond the policy expiration date of September 30, 2021, unless extended by the legislature. An employee who is taking leave under this policy at the time the policy expires will be permitted to take their full amount of leave. However, leave under this policy will not otherwise be carried over or paid out to employees after the policy expires.

Job Protections

No employee who appropriately utilizes paid sick leave under this policy will be discharged, disciplined, or discriminated against for use of this leave.

Please contact Human Resources with any questions.