



EMPLOYMENT & HUMAN SERVICES

MEMORANDUM

Kathy Gallagher, Director

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To: All Staff (Code 2A) Date: April 15, 2021
From: Debora Boutté, Personnel Services Officer
Subject: Use of COVID-19 Supplemental Sick Leave Guidance for EHSD Employees

In accordance with the new California Senate Bill 95 (SB95) passed and signed by the Governor on March 19, 2021, new Supplemental Sick Leave hours for COVID-19 related issues became effective March 29, 2021 for County employees. The purpose of this memo is to share the following:

- Definitions for each allowable COVID-19 Supplemental Sick Leave circumstance;
• Information from the Auditor’s Office relating to hours available, confirming balances for temporary employees, historical usage requests;
• New SB95 pay codes in Ecotime; and the
• Discontinuance of “DSW Not Available” or T05.

For questions relating to this memo, please contact your assigned Departmental HR Analyst.

Definitions of Allowable COVID-19 Supplemental Sick Leave Reasons under SB95

This new Supplemental Sick Leave may be used when an employee is unable to work or telework due to following circumstances, as indicated in SB95:

- (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, as defined in subdivision (c) of Section 245.5, 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 in subdivision (c) of Section 245.5, whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

The above language is directly from SB95, both (F) and (G) refer to subdivision (c) of Section 245.5 – below is how family member and child are defined from Labor Code 245.5,

(c) “Family member” means any of the following:

- (1) A 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. This definition of a child is applicable regardless of age or dependency status.
- (2) 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.
- (3) A spouse.
- (4) A registered domestic partner.
- (5) A grandparent.
- (6) A grandchild.
- (7) A sibling.

It is important to note in regards to (G) caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises, is not a generic childcare leave benefit. This reason requires the closure be due to a COVID-19 event on the premises of the school or daycare, such as a COVID-19 outbreak at the site. Requesting leave for general childcare or to care of a child during distance learning does not qualify for the use of the Supplemental Sick Leave.

**Auditor’s Office Guidance: Available Hours, Confirming Balances, and Historical Requests**

*Available Hours:* The table below explains the hours available to employees based on their status.

Employee Status	COVID-19 Supplemental Sick Leave Hours Available
Permanent Full-Time	80 hours
Permanent Part-Time	A prorated amount of the 80 hours leave based on position hours.
Hourly employees (Temporary, Per Diem, and Permanent Intermittent)	Leave hours are calculated in accordance with the formula set out in SB95

*Confirming Balances:* Employees will see a general comment on their pay statement indicating the balance listed is **variable**. Departments will need to verify the actual supplemental hours an employee is eligible to use as the balance can change during each pay period based on how many

hours the employee worked prior to requesting use of this leave. **If your COVID-19 Supplemental Sick Leave hours are incorrect, please contact your assigned Payroll Clerk directly.**

*Historical Requests for COVID-19 Supplemental Sick Leave Hours:*

Timeframe	Description	To Request
1/1/2021 to 3/31/2021	If an employee was not paid during this timeframe while in active status, due to a COVID-19 related issue as indicated in SB95, then the employee can request the use of supplemental leave hours historically to help recover the lost wages.	Complete the attached form and send along with required documentation to your assigned Payroll Clerk.
3/29/2021 to 3/31/2021	Leave hours previously used cannot be changed to the new Supplemental Sick Leave, except for leave time taken March 29 – March 31.	Complete the attached form and send along with required documentation to your assigned Payroll Clerk.

The Supplemental Sick Leave will expire September 30, 2021 and hours will be cleared with the October 10 pay.

**SB95 Pay Codes in Ecotime**

**For those employees who use Ecotime, a memo announcing when the new pay codes will be available will be published next week.** Please be sure to select the correct option when posting leave time when the pay codes are available in Ecotime.

SB95 Pay Code	Description
S95A	Subj to Quarantine Order
S95B	Advised to Slf Quarantine
S95C	C19 Vaccine Appointment
S95D	C19 Vaccine Symptoms
S95E	COVID 19 Symptoms
S95F	COVID 19 Family Care
S95G	School-ChildCare Outbreak

**Discontinuance of DSW Not Available/T05 Pay Code**

Effective April 1, 2021, the County discontinued leave without use of accruals and the use of DSW Not Available/T05 for employees impacted by COVID-19, this includes time taken for vaccine appointments. Employees will be required to use their own accruals for all time missed from work.

The County will maintain an employee’s salary and benefits in circumstances where an employee was exposed at work, is required to be excluded from the workplace, and has exhausted their accrued Sick Leave and the COVID Supplemental Sick leave hours. In this scenario, T05 could be used to help track hours an employee was unable to work.

### Questions?

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As your Personnel Division, we hope this memo provides you with assistance and guidance related to the new Senate Bill 95. Please reach out to your [assigned Departmental HR Analyst](#) for questions regarding this memorandum.

# Employment and Human Services Department Historical Request for COVID-19 Supplemental Sick Leave (SB95)



**Instructions:** Complete Sections A, B and C below. Submit completed request form, and required documentation to your assigned Payroll Clerk for processing.

Section A. Employee Information	
Employee Name:	
Employee Number:	Date Submitted:

Section B. Historical Requests		
SB95 Pay Codes	SB95 Pay Code Descriptions	Type of Documentation Required
S95A	Subj to Quarantine Order	Doctor's note
S95B	Advised to Sif Quarantine	Doctor's note
S95C	C19 Vaccine Appointment	Vaccine Card
S95D	C19 Vaccine Symptoms	Vaccine Card
S95E	COVID 19 Symptoms	Doctor's note
S95F	COVID 19 Family Care	Doctor's note
S95G	School-ChildCare Outbreak	Documentation from school

Indicate the SB95 pay code, date and hours for SB95 circumstance.

SB95 Pay Code	Date(s)	Hours

Section C. Approval	
Supervisor's Signature:	Date:
Supervisor's Name (please print):	

Payroll Use Only			
Initials:	Date Completed:	<input type="checkbox"/> Ecotime Updated	<input type="checkbox"/> Kronos Updated