



EMPLOYMENT & HUMAN SERVICES

MEMORANDUM

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To: All Staff (Code 2A) Date: March 25, 2022
From: Debora Boutté, Departmental Human Resources Officer II
Subject: Use of 2022 COVID-19 Supplemental Sick Leave Pay Codes (SB114)

California 2022 COVID-19 Supplemental Sick Leave pay codes are now available for use in Ecotime and Clouds. Continue reading this memo for instructions on how to use the pay codes and submit required documentation for applicable time taken after February 19, 2022.

The instructions below do not apply to requests for historical (retroactive) use between January 1, 2022 and February 19, 2022. Instead, refer to the instructions here.

Refer to the attachment, SB 114/COVID Leave Fact Sheet for additional details regarding use of this leave. For questions relating to this memo, create a ticket in Track-It. Select the "Payroll" Transaction Type, then "General Payroll Questions".

SB114 Pay Codes in Ecotime and Clouds

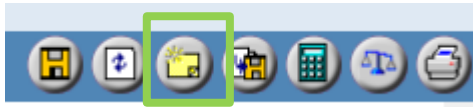
As a reminder, COVID Leave is divided equally into two separate leave banks. Each bank has separate and distinct criteria as outlined below.

Table with 4 columns: Bank, Pay Codes, Pay Code Descriptions, Verification Requirements. It lists various COVID-19 related pay codes and their corresponding verification requirements, categorized into Bank 1 and Bank 2.

Ecotime Instructions for Submitting Required Verification

- **Bank 1, SP1-D, C19 Vaccine Symptoms**

1. Create a new email to: EHSD_Personnel_Forms@ehsd.cccounty.us
2. In the Subject line of the email, type: **“C19 VACCINE SYMPTOMS PROOF: FIRST NAME, LAST NAME, EMPLOYEE NUMBER”**
For example: C19 VACCINE SYMPTOMS PROOF: SALLY SEASHORE, 12345
3. Attach the medical note. Send the email.
4. From your Ecotime timesheet, type a note confirming that the required proof was sent to Personnel and type the date that it was submitted.

A screenshot of a software window titled "Notes for 03/16/2022 - 03/31/2022 S1". The window contains a text area with the text "Required proof sent to Personnel 3/18/2022." Below the text area are two buttons: "Submit Note" and "Close Window".

Follow the steps below to submit proof of positive test results. **The test result can be from a rapid (Antigen) or PCR (Polymerase Chain Reaction) test.**

- **Bank 2, SP2-A, for Employee COVID:**

1. DO NOT send the employee's proof of positive test result to Payroll. Continue to follow the current process for reporting a positive test result through the COVID-19 Intake Form. When this pay code is used, Personnel/Payroll will confirm your positive test result through our COVID-19 Intake records.

- **Bank 2, SP2-B, for Family COVID:**

1. Create a new email to: EHSD_Personnel_Forms@ehsd.cccounty.us
2. In the Subject line of the email, type: **“FAMILY COVID PROOF: FIRST NAME, LAST NAME, EMPLOYEE NUMBER”**
For example: FAMILY COVID PROOF: SALLY SEASHORE, 12345
3. Attach the proof of positive test result. Acceptable proof of a positive test result can be a picture of the test clearly displaying the positive result or a copy of the PCR result from the lab with the family member's name.
4. In the body of the email, type the family member's name relationship to you (child, spouse, etc.)
5. From your Ecotime timesheet, type a note confirming that the positive test result was sent to Personnel and type the date that it was submitted.

A screenshot of a software window titled "Notes for 03/16/2022 - 03/31/2022 S1". The window contains a text area with the text "Required proof sent to Personnel 3/18/2022." Below the text area are two buttons: "Submit Note" and "Close Window".

SB 114/COVID Leave Fact Sheet

For LOA Coordinators & Analyst

Effective February 19, 2022

On February 9, 2022, Governor Newsom signed Senate Bill 114, requiring covered employers to provide supplemental paid sick leave for qualifying COVID-19 related reasons. Although this law is similar in some respect to Senate Bill 95/COVID Leave, which was passed last year and expired on September 30, 2021, there are some significant differences that should be observed. The County will be applying the supplemental paid sick leave (hereinafter referred to as “COVID Leave”) as follows.

Effective Dates

Effective February 19, 2022, through September 30, 2022, County employees will be receiving two new leave banks which may be utilized for specific reasons related to COVID-19. After September 30, 2022, COVID Leave will expire, and any unused leave will no longer be available for use. At the option of the employee, COVID Leave may be utilized retroactively to January 1, 2022.

Leave Amounts

- Full-time employees of the County and Contra Costa Fire Protection District will credited with 80 hours of COVID Leave divided equally into two separate leave banks. This equates to two leave banks each containing 40 hours of leave.
- Part time or hourly employees with regular schedules, the amount of leave for each leave bank will be prorated based on the total number of hours the employee is scheduled to work over one week.
- Part-time employees with variably schedule (e.g., permanent-intermittent, per diem) the amount of leave will be calculated at the time the leave is taken based on the average number of hours worked per day according to the calculations provided in the statute.
- Firefighters, as defined in the law, scheduled to work more than 40 hours per week will be credited the number of hours regularly scheduled over two weeks (e.g., 56-hour weekly firefighters will receive two leave banks of 56 hours in each).

Reasons for Use and Verification Requirements

COVID Leave will be divide equally into two separate leave banks when an employee is unable to work or telework. Each bank has separate and distinct criteria for use.

First Bank – The first bank of COVID Leave may be used in the following limited circumstances:

- The employee is subject to a quarantine or isolation period related to COVID-19 (as defined by an order or guidance of the State Department of Public Health, the federal Centers for Disease Control and Prevention or a local public health officer who has jurisdiction over the workplace).
- The employee has been advised by a healthcare provider to isolate or quarantine due to COVID-19.
- The employee is attending an appointment for themselves or a family member to receive a vaccine or a vaccine booster for protection against COVID-19.
- The employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevent the employee from being able to work or telework.
- The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- The employee is caring for a family member who is subject to an order or guidance described in the first bullet or who has been advised to isolate or quarantine as described in the second bullet.
- 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**

Employees are not required to provide proof as a condition of taking leave for the items in the first bank, except that leave taken due to vaccine related illness under subsection (d) may be limited to 3 days or 24 work hours unless a health care provider verifies that the employee or family member is continuing to experience symptoms related to the vaccine or booster. Employees will not be required to provide proof in order to have leave under Bank 1 used retroactively for a covered absence preceding February 19, 2022.

Second Bank - Up to 40 hours of additional COVID Leave for an employee who is unable to work or telework because:

- The employee tested positive for COVID-19.
- The employee is caring for a family member who tested positive for COVID-19.

Employees are required to submit proof of a positive test result for themselves or a family member to utilize leave in the second bank. **A positive test can be with rapid or PCR.** For retroactive use to a date preceding February 19, 2022, only, employees will not be required to submit proof to utilize COVID Leave for reasons detailed under Bank 2 where the employee previously communicated to the County that the reason for the leave was due to the employee or employee's family member testing positive for COVID-19.

Note that there is some overlap between the two leave banks. The second bank of up to 40 hours is only available for employees who test positive for COVID-19 or are caring for family members who test positive. These are the only categories for which an employee could use the cumulative total of both banks because the first leave bank of 40 hours refers to quarantine or isolation. An employee or family member would only be in isolation if they test positive for COVID-19, and therefore could use up to 40 hours as "isolation" and the second 40 hours if they test positive and provide proof. *An employee is not required to exhaust the first leave bank before using the second leave bank.*

The County requires employees to provide documentation of the employee's or family members' positive test results (**can be either rapid or PCR**). If the employee refuses to provide documentation of the COVID-19 test results, the County is not obligated to provide the additional hours of COVID Leave. Departments are prohibited from requiring employees to use any other paid or unpaid leave, paid time off or vacation provided to the employee before or in lieu of using COVID Leave.

Requesting & Receiving COVID Leave Hours

Employees will need to request COVID Leave and the bank(s) being used on their timecard with the appropriate coding provided by the Auditors-Controllers. In addition, if applicable, they will need to provide proof of a positive test result (**either rapid or PCR**) or a medical note for an extended vaccine related illness to their department. COVID Leave balances will appear on their March 10th pay warrants online through PeopleSoft. Employees who receive physical checks will see a notation that they may check their balances at the online portal. Note that part time employees who work variable schedules will see a notation that the leave is "variable" due to the fact that the amount of leave the employee is entitled to will vary based on how much the particular employee worked prior to the leave being take (see "Leave Amount" above). The Auditors/Controllers will be sending out a separate email for payroll coding and processing.

How Much Will the Employee Be Paid?

Although SB 114 allows employers to limit COVID Leave to \$511 per day and \$5,110 in the aggregate, the County will not be observing these dollar limits. The leave will be paid as an hourly leave benefit without regard to the daily and total cost limits in the law.

“Family Member” is Defined as Any of the Following - California Labor Code 245.5 (c):

- (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.

Retroactive COVID Leave

If an employee took leave between January 1, 2022, and February 19, 2022, for a qualifying reason that was either unpaid or accruals were used the employee may make a request for retroactive payments from their payroll department.

Retroactive payments must be paid on or before the payday for the next full pay period after the request is made. For retroactive use to a date preceding February 19, 2022, employees will not be required to provide documentation of a positive test if the employee requests retroactive leave for a positive test or because they were caring for a family member with a positive if the employee previously communicate to the County that the reason for leave was due to a qualified reason.

Employees Already Out on a LOA

Per CA Labor Code 248.2 (a) (3), the definition of a “covered employee” is “an employee who is unable to work or telework for an employer because of a reason listed”. This definition implies that the employee was already working in some capacity. It’s reasonable to conclude that an employee who is on a long-term leave of absence is not able to “work or telework” and would not be covered by this law until they return from leave.

COVID Leave, SDI, PTO, and Other Leave Requirements

An employee may not claim both COVID Leave and SDI at the same time. However, a covered employee may apply for SDI after taking COVID Leave.

The new law specifically prohibits the County from requiring an employee to use any other paid or unpaid leave, paid time off or vacation provided to the employee before or in lieu of using COVID Leave.

If an employee is excluded from the workplace due to COVID-19 exposure, the County cannot require employees to first exhaust their COVID Leave before satisfying any requirement to provide pay leave for reasons related to COVID-19 under any Cal-OSHA COVID-19 Emergency Temporary Standards (ETS).

COVID Leave Posting

California’s Labor Commissioner has provided a COVID Leave Notice that must be posted in the workplace by February 16, 2022.

County Information

All County information relating to COVID-19 leave can be found on the County Intranet and now the County website:

<http://insidecontracosta.org/663/COVID-Employee-Leave>

<https://www.contracosta.ca.gov/7989/COVID-Employee-Leave>