

Human Resources Branch Memorandum

SUBJECT: 2022 COVID-19 Supplemental Paid Sick Leave - UPDATED	NUMBER: HRB 22-008 - UPDATED
	DATE ISSUED: October 24, 2022
DISTRIBUTION: All CDFW Employees	EXPIRES: Until Superseded

Action Required Informational Only Control Agency Directive

All updated information below has been highlighted for easy reference.

Purpose

The purpose of this memorandum is to provide California Department of Fish and Wildlife (CDFW) employees with information regarding 2022 COVID-19 Supplemental Paid Sick Leave (SPSL). [Senate Bill \(SB\) 114](#), was signed into law on February 9, 2022, became effective on February 19, 2022, and provides SPSL to eligible employees. **2022 COVID-19 SPSL is retroactive to January 1, 2022 and expires on December 31, 2022.**

October 24, 2022, UPDATE

[Assembly Bill 152](#) has extended the expiration date of 2022 COVID-19 SPSL to December 31, 2022. The extension does not provide employees with any additional SPSL to use, but merely extends the period during which employees who have not exhausted their SPSL entitlement, may use such leave.

Authority

- [Assembly Bill 152](#)
- [California Department of Human Resources \(CalHR\) COVID-19 Supplemental Paid Sick Leave 2022 Policy](#)
- [California Department of Industrial Relations 2022 COVID-19 SPSL FAQs](#)
- [California Department of Public Health \(CDPH\), Quarantine and Isolation Guidance](#)
- California Labor Code, section [245.5\(c\)](#) and [248.6](#)
- [SB 114](#)

Eligibility

2022 COVID-19 SPSL applies to all employees and is in addition to an employee's other leave balances. Any leave used under previous COVID-19 sick leave benefits does not count against the 2022 COVID-19 SPSL entitlement.

For 2022 COVID-19 SPSL purposes, a family member is defined in [California Labor Code, section 245.5\(c\)](#) and includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, and sibling.

A child includes a biological, adopted, or foster child, a step-child, legal ward, or child to whom the employee stands in loco parentis.

A parent includes a biological, adoptive, or foster parent, step-parent, or legal guardian of the employee or the employee’s spouse or registered domestic partner or person who stood in loco parentis when the employee was a minor child.

Employees may be eligible to take up to (40) hours of 2022 COVID-19 SPSL if they meet one or more of the following conditions **and are unable to work or telework**:

1. The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidance of the CDPH, the federal Centers for Disease Control and Prevention (CDC), or a local public health officer who has jurisdiction over the workplace.*
 - If the employee is subject to more than one of the above, the covered employee shall be permitted to use 2022 COVID-19 SPSL for the minimum quarantine or isolation period under the order of guidance that provides the longest period; or
2. The employee is advised by a health care provider to isolate or self-quarantine due to a COVID-19 concern or tests positive; or
3. The employee is attending an appointment for themselves* or a family member to receive a COVID-19 vaccine or vaccine booster.
 - 2022 COVID-19 SPSL for this reason is limited to two hours per occurrence per person; or
4. The employee is experiencing symptoms or is caring for a family member related to a COVID-19 vaccine or vaccine booster; or
5. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or
6. The employee is caring for a family member who is subject to an order or guidelines under condition #1 or who has been advised to isolate or quarantine under condition #2; or
7. 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.

*For employees who meet the criteria to be eligible for Administrative Time Off (ATO) as outlined in the [COVID-19 ATO HRB Memo #22-004](#), managers/supervisors must follow the request/approval procedures outlined in the memo. ATO for these reasons must continue to be approved through CDFW’s delegated ATO authority, and the employee’s time off should not be counted against their 2022 COVID-19 SPSL entitlement.

The employee’s time base determines the number of 2022 COVID-19 SPSL hours the employee is entitled to receive.

Time Base	2022 COVID-19 SPSL Leave Entitlement
Full-time	Up to 40 hours
Part-time	Prorated based on the employee’s time base (e.g., a half-time employee may receive up to 20 hours)
Intermittent – set weekly schedule	The number of hours normally scheduled for the workweek.

<p>Intermittent – hours vary from week to week</p>	<p>7 times the average number of hours worked each day during the preceding six months, up to 40 hours. The figure is determined based on the total number of days in the 6-month period, not just the number of days worked.</p> <p>Below is an example of an entitlement calculation based on six months worked:</p> <table border="1" data-bbox="535 541 1372 840"> <tr> <td>Total number of hours worked during the 6-month period</td> <td>520 hours</td> </tr> <tr> <td>Total number of days in the 6-month period</td> <td>182 days</td> </tr> <tr> <td>Average number of hours worked each day in the 6-month period</td> <td>520 hours / 182 days = 2.857 hours</td> </tr> <tr> <td>SB 114-SPSL leave entitlement</td> <td>2.857 hours x 7 days = 20 hours</td> </tr> </table> <p>OR</p> <p>If the employee has worked less than six months but more than seven days, determine the average for the time the employee has worked for the state. The figure is determined based on the total number of calendar days in the period the employee worked, not just the number of days worked.</p> <p>Below is an example of an entitlement calculation based on two months worked:</p> <table border="1" data-bbox="535 1276 1372 1575"> <tr> <td>Total number of hours worked during the 2-6-month period</td> <td>162 hours</td> </tr> <tr> <td>Total number of days in the 2-6 month period</td> <td>61 days</td> </tr> <tr> <td>Average number of hours worked each day in the 2-month period</td> <td>162 hours / 61 days = 2.656 hours</td> </tr> <tr> <td>SB 114-SPSL leave entitlement</td> <td>2.656 hours x 7 days = 19 hours</td> </tr> </table> <p>OR</p> <p>If the employee has worked less than seven days, the employee is entitled to the number of hours worked for that period, but no more than 40 hours.</p>	Total number of hours worked during the 6-month period	520 hours	Total number of days in the 6-month period	182 days	Average number of hours worked each day in the 6-month period	520 hours / 182 days = 2.857 hours	SB 114-SPSL leave entitlement	2.857 hours x 7 days = 20 hours	Total number of hours worked during the 2-6-month period	162 hours	Total number of days in the 2-6 month period	61 days	Average number of hours worked each day in the 2-month period	162 hours / 61 days = 2.656 hours	SB 114-SPSL leave entitlement	2.656 hours x 7 days = 19 hours
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Additional 2022 COVID-19 SPSL Entitlement

Employees are eligible to receive additional 2022 COVID-19 SPSL hours not to exceed what the employee was entitled to in the above section, if the covered employee, or family member who the employee is caring for, tests positive for COVID-19.

2022 COVID-19 SPSL for Conditions 1-7 above does not have to be exhausted before employees can use the additional 2022 COVID-19 SPSL entitlement. Employees must identify which entitlement they are requesting to use when making the request to their manager/supervisor as outlined in the Request and Timesheet Documentation Process outlined below.

Availability and Retroactivity of 2022 COVID-19 SPSL

Employees approved for 2022 COVID-19 SPSL may retroactively use their 2022 COVID-19 SPSL entitlement back to January 1, 2022. Retroactive use must be requested, and if approved, requires an amended timesheet be submitted. Refer to the Request and Timesheet Documentation Process section below.

If an eligible employee is otherwise entitled to receive Industrial Disability Leave (IDL) or Enhanced Industrial Disability Leave (EIDL), the use of 2022 COVID-19 SPSL shall not count against the employee's maximum IDL or EIDL entitlement. An eligible employee may receive 2022 COVID-19 SPSL during the waiting period for IDL or EIDL.

Request and Timesheet Documentation Process

Follow the process below to submit current and retroactive requests and document the timesheet:

1. **Employee** requests leave from their manager/supervisor verbally or in writing. Employee must clearly indicate the reason leave is requested and cite the entitlement they are requesting to use (i.e., Conditions 1-7 or additional 2022 COVID-19 SPSL).
2. **Manager/supervisor** completes and submits the [2022 COVID-19 SPSL Request Form \(DFW 274\)](#) form to the Human Resources Branch (HRB), at COVID-19LeaveSupport@Wildlife.ca.gov.

Note: If the requested leave meets the criteria to be eligible for ATO as outlined in the [COVID-19 ATO HRB Memo #22-004](#), managers/supervisor must follow the request/approval procedures outlined in the memo to request ATO through CDFW's delegated authority.

3. **HRB** reviews the [DFW 274](#) and provides a written determination to the manager/supervisor. If additional information is needed, the HRB will contact the manager/supervisor.
4. **Manager/supervisor** notifies the employee of the determination.
5. **Employee** selects the correct leave code when completing their timesheet. Some employees may be approved for 2022 COVID-19 SPSL for multiple conditions. Employees must select the appropriate leave code based on the condition(s) they are approved for and use the leave for. The related leave codes are:
 - o AT-SB114-SPSL1 – Quarantine Ordered by Public Health Entity
 - o AT-SB114-SPSL2 – Self-Ordered Quarantine
 - o AT-SB114-SPSL3 – Appointment for Family Member Vaccine
 - o AT-SB114-SPSL4 – COVID Symptoms Self/Family due to Vaccine
 - o AT-SB114-SPSL5 – COVID Symptoms Pending Medical Diagnosis

- AT-SB114-SPSL6 – Taking Care of Family Required to Quarantine
 - AT-SB114-SPSL7 - School/Childcare Closure Due to COVID on Premises
 - AT-SB114-SPSL8 – Additional SPSL – COVID Positive Employee/Family Member
5. **Manager/supervisor** reviews the timesheet to ensure it is documented accurately before approving.

Note: Managers/supervisors cannot require an eligible employee to use other leave before the use of 2022 COVID-19 SPSL.

Expiration of 2022 COVID-19 SPSL

Benefits under 2022 COVID-19 SPSL **expire December 31, 2022**, except that a covered employee taking 2022 COVID-19 SPSL at the time of expiration shall be permitted to take the full amount without interruption to which the employee otherwise would have been entitled to in the sections above.

Notice Requirements

The California Labor Commissioners Office requires the posting of a workplace notice, which can be accessed through the following link:

<https://www.dir.ca.gov/dlse/COVID19resources/2022-COVID-19-SPSL-Poster.pdf>

Programs must post the workplace notice at each worksite.

Questions

For questions regarding 2022 COVID-19 SPSL eligibility, send an email to COVID-19LeaveSupport@Wildlife.ca.gov. For questions related to documenting and submitting a timesheet, submit an inquiry via the [Ask HR portal](#).