



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: 2022 COVID-19 Supplemental Paid Sick Leave Act Policy

ROUTING
All Locations

NUMBER: BUL-122901.0

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Division of Risk Management & Insurance Services

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PURPOSE: The purpose of this Bulletin is to provide District employees with information and guidance concerning the 2022 COVID-19 Supplemental Paid Sick Leave Act (“2022 COVID-19 SPSLA”) provisions under California Labor Code sections 248.6 and 248.7.

MAJOR CHANGES: This Bulletin hereby replaces the 2021 COVID-19 Supplemental Paid Sick Leave Act Policy BUL-110108.0, which legislatively expired on September 30, 2021.

The 2022 COVID-19 SPSLA was signed into law by the Governor of the state of California on February 9, 2022, is retroactive to January 1, 2022, and expires on September 30, 2022. It provides covered employees who are unable to work or telework, for one of the specified reasons provided by the statute, the ability to utilize supplemental paid sick leave (“2022 COVID-19 SPSL”) benefits.

The District is committed to compliance with the 2022 COVID-19 SPSLA under California Labor Code section 248.6.

GUIDELINES: **I. Covered Employee**

A covered employee includes all paid District employees working full-time or part-time, including those who did not previously earn illness time or personal necessity, substitutes, professional experts, return retirees, paid interns, paid student workers, and temporary workers who are unable to work or telework for one or more of the Reasons for Leave.

II. Reasons for Leave

There are two pathways by which District employees may utilize the 2022 COVID-19 SPSL benefits if the covered employee is unable to work or telework for any of the following reasons:

1. COVID-19 Related Symptoms, Quarantine, or Vaccination/Booster

A. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of:

- i. the State Department of Public Health,
- ii. the Federal Centers for Disease Control and Prevention, or
- iii. a local health officer who has jurisdiction over the workplace (District Medical Director).



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If the employee is subject to more than one of the foregoing, the employee shall be permitted to use 2022 COVID-19 SPSL benefits for the minimum quarantine or isolation period under the order or guidelines that provide 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 for themselves or their family member (see Section IV Related Definitions of this Bulletin for more information) to receive a vaccine or a vaccine booster for protection against contracting COVID-19;
 - D. The covered employee is experiencing symptoms or caring for a family member (see Section IV Related Definitions of this Bulletin for more information) experiencing symptoms related to a COVID-19 vaccine or vaccine booster that prevents the employee from being able to work or telework;
 - i. For each vaccination or vaccine booster-related 2022 COVID-19 SPSL benefit usage, an employee may be limited to twenty-four hours or three (3) days of time unless the employee provides verification from a healthcare provider that symptoms are continuing.
 - 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 (see Section IV Related Definitions of this Bulletin for more information) who:
 - i. is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of:
 - a. the State Department of Public Health,
 - b. the Federal Centers for Disease Control and Prevention,
 - c. a local health officer who has jurisdiction over the workplace, or
 - ii. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
 - G. The covered employee is caring for a child (see Section IV Related Definitions of this Bulletin for more information) whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
2. COVID-19 Positive Test Result
- A. The employee tests positive for COVID-19;
 - i. The District may require the employee to submit to a diagnostic test on or after the fifth day and provide documentation of those results.
 - B. The employee's family member (see Section IV Related Definitions of this Bulletin for more information) for whom they are providing care tests positive for COVID-19.
 - i. The District may require documentation confirming the family



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member's COVID-19 positive test result prior to approving the use of the 2022 COVID-19 SPSL benefit.

III. Duration of Leave Entitlement

A covered employee is entitled to two (2) independent banks of forty (40) hours of 2022 COVID-19 SPSL benefits per each main category of leave as outlined in subsections 1 and 2 of "Reason for Leave," above. An employee may determine how many 2022 COVID-19 SPSL benefit hours to use up to the maximum number of hours to which the covered employee is entitled to any one or more reasons specified in Section II "Reasons for Leave" in this Bulletin.

The maximum 2022 COVID-19 SPSL benefit entitlement for covered employees:

1. Full-Time Employees: Eighty (80) hours for a covered employee, comprised of two independent banks of forty (40) hours based upon the qualifying "Reason for Leave."
2. Part-Time Employees: Each independent bank is equivalent to the total number of hours a covered employee is normally scheduled to work over a period of one (1) workweek.
3. Variable Work Schedule Employees: Each independent bank is equivalent to seven (7) times the average number of hours worked each day based on a defined period:
 - A. Employed More Than Six (6) Months: The six (6) month period immediately preceding the pay period prior to the 2022 COVID-19 SPSL benefits usage date.
 - B. Employed Less Than Six (6) Months: The number of calendar days immediately preceding the pay period prior to the 2022 COVID-19 SPSL benefits usage date.

In no instances, regardless of actual hours worked or assigned default work schedule(s), is a covered employee entitled to more than eighty (80) hours (40 hours in each main category as outlined in subsections 1 and 2 of "Reason for Leave") of 2022 COVID-19 SPSL benefits effective January 1, 2022, and expiring on September 30, 2022.

This policy shall remain in effect through September 30, 2022, except that a covered employee taking leave (absence) using 2022 COVID-19 SPSL benefits on September 30, 2022, the date of the expiration of the 2022 COVID-19 SPSLA under California Labor Code section 248.6, shall be permitted to finish taking leave (absence) through exhaustion of available 2022 COVID-19 SPSL benefits for which the covered employee would have been entitled should the 2022 COVID-19 SPSLA not expired.

IV. Related Definitions

1. **Child**: 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. **Continuous Leave**: Leave taken in a single period or block of time due to any one or more reasons specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin.
3. **Covered Employee**: The 2022 COVID-19 SPSLA defines a covered



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- employee as any employee who is unable to work or telework for one or more of the reasons the statute lists.
4. **COVID-19 Supplemental Paid Sick Leave:** 2022 COVID-19 SPSL benefits provided pursuant to the 2022 COVID-19 SPSLA under California Labor code section 248.6.
 5. **Domestic Partner:** A registered domestic partner within the meaning of the California Family Code sections 297 through 297.5.
 6. **Family Member:** Means any of the following: Child, Parent, Spouse, Domestic Partner, Grandparent, Grandchild, and Sibling.
 7. **Full-Time Employee:** Employees identified as full-time salaried or full-time hourly are considered full-time employees. This definition does not include substitutes or return retirees.
 8. **Grandchild:** Child of the employee's child.
 9. **Grandparent:** Parent of the employee's parent.
 10. **Health Care Provider:** A licensed physician, surgeon, osteopathic physician or surgeon, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, physician assistant, or a Christian Science Practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts.
 11. ***In loco parentis*:** A type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a minor child, including persons with day-to-day responsibilities to care for or financially support a minor child.
 12. **Intermittent Leave:** Leave taken in separate periods or blocks of time due to any one or more reasons specified under Section II Reason for Leave, subsections 1 and 2 of this Bulletin, rather than one continuous period of time.
 13. **Parent:** Biological, adoptive, 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* to the employee when the employee was a minor child. This definition of parent includes parent-in-law.
 14. **Part-Time Employee:** Employees who are not identified as full-time salaried or full-time hourly are considered part-time employees. This definition does not include substitutes or return retirees.
 15. **Sibling:** A person related to another person by blood, adoption, or affinity through a common legal or biological parent.
 16. **Spouse:** Husband or wife. This definition includes an individual in a same-sex or common law marriage entered into a state that recognizes such marriages. The state of California does not recognize common law marriage.
 17. **Variable Work Schedule:** Employees categorized as substitutes and return retirees are considered variable work schedule employees.
 18. **Variable Work Schedule Entitlement:** The average number of hours worked is calculated by determining the sum of the hours worked in the defined period. The sum is then divided by the number of calendar days in the defined period to establish the quotient. The quotient is then multiplied by



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seven (7) to determine the product. The product is the maximum 2022 COVID-19 SPSL benefit entitlement for a variable work schedule employee.

V. **Roles & Responsibilities**

1. Covered Employee roles and responsibilities:

- A. A covered employee must make an oral or written request to use 2022 COVID-19 SPSL benefits for purposes consistent with the 2022 COVID-19 SPSLA.
- B. If the need for the use of 2022 COVID-19 SPSL benefits is foreseeable, a covered employee must provide reasonable advance notice.
- C. If the need for the use of 2022 COVID-19 SPSL benefits is unforeseeable, a covered employee must give notice as soon as practicable.
- D. A covered employee may take 2022 COVID-19 SPSL benefits as continuous leave or intermittent leave (see Section IV Related Definitions of this Bulletin) for any one or more reasons specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin.
- E. A covered employee may determine how many 2022 COVID-19 SPSL benefit hours to use up to the total number of hours to which the covered employee is entitled (see Section III Duration of Leave Entitlement of this Bulletin for more information.)

2. Site Administrator roles and responsibilities:

- A. When a covered employee makes an oral or written request to use available 2022 COVID-19 SPSL benefits for a prescribed purpose as outlined in Section II. Reasons for Leave, subsections 1 and 2 of this Bulletin, the site administrator cannot deny the request and must immediately make 2022 SPSL benefits available for use.
- B. After submission of an oral or written request to use 2022 COVID-19 SPSL benefits, a site administrator or their designee may ask an employee to provide documentation confirming the request is consistent with a prescribed purpose as specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin, if necessary.

VI. **Compensation**

2022 COVID-19 SPSL benefits are paid at 100% of a covered employee's regular rate of pay and calculated in the same manner as the District calculates wages for other forms of paid leave time.

VII. **Retroactive Designation**

The requirement to provide 2022 COVID-19 SPSL benefits applies retroactively to January 1, 2022, in order to protect the economic well-being of employees who took leave for reasons specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin, beginning on or after January 1, 2022, after the Families First Coronavirus Response Act (FFCRA) expired and before the effective date of this Bulletin.



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Beginning on January 1, 2022, if a covered employee utilized their own illness, personal necessity, Kin Care, and/or vacation time for any such leave (absence) taken for reasons specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin, a covered employee is entitled to a retroactive application of 2022 COVID-19 SPSL benefits. If an employee intends on using retroactive 2022 COVID-19 SPSL benefits for reason(s) outlined in Section II Reason for Leave, subsection 2 “COVID-19 Positive Test Result,” the District may require the employee to provide documentation of the positive lab-confirmed or diagnostic COVID-19 test during the relevant period.

Upon an oral or written request made by the covered employee, the District shall provide the covered employee with a retroactive designation of the employee’s previously utilized illness, personal necessity, Kin Care, and/or vacation time, resulting in a credit to the employee’s bank of benefitted time.

If an employee previously utilized MSND benefits from January 1, 2022 to the present, for any of the Section II Reasons for Leave, subsections 1 and 2 of this Bulletin, the District may retroactively convert that benefitted time to 2022 COVID-19 SPSL benefits and apply the hours utilized as a credit to the allotted time permitted within the 2022 COVID-19 SPSLA statute.

For any such leave (absence) taken for reasons specified in Section II Reasons for Leave, subsections 1 and 2 of this Bulletin, if the District did not compensate a covered employee entitled to 2022 COVID-19 SPSL benefits in an amount equal to or greater than the amount of compensation specified in Section V Compensation of this Bulletin, then upon the oral or written request of the covered employee, the District shall provide the covered employee with a retroactive designation that provides such compensation.

For any such retroactive designation, the number of hours of leave (absence) corresponding to any time reporting adjustment shall be credited towards the covered employee’s maximum 2022 COVID-19 SPSL benefit entitlement.

VIII. Integration with Other Benefits

The total number of 2022 COVID-19 SPSL benefit hours to which a covered employee is entitled shall be in addition to any paid sick leave that may be available to the employee pursuant to the Healthy Workplaces, Healthy Families Act of 2014 as set forth in policy BUL-6529 Legally Mandated Paid Sick Leave and California Labor Code section 246.

The District may not require a covered employee to use any other paid or unpaid leave, full-pay and half-pay illness, or vacation time before the employee uses 2022 COVID-19 SPSL benefits under the 2022 COVID-19 SPSLA.

However, to the extent the 2022 COVID-19 SPSL benefit coverage overlaps with the District’s existing MSND policy, the covered employee must utilize the 2022 COVID-19 SPSL benefit to exhaustion, where applicable, prior to requesting MSND.

IX. Maintaining Documentation

An oral or written request for 2022 COVID-19 SPSL benefits must be documented on the “Certification/Request of Absence for 2022 COVID-19 Supplemental Paid Sick Leave” form.



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The District requires that records substantiating the time reported to the Payroll Administration Branch for payments must be kept on file and retained at the location for a period of five years for audit purposes.

In the event supporting medical documentation is provided to an administrator or their designee, employee medical confidentiality must be maintained at all times.

X. Posting Requirement

Every District worksite must post in an area frequented by employees the “2022 COVID-19 Supplemental Paid Sick Leave” poster. For employees who do not frequent their assigned physical worksite, the notice requirement may be satisfied by disseminating notice through electronic means, such as by District email.

XI. 2022 COVID-19 SPSL ACT Protected Time Off

Time taken off work under the 2022 COVID-19 SPSLA is job-protected under California Labor Code Section 248.6. A covered employee’s request to use available 2022 COVID-19 SPSL benefits for a prescribed purpose, as outlined in Section II Reasons for Leave, subsections 1 and 2 in this Bulletin, cannot be denied and must be made immediately available for use.

A covered employee may freely exercise their right to use 2022 COVID-19 SPSL benefits under the 2022 COVID-19 SPSLA and not be disciplined for doing so; however, absences related to the use of 2022 COVID-19 SPSL benefits will not affect pending disciplinary proceedings or prevent discipline from being issued that is based upon legitimate reasons related to work performance and/or conduct. Employees with excessive absenteeism beyond the job-protected absences are still subject to discipline, up to and including dismissal.

AUTHORITY:

This is a policy of the Los Angeles Unified School District. This policy is established in accordance with the 2022 COVID-19 SPSLA under California Labor code 248.6.

RELATED RESOURCES:

Legally Mandated Paid Sick Leave, BUL-6529, Division of Risk Management & Insurance Services.

Mandatory Posting of Regulatory Notices Relating to Federal and State Employment Laws, BUL-4991, Division of Risk Management & Insurance Services.

New Certification of Absence Forms, BUL-6307, Office of the Superintendent.

Los Angeles Unified School District Protected Leaves & Absences website:
<http://fmmla.lausd.net>.

California Labor Code section 248.6:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2.&title=&part=1.&chapter=1.&article=1.5.

Cal/OSHA COVID-19 Emergency Temporary Standard (ETS).

FORMS:

“Certification/Request of Absence for 2022 COVID-19 Supplemental Paid Sick Leave”



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ASSISTANCE:

For assistance or further information, contact the Division of Risk Management & Insurance Services, Integrated Disability Management Branch at 213-241-3954 or <http://fmla.lausd.net>.