

COVID-19 Supplemental Paid Sick Leave (SPSL)

A. COVID-19 Supplemental Paid Sick Leave

On March 19, 2021, Governor Newsom signed Senate Bill (“SB”) 95 into law, codifying at Labor Code § 248.2 certain paid sick leave entitlements for employees who are unable to work or telework due to specifically enumerated qualifying reasons related to COVID-19 Supplemental Paid Sick Leave (“SPSL”). The Housing Authority of the City of Alameda (AHA) adopted this policy in order to provide qualified employees the SPSL to which they are entitled and to otherwise comply with all relevant and applicable requirements provided under Labor Code § 248.2.

This policy is intended to provide all eligible and qualified AHA employees with SPSL to which they are entitled under Labor Code § 248.2.

The following policy sets forth certain rights and obligations regarding this leave. AHA will fully and faithfully comply with Labor Code § 248.2 in its administration of this policy.

By adopting this policy, AHA revokes the COVID-19 Provisional Sick Leave (“CPSL”) policy, which provided to eligible employees leave for certain COVID-19 related reasons between January 1, 2021 through March 31, 2021. Any leave granted under this prior CPSL policy will be re-classified as SPSL upon adoption of this policy consistent with Labor Code § 248.2.

B. Definitions

“Child” 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.

“Covered Employee” means any AHA employee who is unable to work or telework for AHA for one or more of the reasons related to COVID-19 as set forth in this policy.

“COVID-19 Supplemental Paid Sick Leave” or “SPSL” means paid sick leave pursuant to Labor Code § 248.2.

“Family Member” means any of the following:

- (i) A “child”, as defined above.
- (ii) 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.
- (iii) A spouse.
- (iv) A registered domestic partner.

- (v) A grandparent.
- (vi) A grandchild.
- (vii) A sibling.

C. SPSL Entitlement and Eligibility

Scope of Coverage: This policy will apply to all Covered Employees employed by AHA.

Effective Dates: The policy is effective immediately upon adoption, and the paid leave benefits provided herein shall be retroactive to January 1, 2021.

SPSL benefits expire on September 30, 2021, except that AHA will provide a Covered Employee who is on SPSL at the time of the expiration of such benefits the full amount of SPSL to which the Covered Employee would otherwise be entitled.

Unless the underlying law is extended, this policy will expire by operation of the law on September 30, 2021, except that certain Covered Employees may continue to use SPSL after that date as described above.

Employees Eligible for SPSL: All AHA Covered Employees are eligible for SPSL if they are unable to work or telework for one or more of the enumerated reasons related to COVID-19 as set forth in this policy.

D. Qualifying Reasons for SPSL

A Covered Employee qualifies for SPSL if they are unable to work or telework for one or more of the following reasons:

1. The 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 ("CDPH"), the federal Centers for Disease Control and Prevention ("CDC"), or a local health officer who has jurisdiction over the workplace;
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 experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for a Family Member who is subject to a quarantine or isolation order or guidelines described above, or who has been advised to self-quarantine by a health care provider;
5. If the employee is caring for a Child whose school or place of care is closed due to COVID-19. This qualifying reason also applies if the employee is caring for a Child whose school or place of care is otherwise unavailable for reasons related to COVID-19 on the premises;
6. The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19; or

7. The employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework; or
8. The employee is excluded from the workplace as a result of a “close contact” exposure, as defined by the Centers for Disease Control and Prevention (“CDC”), pursuant to Cal/OSHA’s COVID-19 emergency temporary regulations.
- 8.9. The employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 after such employee has been exposed to COVID-19 or the employee’s employer has requested such test or diagnosis.

E. Amount of SPSL

Leave taken as SPSL is in addition to any other statutory and/or contractual leave to which the employee is otherwise entitled, and which is not specific to COVID-19. As previously noted, any leave previously granted as CPSL will be applied to the amount of SPSL an employee would otherwise be entitled to.

1. Full-time Covered Employees working 40 hours per week may take up to 80 hours of SPSL
2. Part-time Covered Employees (defined as employees working less than 40 hours per week on average for purposes of this policy) are entitled to SPSL in the following amounts:
 - a. If the part-time Covered Employee has a normal weekly schedule, the total number of hours the Covered Employee is normally scheduled to work for AHA over two weeks; or
 - b. If the part-time Covered Employee works a variable number of hours, the Covered Employee is entitled to 14 times the average number of hours the Covered Employee worked each day for AHA in the six (6) months preceding the date the Covered Employee took SPSL. If the Covered Employee has worked for AHA over a period of fewer than six (6) months but more than 14 days, this calculation shall instead be made over the entire period the Covered Employee has worked for AHA.

Covered Employees may determine how many hours of SPSL to use based upon a qualifying reason, up to the total number of hours to which the Covered Employee is entitled under the above.

AHA is not required to provide a Covered Employee more than the total number of hours of SPSL to which the Covered Employee is entitled to under sections 1 through 2 above.

If a Covered Employee is provided SPSL retroactively for qualifying leave before Senate Bill ("SB") 95 became effective or adoption of this policy, AHA will count the retroactive SPSL provided against the total amount of SPSL to which the Covered Employee is entitled. Covered Employees that request retroactive SPSL will be required to sign a "COVID-19 Supplemental Paid Sick Leave Acknowledgment," acknowledging the accuracy of the amount of leave designated retroactively.

If AHA provided a Covered Employee with COVID-19 Provisional Sick Leave (CPSL) for leave taken on or after January 1, 2021, that was payable for the same qualifying reasons enumerated above and compensated in an amount equal or greater to the amount enumerated below, AHA will count such supplemental benefit against the employee's SPSL entitlement.

F. Compensation While on SPSL

Covered Employees are entitled to compensation for SPSL at their regular rate of pay subject to a cap of \$511 per day and \$5,110 in the aggregate.

G. Employee Notice of Supplemental Paid Sick Leave

Covered Employees must notify AHA that they intend to take SPSL. The Covered Employee may provide such notice either orally or in writing to their immediate supervisor or to the Human Resources Department.

H. Employee Status While on Leave:

AHA will compensate Covered Employees who use SPSL according to the manner described in this policy and will otherwise treat Covered Employees who use COVID-19 Supplemental Paid Sick as if they are using paid sick leave according to AHA's Sick Time Policy.

I. Employee Obligations for Requesting Retroactive Payments for Prior Leave that Qualified as SPSL

Employees are entitled to SPSL retroactive to January 1, 2021.

If AHA did not compensate the employee for leave that would otherwise have qualified as SPSL between January 1, 2021 and the effective date of this policy, in an amount equal or greater to what the employee would have been entitled to under this policy, the employee is eligible for a retroactive payment from AHA for such leave.

In order to receive payment for such leave, employees must make an oral or written request to be paid for such leave to AHA's Human Resources Department.

For any such retroactive payment, the number of hours of leave corresponding to the amount of the retroactive payment shall count towards the total number of hours of SPSL that the employer is required to provide to the Covered Employee.

DRAFT