

Retirement Set up Cheat Sheet

- Help desk created the **attached** cheat sheet along with Maria Aguayo, Alli Britton & Christy Arend
- Cheat Sheet explains how to set up employees in the retirement and taxes tab in Escape based on the type of new hire or employee

Accounts Payable Remittance Pages

- If there are multiple payments on a check that result in extra remittance pages please be advised that the county is only able to print two pages. If the number of invoices falls onto a third page, please make sure to print out your own remittance to go along with the check and invoice for proper payment allocation

2022 Supplemental Paid Sick Leave (AB 84 & SB 114)

- School and College Legal Update regarding SPSL **attached**
 - New SPSL was effective February 19th 2022
 - Employees may make retroactive claims for paid leave for specific reasons between January 1, 2022 and February 18, 2022
 - Two banks of leave
 - **Bank One:** Supplemental Paid Sick Leave (SPSL) for qualifying reasons
This bank is designated for various reasons listed in the handout.
 - **Bank Two:** Supplemental Paid Sick Leave Based on Positive Test (PT-SPSL)
This bank is for usage when the employee or a family member who the employee is caring for tests positive for COVID-19
 - 2022 SPSL leave needs to be tracked on an employee's paystub or given to the employee on a separate document
 - The **attached** poster needs to be displayed where employees can read it easily. If an employee does not frequent the workplace, it needs to be sent out electronically to them
- The Department of Industrial Relations came up with a **Frequently Asked Questions** page for the new 2022 COVID SPSL
 - <https://www.dir.ca.gov/dlse/COVID19Resources/2022-SPSL-FAQs.html>
- An email was also sent out with some questions and answers – see **attached**

CalPERS Circular 200-015-22

- New Service Prior to Membership Automation and Certification Features
 - CalPERS sends Employer Certification through email to payroll technicians for completion
 - Employee's name and number will be included so that the payroll technician can reach out directly to them if they have any questions
 - See **attached** circular for more details on this process

SONOMA COUNTY OFFICE OF EDUCATION – BUSINESS SERVICES

CHECK STATUS REQUEST

LEA NAME AND NUMBER: _____

CHECK TYPE (circle one): COMMERCIAL or PAYROLL
(EMAIL TO sgraves@scoe.org) (EMAIL TO jsarsfield@scoe.org
and tpham@scoe.org)

CHECK NUMBER: _____
(ATTACH A COPY OF CHECK OR CHECK SNAP SHOT)

CHECK DATE: _____

CHECK AMOUNT: _____

PAYEE: _____

IF CHECK NOT CLEARED, STOP PAYMENT: ___ Yes or ___ No

Email AP/Commercial check status requests to: sgraves@scoe.org

**WHEN MARKED YES FOR A PAYROLL CHECK STATUS REQUEST, COMPLETE
MANUAL PAYROLL REQUEST FORM AND EMAIL TO: carend@scoe.org
jsarsfield@scoe.org
tpham@scoe.org**

AUTHORIZATION: _____

B) REISSUE Paycheck: (SCOE sets up)

Check # _____

Check date _____

Check \$ _____

1. Check Status Request sent to SCOE to Stop Payment: Yes__ or No__

2. Please attached the following*:

a) Copy of original Payroll History Snapshot

****Email form along with attachments to: carend@scoe.org, jsarsfield@scoe.org & tpham@scoe.org**

C) CREATE MANUAL PAY: (District sets up but SCOE to "submit")

Please attach the following*:

a) Pay 01a

b) Errors have been corrected or explained

***Email form along with attachments to: carend@scoe.org, jsarsfield@scoe.org & tpham@scoe.org**

Retirement and Tax Setup

Position	Scenarios for Retirement Setup	Assignment	Retirement Qualification	STRS Election ES350 Form	Retirement System Election ES0372 Form	STRS Member	PERS Work Schedule Code	PERS Member	OASDI	Medicare
Classified	New Hire	Less than .50 FTE	None	N/A	N/A	No	400 {Hourly} 173 {Monthly}	No	Yes	Yes
Classified	New Hire	Greater than .50 FTE	PERS	N/A	N/A	No	400 {Hourly} 173 {Monthly}	Yes	Yes	Yes
Classified	New Hire - Elected STRS (Existing Member)	Greater than .50 FTE	PERS	N/A	Yes	Yes	N/A	No	No	Yes
Classified Sub	New Hire - Non-Member PERS	N/A	None	N/A	N/A	No	400 {Hourly} 173 {Monthly}	No	Yes	Yes
Classified Sub	Existing PERS Member	N/A	None	N/A	N/A	No	400 {Hourly} 173 {Monthly}	Yes	Yes	Yes
Retiree PERS	Rehired Extra Help - Addon	N/A	None	N/A	N/A	No	400 {Hourly} 173 {Monthly}	No	No	Yes
Position	Scenarios for Retirement Setup	Assignment	Retirement Qualification	STRS Election ES350 Form	Retirement System Election ES0372 Form	STRS Member	STRS Assignment Code	PERS Member	OASDI	Medicare
Certificated	New Hire Assignment	Greater than .50 FTE	STRS	Mandatory	N/A	Yes	57	No	No	Yes
Certificated	New Hire Assignment (Elected STRS)	Less than .50 FTE	None	Yes	N/A	Yes	57	No	No	Yes
Certificated	New Hire Assignment (Non-Elected STRS)	Less than .50 FTE	None	No	N/A	No	57	No	Yes	Yes
Certificated	New Hire Assignment (Elected PERS)	1.0 FTE	STRS	Yes	Yes	No	400 {Hourly} 173 {Monthly}	Yes	Yes	Yes
Certificated	Reduced Work Load	Less than 1.0 FTE	STRS	No	N/A	Yes	36	No	No	Yes
Certificated Sub	New Hire Addon (Non-Elected STRS)	N/A	None	Yes	N/A	No	54	No	Yes	Yes
Certificated Sub	New Hire Addon (Already STRS Member)	N/A	None	No	N/A	Yes	54	No	No	Yes
Retiree STRS	Rehired in STRS Assignment or Addon	N/A	None	No	N/A	No	61	No	No	Yes
Retiree STRS	Rehired in Classified Duties using Addon. PERS Non-Member	N/A	None	No	N/A	No	N/A	No	Yes	Yes

STRS Qualifications

- Retirement follows the position, not the person
- An employee hired for a single (not combined) position of .5 FTE or above
 - membership begins on the first day of employment
- Substitute who works 100 days in a single district in one FY
 - membership begins 1st day of the following month
- Part-time hourly or daily employees (not subs) who work 60 hours or 10 days in a single month
 - membership begins 1st day of the following month
- Existing member, new hire in qualifying classified position can "elect" (ES372)

PERS Qualifications

- Retirement follows the position, not the person
- New hire in classified position with minimum .50 FTE
- Existing member of CalPers, no minimum FTE
- Worked 1,000 hours in a fiscal year, membership 1st of following month
- Existing member, new hire in qualifying certificated position can "elect" (ES372)



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

February 18, 2022

To: Superintendents, Member School Districts (K-12)

From: Nancy L. Klein, Senior Associate General Counsel

Subject: New 2022 “Supplemental Paid Sick Leave” for Qualifying
Reasons and Supplemental Paid Sick Leave based on Positive
COVID-19 Test **with Model POSTER**
Memo No. 08-2022 REVISED

Effective **February 19, 2022, to September 30, 2022**, **Labor Code section 248.6¹** requires employers with 26 or more employees to provide paid leave to employees who are *unable to work or telework* for specified reasons related to COVID-19 quarantine or isolation orders, vaccinations, symptoms, and positive tests, as described below.

Employees may make retroactive claims for paid leave based on one or more specified reasons between January 1, 2022, and February 18, 2022, inclusive.

Section 248.6 establishes two banks of leave: one for the same Qualifying Reasons (“QR”) that were in effect under the 2021 Supplemental Paid Sick Leave (“SPSL”) law and the second for employees unable to work or telework due to their own or a family member’s positive COVID-19 test. Employers may require an employee to provide documentation to substantiate the employee or family member’s positive test results, or symptoms related to a vaccination or booster, if symptoms persist in excess of three days.

As with 2021 SPSL, employees taking leave pursuant to **Section 248.6** on September 30, 2022, are entitled to take the remainder of the full amount of leave for which they qualify, notwithstanding the expiration of **Section 248.6**.

I. BANK ONE: SUPPLEMENTAL PAID SICK LEAVE for QUALIFYING REASONS

¹ Future references will be to the Labor Code section.



From February 19, 2022, to September 30, 2022, employers with more than 25 employees must provide SPSL for an *employee who is unable to work or telework* for any of the following Qualifying Reasons (“QR”):

1. Employee is subject to a quarantine or isolation period related to COVID-19 as defined by the California Department of Public Health (CDPH), federal Center for Disease Control (CDC) or a local health officer with jurisdiction over the workplace.²
2. Employee has been advised by a health care provider to isolate or quarantine due to COVID-19.
3. Employee is attending an appointment for the employee or a “family member”³ to receive a COVID-19 vaccine or a vaccine booster that prevents the employee from being able to work or telework.
4. Employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.

Note: An employer may limit the total SPSL taken for this QR to three (3) days unless the employee provides verification from a health care provider that the employee or family member is continuing to experience symptoms related to the vaccine or booster. The three-day period includes the time used pursuant to QR 3 to attend an appointment for a COVID-19 vaccine or booster.

5. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
6. Employee is caring for a family member who is subject to an order or guidance described in QR 1 or has been advised to isolate or quarantine as described in QR 2.
7. Employee is caring for a child⁴ whose school, place of care is closed or otherwise unavailable for reasons related to COVID-19 *on the premises*.

Upon written or oral request, an employer must make SPSL available for immediate use.

Note that employees who utilized their maximum amount of leave under the 2021 SPSL are eligible for this leave, as long as they qualify.

² The California Department of Industrial Relations clarified in relation to 2021 SPSL that the “order or guidelines must be specific to the covered employee’s circumstances. A general stay-at-home order would not count.” [DIR FAQs](https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html) (<https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html>)

³ “**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.

(Lab. C. 245.5(c), 248.2(b)((1)(F) – Healthy Families Healthy Workplaces Act Definitions)

⁴ See f.n. 1, paragraph 1. “Child” is not restricted by age or require that a child over 18 be incapable of self-care.



II. BANK TWO: SUPPLEMENTAL PAID SICK LEAVE BASED ON POSITIVE COVID-19 TEST (“PT-SPSL”)

A. From February 19, 2022, to September 30, 2022, employers with more than 25 employees must provide paid leave for an employee who is *unable to work or telework* for either of the following Positive Test Qualifying Reasons (“PT-QR”):

1. The employee tests positive for COVID-19, or
2. The employee’s “family member” for whom the employee is providing care tests positive for COVID-19.

An employer’s obligation to provide PT-SPSL is subject to documentation of testing as specified in Section II.B., below.

B. Documentation to Support PT-SPSL Claims

1. **Employee:**

Positive Test: An employer may require an employee to provide documentation of the employee’s positive test result. An employer is not required to provide PT-SPSL if the employee refuses to provide such documentation.

Note: An employer may also require the employee to (a) submit to a diagnostic test on or after the fifth day after the employee initially tested positive and (b) provide documentation of the diagnostic test results. Employer must make the diagnostic test available at no cost to the employee.

2. **Family Member:** If an employee requests PT-SPSL based on a family member’s positive test, employer may require the employee to provide documentation of the positive test results *before paying the additional leave.*
3. **Retroactive Claims:** Employees may request retroactive PT-SPSL for leave taken between January 1, 2022 and February 18, 2022. An employer may require an employee to provide documentation of a positive COVID-19 test during the relevant period for retroactive PT-SPSL and SPSL claims.

C. Exhaustion of SPSL is not required to qualify for PT-SPSL

Employees are not required to exhaust SPSL to qualify for PT-SPSL. The right use to PT-SPSL is based on the occurrence of a PT-QR and subject to documentation of a positive COVID-19 test.

III. RATE OF PAY and RETROACTIVE PAYMENTS

A. For Non-Exempt Employees



1. For employees who work a regular schedule; the employee's regular rate of pay for the week in which employee used SPSL or PT- SPSL, or
2. For employees who work at variable hours and/or variable rates; divide the employee's total wages (excluding OT pay) by the employee's total non-overtime hours worked in the full pay periods occurring within the prior 90 days of employment.

B. For Exempt Employees

Calculate SPSL and PT-SPSL compensation in the same manner as employer calculates wages for other forms of paid leave.

C. Compensation Cap for SPSL and PT- SPSL

1. Employers are not required to pay more than \$511/day or \$5,110 total for both SPSL and PT-SPSL.
2. An employee who has reached the compensation cap may elect to use other available paid leave to receive full compensation.

D. Retroactive SPSL and PT-SPSL Claims

1. Upon the oral or written request of an employee, employer must provide retroactive payment for SPSL / PT- SPSL on or before the payday for the next full pay period, or provide credit for other leave taken by the employee for a QR or PT-QR.
2. An employer may require an employee to provide documentation of a positive COVID-19 test during the relevant period for retroactive SPSL and PT-SPSL claims. See Sections II.B.1. and II.B.2., above.

IV. LEAVE ENTITLEMENTS / MAXIMUM ENTITLEMENT

Covered employees are eligible for one bank of hours for SPSL and a separate bank of hours for PT-SPSL. The maximum is a total of 40 hours of SPSL and 40 hours for PT-SPSL. An employee's specific entitlement is determined by employee's full-time or part-time status as described below.

A. For Full-Time Employees:

Forty (40) hours, if either: (1) the employer considers the employee to work full time, or (2) the employee worked or was scheduled to work, on average, at least 40 hours per week for the employer in the two weeks preceding the date the employee took leave.

B. For Part-Time Employees:

1. For a part-time employee with a "normal weekly schedule", the total number of hours the employee is normally scheduled to work in one week.
2. For a part-time employee with a "Variable Schedule of Hours" who has been:



- a. *Employed at least six months*, seven times the average number of hours the employee worked each day in the six months preceding the date the employee took leave for a QR or PT-QR;
- b. *Employed less than six months but more than seven days*, seven times the average number of hours the employee worked over the entire period of employment,
- c. *Employed seven or fewer days*, the total number of hours the employee has worked for the employer.

C. Right to Use SPSL and PT-SPSL

1. An employee may determine how many hours of SPSL or PT- SPSL to use up to the maximum entitlement.
2. An employer “shall...make [SPSL] available for immediate use..., upon the oral or written request of the ...employee to the employer.”
3. Payment for PT-SPSL is subject to documentation if requested by employer. (See Section II.B.)

D. Offset

If the employer made another supplemental benefit for leave taken on or after January 1, 2022 with compensation at least equal to what is required under **Section 248.6**, for any of the QRs and PT-QRs, the employer may count those hours toward the employee’s leave entitlement under **Section 248.6**. See Section IV.

Note, some schools entered into memoranda of understanding with their labor units extending the 2021 SPSL; this may qualify as an “offset” for the 2022 SPSL and PT-SPSL, if it was in effect on or after January 1, 2022, and provided compensation at least equal to what is set forth above. We encourage clients to contact legal counsel to discuss this further.

E. Interaction with other Available Leave

1. Exclusion Pay: SPSL and PT- SPSL does not limit an employer’s obligation to provide Exclusion Pay under the Emergency Temporary Standards (Title 8-ETS) when an employee contracts COVID-19 or has a workplace close contact.
2. Paid Sick Days: SPSL and PT- SPSL are in addition to an employee’s rights to Paid Sick Days under the Healthy Workplaces, Healthy Families Act.
3. An employer cannot require an employee to use other paid leave, including Paid Sick Days and Exclusion Pay, for a QR or PT-QR prior to using SPSL or PT- SPSL.



V. NOTICE REQUIREMENTS

A. General Notice – The state model notice is attached. Employers should display the notice conspicuously in the workplace and provide a copy to employees who do not frequent the workplace. Delivery by email is permissible.

B. Employee Notice of Leave Use

1. The employer must provide all employees with written notice that sets for the amount of SPSL and PT-SPSL they used through the pay period in which it was due to be paid.
2. The notice may be provided on an employee's itemized wage statement or in a separate writing provided on the designated pay date with the employee's payment of wages.
3. The employer must specify zero hours if the employee has not used any SPSL or PT-SPSL.
4. This notice requirement goes into effect the next full pay period (March, 2022) following the effective date of **Section 248.6**.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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2022 COVID-19 Supplemental Paid Sick Leave

Effective February 19, 2022



Covered employees in the public or private sectors who work for employers with 26 or more employees are entitled to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022, immediately upon an oral or written request to their employer, with up to 40 of those hours available only when an employee or family member tests positive for COVID-19.

A full-time covered employee may take up to 40 hours of leave if the employee is unable to work or telework for any of the following reasons:

- **Vaccine-Related:** The covered employee is attending a vaccine or booster appointment for themselves or a family member* or cannot work or telework because they have vaccine--related symptoms or are caring for a family member with vaccine-related symptoms. An employer may limit an employee to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects, unless a health care provider verifies that more recovery time is needed.
- **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- **Caring for a Family Member*:** The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

A full-time covered employee may take up to an additional 40 hours of leave if the employee is unable to work or telework for either of the following reasons:

- The covered employee tests positive for COVID-19
 - The covered employee is caring for a family member* who tested positive for COVID-19.
- * A family member includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

Part-Time covered Employees: Part-time covered employees may take as leave up to the amount of hours they work over two weeks, with half of those hours available only when they or a family member* test positive for COVID-19.

Payment: If an employee took leave for one of the reasons identified above between January 1, 2022 and February 19, 2022, and that leave was either unpaid or compensated at a rate less than the employee's regular rate of pay, the employee may also request a retroactive payment. Payment is at the employee's regular or usual rate of pay, not to exceed \$511 per day and \$5,110 in total.

Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited. A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the nearest district office by looking at the [directory on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.



2022 SPSL FAQs

2022 COVID-19 Supplemental Paid Sick Leave provides covered employees up to 80 hours of COVID-19 related paid leave, with up to 40 of those hours for isolation & quarantine, receiving vaccines, and caring for a child whose school or place of care is closed and up to an additional 40 of those hours available only when an employee, or family member for whom the employee provides care, tests positive for COVID-19.

- [General Questions](#)
- [Reasons for Taking Leave](#)
- [Start Date and End Date](#)
- [Requesting Leave from An Employer](#)
- [Calculating an Employee's Hours of Leave](#)
- [Permissive Limits on Use and Verification](#)
- [Credits](#)
- [Payment of Leave, Record-Keeping, and Paystubs](#)
- [Enforcement](#)
- [Relation to Other Laws](#)

General Questions

1. Which employers are covered by the new 2022 COVID-19 Supplemental Paid Sick Leave law?

All employers, public or private, with 26 or more employees are covered, including those with collective bargaining agreements.

2. Which employees are covered by this new law?

Covered employees are those who cannot work or telework due to the reasons listed below in FAQ 4. Under the 2022 COVID-19 Supplemental Paid Sick Leave law, covered employees are entitled to paid sick leave that is **in addition to** leave that was provided under previous laws which expired on September 30, 2021. See FAQ 35 for more information on these other laws (the federal Families First Coronavirus Response Act and the 2020 and 2021 COVID-19 Supplemental Paid Sick Leave laws).

3. Does COVID-19 Supplemental Paid Sick Leave apply to independent contractors?

No. Similar to 2021 COVID-19 Supplemental Paid Sick Leave, 2022 COVID-19 Supplemental Paid Sick Leave does not apply to independent contractors. However, any worker who has been [misclassified as an independent contractor](#) but is in fact an employee, and otherwise qualifies under the new law, is entitled to 2022 COVID-19 Supplemental Paid Sick Leave.

Reasons for Taking Leave

4. What are the circumstances that allow a covered employee to take 2022 COVID-19 Supplemental Paid Sick Leave?

2022 COVID-19 Supplemental Paid Sick Leave provides for two separate banks of leave, each of up to 40 hours.

The first bank of COVID-19 Supplemental Paid Sick Leave, up to 40 hours, is available to

covered employees unable to work or telework due to any one of the following reasons:

- **Caring for Yourself:** The covered employee is subject to a quarantine or isolation period related to COVID-19 (see note below), or has been advised by a healthcare provider to quarantine due to COVID-19, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- **Caring for a Family Member:** The covered employee is caring for a family member who is either subject to a quarantine or isolation period related to COVID-19 (see note below) or has been advised by a healthcare provider to quarantine due to COVID-19, or the employee is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises. See FAQ 6 for the definition of family member and child.
- **Vaccine-Related:** The covered employee or a qualifying family member is attending a vaccine appointment or cannot work or telework due to vaccine-related side effects.

NOTE: The quarantine or isolation period related to COVID-19 is the period defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace.

The second bank of COVID-19 Supplemental Paid Sick Leave, up to 40 hours, is available only if an employee or a family member for whom they are providing care tested positive for COVID-19.

As detailed below in FAQs 15-16, covered employees can receive up to 40 hours of each type of leave, for a potential total of up to 80 hours.

5. What does it mean for a child’s school or place of care to be closed or unavailable due to COVID-19 on the premises?

This means that a child’s classroom in school or place of care was closed on or after January 1, 2022, due to a concern that a person who had been present on the school or daycare premises was exposed to, or had contracted, COVID-19. This does not include caring for a child whose school or daycare was closed before January 1, 2022. If the school or daycare was closed on or after January 1, 2022, it must have been due to a closure, or partial closure, making the care unavailable due to COVID-19 on the premises.

6. How are “family member” and “child” defined under 2022 COVID-19 Supplemental Paid Sick Leave?

Like 2021 COVID-19 Supplemental Paid Sick Leave, a family member includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

A child can include 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.

7. Is a covered employee eligible for 2022 COVID-19 Supplemental Paid Sick Leave if someone with whom the covered employee lives is exposed, experiences symptoms, or is diagnosed with COVID-19?

A covered employee is eligible for COVID-19 Supplemental Paid Sick Leave if the employee is caring for a family member whom a medical professional has recommended to stay home due to COVID-19; or caring for a family member who is subject to a COVID-19 related quarantine or isolation period as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the family member’s workplace; or if the employee themselves is subject to such an order due to COVID-19 exposure.

8. Does being subject to a general stay-at-home order mean that a covered employee is “subject to a quarantine or isolation period related to COVID-19 as defined by an order or

guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the workplace"?

No. The order or guidance must be specific to the covered employee's circumstances. A general stay-at-home order would not count. For example, guidance or an order of a local public health officer that directs individuals who live with someone who has COVID-19 to quarantine themselves would satisfy the eligibility requirement for taking 2022 COVID-19 Supplemental Paid Sick Leave.

9. How does a covered employee know if a quarantine or isolation period related to COVID-19 applies to their circumstance?

For general guidance on applicable isolation and quarantine periods, please see [CDPH](#). These are the guidelines that would apply to determine whether and for how long a family member would need to isolate or quarantine.

For guidance on when an employee may be required to isolate or quarantine from the workplace, please see the isolation and quarantine periods in the chart in the following link to [Division of Occupational Safety and Health \(Cal/OSHA\) FAQs on the Emergency Temporary Standards](#).

The guidance may be subject to change. Therefore, it is necessary to determine which isolation and quarantine periods were in effect during any period when leave is or was sought for one of the reasons identified in FAQ 4. At the time these FAQs were prepared, generally, all symptomatic individuals must isolate after exposure to COVID-19. If a covered employee was exposed but has no symptoms and has not tested positive, the quarantine period will depend on vaccination status.

In addition to these isolation and quarantine periods, an employee experiencing symptoms of COVID-19 and seeking a medical diagnosis would be entitled to leave.

Start Date and End Date

10. What time period does 2022 COVID-19 Supplemental Paid Sick Leave Cover?

January 1, 2022 through September 30, 2022. Although the law was signed on February 9, 2022, the requirement for an employer to provide 2022 COVID-19 Supplemental Paid Sick Leave does not start until February 19, 2022. Beginning on February 19, 2022 the requirement to provide 2022 COVID-19 Supplemental Paid Sick Leave is retroactive to January 1, 2022, which means that covered employees who took **qualifying leave between January 1, 2022 and February 19, 2022**, can request payment for that leave if it was not paid by the employer in the amount that is required under this law.

- FAQ 13 below describes how a covered employee may request this "retroactive" payment.
- FAQs 15-18 below describe how many hours of 2022 COVID-19 Supplemental Paid Sick Leave covered employees can take, and FAQ 30 describes how much they must be paid for taking this leave.

The requirement to provide 2022 COVID-19 Supplemental Paid Sick Leave will end on September 30, 2022. If the law expires while a covered employee is taking this leave, the employee can finish taking the amount of 2022 COVID-19 Supplemental Paid Sick Leave they are entitled to receive.

11. When must an employer begin paying COVID-19 Supplemental Paid Sick Leave to covered employees?

Employers have a 10-day grace period after the signing of the law to begin providing 2022 COVID-19 Supplemental Paid Sick Leave. This means that employers are required to provide this leave beginning on February 19, 2022.

- Starting on February 19, 2022, when employers must begin providing 2022 COVID-19 Supplemental Paid Sick Leave, the requirement to provide this leave is retroactive to January 1, 2022. This means that covered employees who took **qualifying leave**

between January 1, 2022 and February 19, 2022, can request payment for that leave if it was not paid by the employer in the amount that is required under this law. FAQ 13 below describes when an employer must provide this “retroactive” payment.

- FAQs 15-18 below describe how many hours of 2022 COVID-19 Supplemental Paid Sick Leave that a covered employee can take, and FAQ 30 describes how much an employer must pay the employee for taking this leave.

For 2022 COVID-19 Supplemental Paid Sick Leave taken by a covered employee **on or after February 19, 2022**, the employer must provide payment by the payday for the next regular payroll period after the sick leave was taken.

Requesting Leave from An Employer

12. When does an employer have to make the 2022 COVID-19 Supplemental Paid Sick Leave available to a covered employee?

Immediately upon the oral or written request of the covered employee to the employer. Payment may be conditioned upon proof in certain circumstances described in FAQs 14 and 19-20.

13. How does a covered employee request “retroactive” 2022 COVID-19 Supplemental Paid Sick Leave for leave taken between January 1, 2022 and February 19, 2022?

If the covered employee took leave between January 1, 2022 and February 19, 2022, for qualifying reasons under this new law (see FAQ 4), but was not paid for this leave in the amount required under this law (see FAQs 15-18, 30), then the covered employee has the right to ask the employer for a “retroactive” payment equal to the amount required.

The requirement to provide “retroactive” 2022 COVID-19 Supplemental Paid Sick Leave does not start until February 19, 2022. This “retroactive” payment is only required if the covered employee makes an oral or written request to be paid for leave that qualifies (as described above).

For example, if a covered employee had to take two hours off for a vaccine appointment on January 15, 2022, the employee can make an oral or written request to the employer to be paid for that time off in January, because it is a qualifying reason for taking 2022 COVID-19 Supplemental Paid Sick Leave. The oral or written request must be made on or after February 19, 2022. A request made before February 19 does not count. If an employee is unable to make the request themselves or has difficulty locating an employer to provide proper notice, they may contact the Labor Commissioner’s Office, which may be able to provide assistance.

After the employee makes the request, the employer will have until the payday for the next full pay period to pay the “retroactive” 2022 COVID-19 Supplemental Paid Sick Leave. On that payday, the employer must also provide accurate notice on the itemized wage statement of how many 2022 COVID-19 Supplemental Paid Sick leave hours have been used by the covered employee.

14. Can an employer require documentation if an employee is requesting retroactive pay for the 2022 COVID-19 Supplemental Paid Sick Leave that is available only if the employee or qualifying family member was positive for COVID-19?

Yes, if the employee is requesting retroactive pay for leave that is available only if the employee or qualifying family member was positive for COVID-19, an employer may request documentation. This documentation could include, among other things, a medical record of the test result, an e-mail or text from the testing company with the results, a picture of the test result, or a contemporaneous text or e-mail from the employee to the employer stating that the employee or a qualifying family member tested positive for COVID-19.

If retroactive payment is being sought from the hours that an employee may use for any other qualifying reason, please see **FAQs 19-20** below concerning requesting documentation under the statute in general.

Calculating an Employee's Hours of Leave

15. How much 2022 COVID-19 Supplemental Paid Sick Leave is a full-time covered employee entitled to receive?

A covered employee who is considered full-time or who worked or was scheduled to work an average of at least 40 hours per week in the two weeks before the leave is taken is entitled to up to 80 hours of leave, comprised of 40 hours of COVID-19 Supplemental Paid Sick Leave for any of the reasons stated above in FAQ 4 and an additional 40 hours if the covered employee or qualifying family member tests positive for COVID-19.

16. Do you have to exhaust the one week of COVID-19 paid sick leave that can be used for any qualifying reason before using the one week reserved for when an employee or qualifying family member tests positive for COVID-19?

No. The two weeks do not need to be consecutive, and exhaustion of one is not required before using another.

For example, a full-time covered employee can use 10 hours from the first bank to receive a COVID-19 vaccine booster shot and recover from symptoms, 40 hours from the second bank to care for a family member that tested positive for COVID-19, and then 30 hours from the first bank to care for a child whose daycare had closed due to COVID-19 on the premises

17. If I am an active firefighter, am I limited to 80 hours of 2022 COVID-19 Supplemental Paid Sick Leave?

No. Under this law, active firefighters can take as many hours as they were scheduled. The law limits the amount paid to the maximum of \$511 per day or \$5,110 in total.

18. How do you calculate the leave entitlement for a part-time covered employee who does not have a set schedule?

Below are the two methods to calculate the entitlement for part-time covered employees for each bank of leave.

- **Part-Time Covered Employees with Variable Schedules Who Have Worked For an Employer Over a Period of More Than 7 Days.**

For such a part-time covered employee who works variable hours, the covered employee may take seven times the average number of hours the covered employee worked each day for the employer in the six months preceding the date the covered employee took 2022 COVID-19 Supplemental Paid Sick Leave. If the part-time covered employee has worked for the employer for fewer than six months, this calculation would be done over the entire period that the covered employee has worked for the employer. If the variable schedule calculation results in an average work schedule of at least 40 hours per week, the variable-scheduled covered employee would be considered full time and entitled to 40 hours of leave because the laws require the employer to pay 40 hours of 2022 COVID-19 Supplemental Paid Sick Leave to a covered employee it properly considers full time, but does not require payment for more than 40 hours. Part-time covered employees are also entitled to the additional one week of paid leave under the circumstances described in FAQ 4.

In calculating the average number of hours worked by a part-time covered employee with a variable schedule over the past six months, the figure is determined based on the total number of days in the 6-month period, not just the number of days worked. Below is an example using a 6-month period that contains a total of 182 days (26 weeks):

Total Number of Hours Worked During 6-Month Period	520 hours
Total Number of Days in 6-Month Period	182 days

Average Number of Hours Worked Each Day in 6-Month Period	520 hours ÷ 182 days = 2.857 hours
2022 COVID-19 Supplemental Paid Sick Leave Entitlement	2.857 x 7 = 20 hours

- **Part-Time Covered Employees with Variable Schedules Who Have Worked For an Employer for a Period of 7 Days or Fewer.**

A covered employee who is newly hired (*i.e.*, hired 7 days before or less) and works variable hours will be entitled to the number of 2022 COVID-19 Supplemental Paid Sick Leave hours that they have worked in the preceding week.

Below is an example of the calculation where such a new covered employee has worked for a total of two days—one day for 1 hour and a second day for 6 hours over the past week:

Total Number of Hours Worked During the One-Week Period	7 hours
Total Number of Days in a One-Week Period	7 days
Average Number of Hours Worked Each Day in the One-Week Period	7 hours ÷ 7 days = 1 hours
2022 COVID-19 Supplemental Paid Sick Leave Entitlement	1 hours x 7 = 7 hours

Permissive Limits on Use and Verification

19. Can an employer require certification from a health care provider before allowing a covered employee to take the leave when the request is for a qualifying reason?

Generally, no. An employer may not deny a worker 2022 COVID-19 Supplemental Paid Sick Leave based solely on a lack of certification from a health care provider. A covered employee is entitled to take 2022 COVID-19 Supplemental Paid Sick Leave immediately upon the covered employee's oral or written request. The leave is not conditioned on medical certification.

Although an employer cannot deny 2022 COVID-19 Supplemental Paid Sick Leave solely for lack of a medical certification, it may be reasonable in certain circumstances to ask for documentation before paying the sick leave when the employer has other information indicating that the covered employee is not requesting 2022 COVID-19 Supplemental Paid Sick leave for a valid purpose. In any such claim, the reasonableness of the parties' actions will inform the outcome of the claim.

For example, if a covered employee informs an employer that the covered employee is subject to a local quarantine order or recommendation, has to stay home, and qualifies for 2022 COVID-19 Supplemental Paid Sick Leave, but the employer subsequently learns that the covered employee was out at a ballpark, the employer could reasonably request documentation.

20. Does the 2022 COVID-19 Supplemental Paid Sick Leave law address specific situations in which an employer may request documentation before paying the employee?

Yes, in several situations.

First, the 2022 COVID-19 Supplemental Paid Sick Leave law permits the employer to seek

documentation before paying an employee if an employee is using the COVID-19 Supplemental Paid Sick Leave that is only available after a positive test. In such circumstances, the employee must provide the test results upon the reasonable request of the employer. If the employee fails to provide the result of the test, then the employer may deny pay for any leave taken.

Second, when an employee uses more than three days or 24 hours for a single vaccine appointment and recovery from any related side effects, an employer may seek medical certification that the employee required more time to recover from those side effects. Medical certification in this context would likely be a note from a health care provider that the employee or family member continued to have vaccine side effects. See FAQ 23 below. Finally, when seeking retroactive pay, please see FAQ 14.

21. Is a particular type of COVID-19 diagnostic test required in order to qualify for leave based on having a positive test result?

No. An employee may take an over-the-counter rapid test (Antigen) or a test that is scheduled at a testing facility. The law does not specify type of test and does not place conditions on how the test is administered in order to qualify for leave.

22. Can the employer require an employee to get a COVID-19 test under the 2022 COVID-19 Supplemental Paid Sick Leave law?

Yes, in certain circumstances. The 2022 COVID-19 Supplemental Paid Sick Leave law provides that an employer may require a test after 5 days have passed since the employee tested positive for COVID-19. If the employee fails to take such a test required by the employer, the employer may deny pay for any leave taken after the time the employer provides the test. Any test required by the employer must be made available by the employer and at no cost to the employee. Making a test available means ensuring the employee has a rapid test in hand or securing an appointment at a testing facility for the employee. A test has not been made available by the employer if it has not been received by the employee.

23. Is an employer permitted to limit an employee to use 3 days or 24 hours of COVID-19 Supplemental Paid Sick Leave for the employee or a qualifying family member receiving a vaccine or vaccine booster and recovery from any related side effects?

Yes. If a covered employee requests leave to obtain a vaccine or a vaccine booster for themselves or for a qualifying family member and the time for getting the vaccine or vaccine booster combined with the time while the covered employee or qualifying family member is experiencing side effects exceeds three days or 24 hours of leave, the employer may require verification from a health care provider. This means that an employer may limit the leave taken to get a vaccine or a vaccine booster to three days or 24 hours unless the employee provides verification.

Medical verification in this context would likely be a note from a health care provider that the employee or family member continued to have vaccine side effects.

24. Can a covered employee use more than three days or 24 hours of leave if they or a family member for whom they are providing care receive more than one vaccine or vaccine boosters over the period the law is in effect?

Yes, the limitation applies to each vaccine or vaccine booster that the employee or their family member receives. For example, if a full-time covered employee received a vaccine booster the employee can use up to three days or 24 hours of leave from the 40 hours of leave that is available for this use. If the covered employee's child then has a vaccine appointment and the covered employee has not used leave from this bank for another allowed use, the employee has 16 hours of leave left that can be used for obtaining the vaccine for the child and for time needed to care for the child if any side effects require such care.

Credits

25. If an employer makes a “retroactive” payment as requested by the covered employee (see FAQ 11) on or after February 19, 2022 to a covered employee for leave taken before the date the 2022 COVID-19 Supplemental Paid Sick Leave law becomes effective, then does the employer receive any credit towards the requirement to provide 2022 COVID-19 Supplemental Paid Sick Leave?

Yes, the number of hours of leave corresponding to the amount of the retroactive payment counts toward the total number of hours of 2022 COVID-19 Supplemental Paid Sick Leave that the employer is required to provide to the covered employee (see FAQs 15-18), under the following circumstances:

- The retroactive payment is for leave taken by the covered employee between January 1, 2022 and February 19, 2022.
- The leave taken by the covered employee was for one of the qualifying reasons under the 2022 COVID-19 Supplemental Paid Sick Leave law (see FAQ 4), and
- The retroactive payment by the employer pays the covered employee the amount required under the 2022 COVID-19 Supplemental Paid Sick Leave law (see FAQs 15-18, 30).

26. If an employer voluntarily pays another supplemental benefit for COVID-19 related sick leave, including for leave that was taken before the 2022 COVID-19 Supplemental Paid Sick Leave law became effective, then may the employer receive a credit toward the requirements in the new 2022 COVID-19 Supplemental Paid Sick Leave law?

Yes, as long as the payment meets the requirements in the law. For example, an employer may have already voluntarily provided a covered employee with other COVID-19 related paid sick leave between January 1, 2022, and February 19, 2022. For an employer to receive a credit for those sick leave hours that the employer voluntarily paid, the following must apply:

- The leave taken by the covered employee and paid by the employer must have been for one of the qualifying reasons under the 2022 COVID-19 Supplemental Paid Sick Leave Law (see FAQ 4);
- To pay for this other supplemental benefit, the employer did not require the covered employee to use any other paid leave or paid time off available to the employee under a policy that is not specific to COVID-19, or vacation time; and
- The employer paid for the leave taken at a rate equal to or greater than what is required under the 2022 COVID-19 Supplemental Paid Sick Leave law (see FAQs 15-18, 30).
 - If the employer paid for the leave taken at a lesser rate than what is required under the 2022 COVID-19 Supplemental Paid Sick Leave law, then the employer may voluntarily make a retroactive payment to make up the difference between what was paid and what is required under the 2022 COVID-19 Supplemental Paid Sick Leave law, or must make the payment if a covered employee makes a written or oral request for it on or after February 19, 2022. If the employer chooses to voluntarily make a retroactive payment, the employer must make the decision whether or not to seek the credit and make payment to the worker on the payday for the first full pay period after February 19, 2022. This is because the employer must provide accurate notice on the itemized wage statement or separate writing of how many 2022 COVID-19 Supplemental Paid Sick leave hours worker has used on the payday for the first full pay period after February 19, 2022. The employer therefore must pay to the worker the difference between what was paid and what is required by the California 2022 COVID-19 Supplemental Paid Sick Leave law by that payday.

27. Can an employer count the COVID-19-related supplemental paid sick leave provided pursuant to a local paid sick leave ordinance toward 2022 COVID-19 Supplemental Paid Sick Leave under California law?

Yes. For example, if an employer provides a full-time covered employee 40 hours of COVID-19-related supplemental paid sick leave pursuant to a local ordinance, those 40 hours would count toward the employer’s obligations under the 2022 COVID-19

Supplemental Paid Sick Leave law, so long as the leave provided is for a reason listed under the 2022 COVID-19 Supplemental Paid Sick Leave law and is at least at the same rate of pay as this law requires.

28. If a local law requires COVID-19 supplemental paid sick leave to be paid at a rate different from that required under California law, which rate must an employer use?

California law sets minimum requirements for 2022 COVID-19 Supplemental Paid Sick Leave and does not override local requirements for such leave. Thus, if an employer must provide COVID-19-related supplemental paid sick leave pursuant to a local law (and intends for that sick leave to count toward the requirements of California law), the employer must provide leave at a rate of pay that would ensure compliance with both the local law and California law, which would be the higher of the rates required. If an employer is uncertain as to how to calculate pay under a local ordinance, the employer should contact the relevant local jurisdiction for guidance.

29. If a covered employee used another type of leave, can the covered worker get that leave credited back and the leave taken for a purpose under the new law debited?

Yes, the new law is explicit in stating that if an employee was fully paid, but leave for the absence was deducted from another leave bank that the employer provides, the employee may request that leave be restored and the deduction be made in a corresponding amount from the employee's 2022 SPSL leave bank. The decision to restore used time is the employee's decision.

Payment of Leave, Record-Keeping, and Paystubs

30. At what wage rate must 2022 COVID-19 Supplemental Paid Sick Leave hours be paid?

For each hour of 2022 COVID-19 Supplemental Paid Sick Leave that a non-exempt covered employee is entitled to receive, the employee must be paid one of the following:

- The employee's regular rate of pay for the workweek in which the leave is taken
- A rate calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total non-overtime hours worked in the full pay periods of the prior 90 days of employment, provided that, for nonexempt employees paid by piece rate, commission or other method that uses all hours to determine the regular rate of pay, non-overtime wages shall be divided by all hours

2022 COVID-19 Supplemental Paid Sick Leave for exempt covered employees must be calculated in the same manner as the employer calculates wages for other forms of paid leave time.

An employer is not required to pay more than \$511 per day and \$5,110 in the aggregate to a covered employee for 2022 COVID-19 Supplemental Paid Sick Leave taken by the covered employee, but the covered employee may utilize other paid leave that may be available in order to receive what they would normally earn if the cap is reached.

31. Should 2022 COVID-19 Supplemental Paid Sick Leave be listed separately from regular Paid Sick Leave on the itemized paystub or separate writing at the time wages are paid?

Yes. The 2022 COVID-19 Supplemental Paid Sick Leave law is clear that the obligation to provide COVID-19 Supplemental Paid Sick Leave is in addition to regular paid sick leave. The itemized wage statement or separate writing requirement ensures covered employees understand how many separate hours they have used for 2022 COVID-specific sick leave. The 2022 SPSL differs from 2021 SPSL in that the paystub must list what has been used instead of what is available to use. If no hours have yet been used then the paystub or other writing issued at the time wages are paid must indicate 0.

In addition, Labor Code Section 247.5 requires that records be kept for a three-year period on regular paid sick days and 2022 COVID-19 Supplemental Paid Sick days accrued and used, and that the records be made available to the Labor Commissioner or employee upon request.

Enforcement

32. What notice must employers provide to covered employees about 2022 COVID-19 Supplemental Paid Sick Leave under California law?

Under California law, employers are required to display the [required poster](#) about 2022 COVID-19 Supplemental Paid Sick Leave in a place at the worksite where employees can easily read it.

If an employer's covered employees do not frequent a workplace, the employer may satisfy the notice requirement by disseminating notice through electronic means.

33. Where can a covered employee file a claim if the covered employee was not allowed to use or was not paid for 2022 COVID-19 Supplemental Paid Sick Leave?

The covered employee may [file a claim](#) or a [report of a labor law violation](#) with the Labor Commissioner's Office, the state agency charged with enforcement.

34. What rights does a covered employee have if the covered employee suffers retaliation, like getting fired, for using paid sick leave under local, state or federal law?

Covered employees using or attempting to exercise their rights to 2022 COVID-19 Supplemental Paid Sick Leave, including both the right to paid leave and other rights such as timely payment and written notice of available leave, are protected from retaliation under Labor Code section 246.5(c). In addition, other labor laws enforced by the Labor Commissioner may protect covered employees from retaliation in this situation. Covered employees should seek assistance from the Labor Commissioner's Office if they have questions about retaliation or want to file a retaliation complaint.

Relation to Other Laws

35. Is 2022 COVID-19 Supplemental Paid Sick Leave different than the COVID-related paid sick leave that employers provided under the federal Families First Coronavirus Response Act (FFCRA) or the California COVID-19 Supplemental Paid Sick Leave laws in 2020 and 2021?

Yes. Both the FFCRA emergency paid sick leave and the 2020 California Supplemental Paid Sick Leave laws expired on December 31, 2020. The 2021 California Supplement Paid Sick Leave law expired on September 30, 2021. The new 2022 COVID-19 Supplemental Paid Sick Leave law allows covered employees to take up to 40 hours of COVID-19 related sick leave during the period January 1, 2022 to September 30, 2022, regardless of whether they took leave under the previous laws. Employees may be able to take up to an additional 40 hours as discussed in [FAQ 4](#).

36. Can an employer require that an employee use 2022 COVID-19 Supplemental Paid Sick Leave when they have excluded an employee for workplace exposure to COVID-19 as required by the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards?

No. When an employee is excluded by their employer and entitled to exclusion pay ([Exclusion Pay FAQ link](#)), an employer may not require the use of 2022 COVID-19 Supplemental Paid Sick Leave before providing exclusion pay. This is a change from the 2021 SPSL law, which did allow an employer to require an employee to exhaust SPSL before providing exclusion pay.

37. Can an employer use state disability insurance (SDI) to meet its obligation to provide COVID-19 Supplemental Paid Sick Leave?

No. Employers subject to the COVID-19 Supplemental Paid Sick Leave law cannot require covered employees to use SDI before or in lieu of 2022 COVID-19 Supplemental Paid Sick Leave.

A covered employee may apply, however, for SDI after taking the 2022 COVID-19 Supplemental Paid Sick Leave to which the covered employee is entitled. The Employment Development Department (EDD) administers SDI, which provides benefits that are approximately 60-70 percent of wages for eligible employees who are unable to work because they are sick or subject to an isolation or quarantine order or guidance. [More information on SDI](#) is posted on EDD's website.

Leave Entitlements(Hours vs. Days): The 2022 SPSL granting will be done in hours.

Employees who are considered full time are entitled to 40 hours per each bank(80 hours total). For each "bank" a six-hour per day full time employee would be entitled to 40 hours divided by 6 hours/day. This would equal 6.66 days total of leave. A seven-hour per day full time employee would be entitled to 5.71 days of leave. This will be tracked on an hourly basis.

Temporary Employees: The new law is intended to protect "the economic well-being of covered employees" who took leave for specified reasons related to COVID-19 and in light of the variable schedule provisions in Labor Code section 248.6, SPSL applies to workers who have been employed on a very limited basis - seven or fewer days.

A leave replacement teacher(temporary) and a long term substitute would be covered. If a substitute is expected to work from time to time, they would also be covered. A substitute who is called on occasion from a substitute listing but is not expected to report to work on any particular day would not be covered.

It is recommended to reach out to your legal department if you have more clarifying questions about who is covered at your LEA.

Carryover and Expiration of 2022 SPSL: SPSL from 2021 does not carry over to 2022(This leave expired on September 30, 2021). SPSL for 2022 expires on September 30, 2022 unless the SPSL leave starts right before this date. See below:

The new SPSL for 2022 has an expiration date of September 30, 2022. If a covered employee has a qualifying reason and is taking SPSL beginning on Wednesday, September 28, 2022. This employee would be entitled to take his/her full entitlement of SPSL (up to 40 hours for a full time employee), notwithstanding the expiration date of September 30, 2022. Assuming an eight-hour day for this example, the employee would take September 28, 29, and 30, 2022, Wednesday through Friday, as SPSL. If the employee is unable to return to work on Monday, October 3, for the same qualifying reason, the employee would be entitled to take the remaining two days of SPSL on October 3 and 4, even though the new SPSL law expired on September 30, 2022.

Granting SPSL: LEAs will need to make a decision as to how they want to track SPSL. (Through Escape/on pay stub or through a separate document)

It is important to note that if an employee has used zero hours of the new SPSL, it is a requirement to show this zero hours on the paystub or provide employees with a separate document handed out at the same time paychecks are issued showing zero hours used. Employees need to be notified of their balance and usage either on their pay stub or on a separate document. If your LEA is interested in putting this on the pay stub, you will need to grant the SPSL upfront or the zero balance will not show under usage.



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Announcements

Circular Letter

January 26, 2022

Circular Letter: 200-015-22

Distribution: IV, V, VI, X, XII, XVI

To: All CalPERS Employers
Subject: New Service Prior to Membership Automation and Certification Features

Purpose

The purpose of this Circular Letter is to inform you of recent system enhancements to the Service Prior to Membership (SPM) automation and certification process.

SPM Request & Election Process

Based on feedback from our members and employers, we continue to make improvements to the online service credit purchase process. This includes adding automation for the SPM cost type and improving the employer certification process.

When an employee requests to purchase SPM, the primary payroll contact will receive an email notification to complete the employer certification in [myCalPERS](#). Once the certification is complete, the employee will receive an email to review their SPM cost and can electronically elect to purchase the service credit. These automated processes for a member to request, elect, and pay for a service credit purchase are secure, convenient, and entirely paperless through their myCalPERS account.

Enhanced Employer Certification Features

Employee Contact Information

The employee's name and phone number will now display in the **Employment Information** panel, so you can reach out directly if you have questions regarding the request.

Employer '**Withdraw Certification Request**' Button

A new feature has been added to allow you to withdraw a certification. This only applies if the certifying officer initiated the request (i.e., not initiated by the employee via myCalPERS), and it is in the **Requested or In Progress** status. A withdrawal can be made by selecting the **Withdraw Certification Request** button in the **Certification** panel. Once the button is selected, the request will be canceled. The same employer contact who created the certification must withdraw it.

Employer Reject

A new panel has been added that requires you to select the reason for rejection of an employee's request. This allows the employee to view a detailed description of the reason for the rejection in their myCalPERS account. The rejection reasons include:

- No employment records; Employee never worked for the agency
- Incorrect service credit purchase request type
- No payroll records, purged records, records unavailable, damaged, or destroyed
- Duplicate request; Same period already requested or submitted for review
- Requested SPM service period previously purchased
- Member withdrew the service credit purchase request

New Error Message

An error message will display if the service period reported is outside the employment period dates. The certification cannot be submitted unless the service period dates and employment period dates match.

Collective Bargaining Unit (CBU)/Class Codes

For state and CSU employers, the CBU and class code fields are now required. If you enter a class code that is excluded, an error message will appear.

Reminders & Resources

When reporting employer certification and payroll details, ensure that:

- Payroll after any retroactive salary adjustments is reported separately to avoid overstating the service credit available to purchase
- Overtime hours are reported on the same line as the regular payroll in the overtime box (earnings do not need to be reported for overtime)
- Pay rate, earnings, and hours are reported as zero (0) if the participant didn't work during a pay period that falls within the service period requested
- Certification is completed timely, within 30-days of the member's request date

Refer to [myCalPERS Student Guides](#), which have been updated with this new functionality. Encourage your employees to [register for](#) and/or log in to [myCalPERS](#). Benefits of service credit purchases and other resources are available on our [website](#).

Questions

If you have any questions about the information provided in this Circular Letter, contact the CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

Donald R. Martinez, Chief
Member Account Management Division