



## 2022 COVID-19 Supplemental Paid Sick Leave Act (“2022 SPSLA”) FREQUENTLY ASKED QUESTIONS (FAQs) FACT SHEET

### 1. Which District employees are covered by the 2022 SPSLA and are eligible to use 2022 SPSL Benefits?

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 specified by the 2022 SPSLA.

### 2. What are the circumstances that allow a covered employee to use 2022 SPSL benefits?

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

**Caring for Yourself:** The covered employee is subject to a quarantine or isolation order period related to COVID-19; and/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; or is attending a COVID-19 vaccine/booster appointment and/or cannot work or telework due to vaccine-related symptoms.

**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 and/or has been advised by a healthcare provider to quarantine due to COVID-19; or is attending a COVID-19 vaccine/booster appointment and/or experiencing vaccine-related symptoms.

**Caring for a Child:** The covered employee is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

#### Category 2 – COVID-19 Positive Test Result

**Caring for Yourself:** The covered employee tests positive for COVID-19

**Caring for a Family Member:** The covered employee is caring for a family member who tests positive for COVID-19

### 3. How much time is a covered employee entitled to receive under the 2022 COVID-19 SPSLA?

Full-time Employees are entitled to forty (40) hours per Category for a total of eighty (80) 2022 SPSL benefit hours. Part-time Employees are entitled to the number of 2022 SPSL benefit hours equivalent to the total number of hours a covered employee is normally scheduled to work over a period of one (1) workweek for each Category. Variable Schedule Employees are entitled to the number of 2022 SPSL hours equivalent to seven (7) times the average number of hours worked each day based on a defined period.

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 of 2022 SPSL benefits effective January 1, 2022, and expiring on September 30, 2022.

### 4. What percentage of pay does a covered employee receive under the 2022 COVID-19 SPSLA and how are 2022 SPSL benefits calculated?

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.

Employees requesting an adjustment to previously used benefitted time paid at 100% and requesting a “retroactivedesignation” will not receive additional pay, but will receive credit to the employee’s bank of benefitted time.

#### 5. What are the absence codes or pay codes used to time report 2022 SPSL benefits?

“SPSL” is the absence code or pay code used to time report 2022 SPSL benefits for Category 1 reasons.

“SPBN” is the absence code or pay code used to time report 2022 SPSL benefits for Category 2 reasons.

These codes can be reported for up to 100% of the covered employee’s daily assigned hours. 2022 SPSL benefits can be taken in smaller blocks of time consistent with other time reporting increments of time.

For employees eligible for and entitled to average paid time (APT), the 2022 SPSL absence codes can be time reported for up to 100% of the employee’s APT time.

#### 6. How does a covered employee request 2022 SPSL benefits?

A covered employee must make an oral or written request to their site administrator or designee to use 2022 SPSL benefits for purposes consistent with the 2022 COVID-19 SPSLA. An oral or written request for 2022 SPSL benefits must be documented on the “Certification/Request of Absence 2022 COVID-19 SPSLA” (Certification of Absence). Certification of Absence forms are maintained at the covered employee’s worksite.

#### 7. How does an employee request “retroactive” 2022 SPSL benefits for leave taken on or after January 1, 2022?

A covered employee should make an oral or written request by contacting their site administrator and completing the 2022 SPSLA Absence Certification Request form which can be found on the Payroll Administration website under Payroll Forms.

Upon approval of the request, the District shall provide the covered employee with a retroactive designation of the employee’s previously utilized illness, personal necessity, Kin Care, non-working days (PNWD), substitute/temporary absence (SBTM), and/or vacation time, resulting in a credit to the employee’s bank of benefited time.

If the covered employee entitled to 2022 SPSL benefits did not previously receive compensation in an amount equal to or greater than what is specified under the 2022 COVID-19 SPSLA, the District shall provide the covered employee with a retroactive designation that provides such compensation.

#### 8. Must a covered employee have or use their own benefited time under the 2022 COVID-19 SPSLA?

No. 2022 SPSL benefits are in addition to the covered employee’s own illness, personal necessity, Kin Care, vacation, paid non- working days (PNWD), and/or substitute/temporary absence (SBTM) benefited time. The District may not require a covered employee to use any other paid or unpaid leave or benefited time before using 2022 SPSL benefits under the 2022 COVID-19 SPSLA.

#### 9. Does the 2022 COVID-19 SPSLA address specific situations in which an employer may request documentation before paying the covered employee?

Yes, in several situations.

First, the 2022 COVID-19 SPSLA permits the District to seek documentation before paying a covered employee if an employee is using COVID-19 SPSL that is only available after a positive test. In such circumstances, the covered employee must provide the test results upon the reasonable request of the site administrator or designee. If the covered employee fails to provide the result of the test, then the District may deny pay for any leave taken.

Second, when a covered employee uses more than 24 hours or 3 days for a single vaccine appointment and recovery from any related side effects, the District may seek medical certification that the covered employee requires more time to recover from those side effects.

10. 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.

11. Can 2022 SPSL benefits be used during periods such as Spring Recess, District Holidays, Unassigned Days, etc.?

No. Periods of time where an employee is not expected to work are not covered by 2022 SPSL benefits. A covered employee may use available 2022 SPSL benefits for a prescribed purpose, as outlined under the 2022 COVID-19 SPSLA, for time away during assigned hours of service only.

12. Can a covered employee take 2022 SPSL benefits if a family member with whom the covered employee lives is exposed, experiences symptoms, or is diagnosed with COVID-19?

Yes. A covered employee is eligible for 2022 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 guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the family member's workplace.

13. Can a covered employee use 2022 SPSL benefits to attend a COVID-19 test appointment for a family member?

No. 2022 SPSL benefits cannot be used for COVID-19 test appointments.

14. How much 2022 SPSL time is allowed for a vaccination/booster appointment and/or reaction to the vaccine/booster?

A total of 24 hours or three (3) days (the lesser of the two) is allowed per vaccination/booster. Any time more than that requires a doctor's note.

15. Can a covered employee use 2022 SPSL benefits to care for a child(ren) participating in distance learning or a hybrid school schedule to help prevent the spread of COVID-19 or because childcare is generally unavailable?

No. Per the language of the 2022 COVID-19 SPSLA, a covered employee is only permitted to use 2022 SPSL benefits to care for their child because the child's school or place of care has closed due to COVID-19 on the premises, e.g., school closure due to COVID-19 outbreak, or child's classroom closed due to quarantine.

16. Can MSND time already used for the reasons in Categories 1 and 2 be converted to 2022 SPSL benefits?

Yes, the District may convert previously used MSND time to 2022 SPSL time for reasons in Categories 1 and 2.

## **RESOURCES:**

Certificated Substitute Unit: <https://achieve.lausd.net/Page/4235>

Classified Personnel: <https://achieve.lausd.net/Page/6280>

Human Resources: <https://achieve.lausd.net/Page/1595>

Payroll Administration: <https://achieve.lausd.net/Page/1083>

Absence Management: <https://achieve.lausd.net/site/Default.aspx?PageID=998>

## **QUESTIONS:**

**ABSENCE MANAGEMENT:** Contact the Division of Risk Management at [absencemanagement@lausd.net](mailto:absencemanagement@lausd.net)