

# Monterey County 2022 COVID-19 Supplemental Paid Sick Leave and SB 114 Implementation Policy

On February 9, 2022, Governor Newsom signed into law [Senate Bill](#) (SB) 114 which provides employees entitlement to 40 hours of COVID-19 Supplemental Paid Sick Leave effective January 1, 2022 through September 30, 2022 and an additional 40 hours of SB 114 Leave when employees test positive for COVID-19 and provide proof or are caring for a family member who has tested positive and provide proof. On September 29, 2022, Governor Newsom signed into law AB 152 to extend COVID-19 Supplemental Paid Sick Leave through December 31, 2022. The County will administer the COVID-19 Supplemental Paid Sick Leave provisions in accordance with SB 114 and AB 152. This policy outlines how the County will implement the COVID-19 Supplemental Paid Sick Leave and SB 114 Leave provisions. Should this policy conflict with future or amended laws, regulations or rules, those laws, regulations, or rules shall supersede this policy.

## SECTION 1: COVID-19 SUPPLEMENTAL PAID SICK LEAVE

### A. Eligibility

Effective January 1, 2022, the County of Monterey will provide full time permanent/regular employees or County temporary employees up to 40 hours of COVID-19 Supplemental Paid Sick Leave (SPSL) if the employee is unable to work or telework due to the following absence reasons:

1. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidance of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer whose jurisdiction impacts County of Monterey employees.
  - a. If the covered employee is subject to more than one of the foregoing, the covered employee shall be permitted to use COVID-19 SPSL for the minimum quarantine or isolation period under the order or guidance that provides for the longest such minimum period.
2. The covered employee has been advised by a health care provider to self-quarantine due to COVID-19.
3. The covered employee is attending an appointment for themselves or a family member to receive a vaccine or vaccine booster for protection against contracting COVID-19, subject to the limitation in absence reason 4 below.
4. The covered employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevent the employee from being able to work or telework.
  - a. For each vaccination or vaccine booster, employees will be allowed to use up to 24 hours of COVID-19 SPSL unless employee provides verification from a healthcare provider that the covered employee or their family member is continuing to experience symptoms related to a COVID-19 vaccine or vaccine booster. These 24 hours will include the time used under absence reason 3 above.
5. The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
6. The covered employee is caring for a family member who is subject to an order or

guidelines as described in absence reason 1 above or who has been advised to self-quarantine, as described in absence reason 2 above.

7. The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

In order to be eligible for COVID-19 SPSL, employees must have worked or been scheduled to work during the preceding two-week period prior to the COVID-19 SPSL start date. Employees who are less than 1.0 Full Time Equivalent (FTE) will be eligible for a prorated share of SPSL.

### **B. Leave Amounts**

County permanent/regular employees or County temporary employees who work full time shall receive up to 40 hours of COVID-19 SPSL.

County permanent/regular employees or County temporary employees who work less than full time shall receive a prorated amount of COVID-19 SPSL hours based on the employee's FTE or their normally scheduled work hours over a two-week period.

### **C. Compensation for Leave**

Employees who qualify to receive COVID-19 SPSL, based on Sections A and B above, will be compensated for each hour of such leave used at their regular base rate of pay up to \$511 per day and \$5,110 in the aggregate.

Employees may supplement the COVID-19 SPSL with their accrued leaves to achieve 100% of their regular rate of pay.

### **D. Retroactivity**

Employees may request a retroactive adjustment for SPSL-qualifying leaves taken from January 1, 2022 to when this policy was adopted by the County, as appropriate.

### **E. Expiration**

The COVID-19 SPSL provision shall expire on December 31, 2022. Unused SPSL does not carryover and will expire on December 31, 2022.

<b>SECTION 2: ADDITIONAL SB 114 LEAVE</b>
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### **A. Eligibility**

Effective January 1, 2022, the County of Monterey will provide full time permanent/regular employees or County temporary employees up to 40 hours of additional SB 114 Leave if the covered employee, or a family member for whom the covered employee is providing care, tests positive for COVID-19. When requesting the use of additional SB 114 Leave, the employee must:

1. Provide documentation of their positive COVID-19 test results.
  - a. Employees who test positive for COVID-19 may be required to submit to a COVID-19 test on or after the fifth day after the collection of their first positive test result. If the diagnostic test is positive, the County may also require the employee to submit a second diagnostic test within no less than 24 hours. The

tests shall be provided at no cost to the employee.

2. Provide proof of the positive COVID-19 test results for a family member for whom they are providing care.

Employees who do not provide the required documentation as outlined above shall not be eligible for additional SB 114 Leave. Additionally, employees do not need to exhaust the COVID-19 SPSL, as outlined in Section 1, before requesting the use of the additional SB 114 Leave.

#### **B. Leave Amounts**

County permanent/regular employees or County temporary employees who work full time shall receive up to 40 hours of additional SB 114 Leave subject to the eligibility criteria in subsection A above.

County permanent/regular employees or County temporary employees who work less than full time shall receive a prorated amount of additional SB 114 Leave hours based on the employee's FTE or their normally scheduled work hours over a two-week period and subject to the eligibility criteria in subsection A above.

#### **C. Compensation for Leave**

Employees who qualify to receive additional SB 114 Leave, based on subsections A and B above, will be compensated for each hour of such leave used at their regular base rate of pay up to \$511 per day and \$5,110 in the aggregate.

Employees may supplement the COVID-19 SPSL with their accrued leaves to achieve 100% of their regular rate of pay.

#### **D. Retroactivity**

Employees may request a retroactive adjustment for additional SB 114 Leave -qualifying leaves taken from January 1, 2022 to when this policy was adopted by the County, as appropriate.

#### **E. Expiration**

The additional SB 114 Leave provision shall expire on December 31, 2022. Unused additional SB 114 Leave does not carryover and will expire on December 31, 2022.