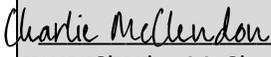


CITY OF CATHEDRAL CITY		HR-AP 11	
ADMINISTRATIVE POLICY			
DocuSigned by:	Approved by:	Distributed by	Original Date
 <small>551C6F45C717A4E</small> Charles McClendon, City Manager		Human Resources	04/06/2021

SUBJECT

ADMINISTRATIVE POLICY CONCERNING COVID-19 SUPPLEMENTAL PAID SICK LEAVE (“SPSL”) UNDER LABOR CODE SECTION 248.2

PREAMBLE

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 City adopted this policy in order to provide qualified employees the SPSL to which they are entitled and to otherwise comply will all relevant and applicable requirements provided under Labor Code § 248.2.

STATEMENT OF POLICY

This policy is intended to provide all eligible and qualified City 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.

COMPLIANCE

The City will fully and faithfully comply with Labor Code § 248.2 in its administration of this policy.

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 City employee who is unable to work or telework for the City 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.

“Firefighter” means an active firefighter employed by any of the following:

- (i) A fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision.
- (ii) A fire department of the University of California and the California State University.
- (iii) The Department of Forestry and Fire Protection.
- (iv) A county forestry or firefighting department or unit.
- (v) A fire department that serves a United States Department of Defense installation and whose firefighters are certified by the United States Department of Defense as meeting its standards for firefighters.
- (vi) A fire department that serves a National Aeronautics and Space Administration installation and that adheres to training standards established in accordance with Article 4 (commencing with § 13155) of Chapter 1 of Part 2 of Division 12 of the Health and Safety Code.
- (vii) A fire department that provides fire protection to a commercial airport regulated by the Federal Aviation Administration (“FAA”).
- (viii) Fire and rescue services coordinators who work for the Office of Emergency Services. For purposes of this clause, “fire and rescue services coordinators” means coordinators with any of the following job classifications: coordinator, senior coordinator, or chief coordinator.

POLICY

Scope of Coverage:

This policy will apply to all Covered Employees employed by the City of Cathedral City.

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 the City 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 City 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.

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.

Amount of SPSL:

1. 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.
2. Full-time Covered Employees working 40 hours per week may take up to 80 hours of SPSL
3. Part-time Covered Employees 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 the City 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 the City in the six (6) months preceding the date the Covered Employee took SPSL. If the Covered Employee has worked for the City 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 the City.
4. Active duty Firefighters who are scheduled to work more than 80 hours in the two weeks preceding the date upon which the employee took SPSL, are entitled to SPSL equal to the total number of hours that the firefighter was scheduled to work in the preceding two weeks.

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.

The City 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 2 through 4 above.

If a Covered Employee is provided SPSL retroactively for qualifying leave before adoption of this policy, the City 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.

Compensation While on SPSL:

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

Employee Notice of Supplemental Paid Sick Leave:

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

Employee Status While on Leave:

The City 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 on using paid sick leave according City policy or MOU provisions.

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

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

If the City 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 the City 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 the City’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.