CITY OF CATHEDRAL CITY ADMINISTRATIVE POLICY			HR-AP 2022-01
Approved by: Charles McClendon (Oct 4, 2022 15:37 PDT) Charles McClendon, City Manager	Distributed by	Original Date	Revised
	Human Resources	03/01/2022	10/01/2022

SUBJECT

ADMINISTRATIVE POLICY CONCERNING COVID-19 SUPPLEMENTAL PAID SICK LEAVE ("SPSL") UNDER LABOR CODE SECTION 248.6 AND 248.7

Changes to SPSL

AB 152 extends the deadline for employees who have not exhausted their SPSL allotments to use such leave. **Deadline for Employees to Use Existing SPSL Entitlements Extended to December 31, 2022**

Currently, under Labor Code section 248.6, SPSL expires on September 30, 2022. AB 152 amends the applicable provision of the Labor Code extending the expiration date of SPSL by three months to December 31, 2022.

The amendment does *not* provide employees with any additional SPSL to use, but merely extends the period during which employees who have not exhausted their SPSL allotments may use such leave.

PREAMBLE

On February 9, 2022, Governor Newsom signed Senate Bill ("SB") 114 into law, which reauthorized COVID-19 Supplemental Paid Sick Leave ("SPSL"), providing new paid leave entitlements to employees who are unable to work or telework due to a number of qualifying reasons related to COVID-19.

The law becomes effective on February 19, 2022, and entitles qualified employees to SPSL retroactive to January 1, 2022, and through September 30, 2022.

The City of Cathedral City adopted this policy in order to provide its employees the SPSL to which they are entitled under Labor Code sections 248.6 and 248.7. The City of Cathedral City will fully and faithfully comply will all relevant and applicable requirements under the Labor Code.

STATEMENT OF POLICY

This policy is intended to provide all eligible and qualified City of Cathedral City employees with SPSL to which they are entitled under Labor Code sections 248.6 and 248.7.

The following policy sets forth certain rights and obligations regarding this leave.

COMPLIANCE

The City of Cathedral City will fully and faithfully comply with Labor Code sections 248.6 and 248.7 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 of Cathedral City employee who is unable to work or telework for the City of Cathedral 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 sections 248.6 and 248.7.

"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.

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, 2022.

SPSL benefits expire after September 30, 2022, 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 after September 30, 2022, 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 provided below.

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 California 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 COVID-19;

3. The covered employee is attending an appointment for themselves or a family member to receive a vaccine or a vaccine booster for protection against COVID-19;

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;

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:

1. Is subject to a CDPH, CDC, or local health officer order or guidance to isolate or quarantine, or

2. Has been advised by a health care provider to isolate or quarantine;

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; or

8. The covered employee, or a family member for whom the covered employee is providing care, tests positive for COVID-19.

If an employee requests SPSL for reason 8, the city may require that the employee provide the positive test result to confirm that the employee qualifies for such leave. The city may also require that the employee provide the family member's positive test result if the employee is requesting leave in order to provide care to a covered family member.

The city may also require an employee who has taken SPSL for qualifying reason 8 to test for COVID-19 on or after day five, following the initial positive test. If the city requires such a test, the city will provide the test at no cost to the employee.

AMOUNT OF SPSL FOR QUALIFYING REASONS 1 - 7

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. Employees who worked at least 40 hours per week in the two weeks before they take SPSL, or who the employer considers to be full-time employees, are entitled to 40 hours of SPSL for qualifying reasons 1 through 7, above.

3. Firefighters who were scheduled to work more than 40 hours in the workweek *before* they take SPSL are entitled to the amount of SPSL equal to the "total number of hours that the covered employee was scheduled to work for the employer in that workweek," which may exceed 40 hours, for qualifying reasons 1 through 7.

4. 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** one week for qualifying reasons 1 through 7; or

    b. If the part-time Covered Employee works a variable number of hours, the Covered Employee is entitled to 7 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 employee has worked for the City of Cathedral City fewer than six months, then the employer calculates the average hours worked for the entire employment period and multiplies the daily average by seven. If an employee works variable hours and has only worked for the City of Cathedral City seven days or fewer, then the employee receives an amount of SPSL equivalent to the total number of hours worked for the employer.

AMOUNT OF SPSL FOR QUALIFYING REASON 8:

Employees taking additional COVID-19 supplemental paid sick leave under qualifying reason 8 are entitled to an amount not to exceed that which the employee received under qualifying reasons 1-7.

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.

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 SPSL to which the Covered Employee is entitled.

For Covered Employees that request retroactive SPSL, the city will request that the employee 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 *or* the employee's total wages less any overtime premium 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 using paid sick leave according to their MOU or Regulations.

EMPLOYEE OBLIGHATIONS FOR REQUESTING RETROACTIVE PAYMENTS FOR PRIOR LEAVE THAT QUALIFIED AS SPSL:

Employees are entitled to SPSL retroactive to January 1, 2022.

If the City of Cathedral City did not compensate the employee for leave that would otherwise have qualified as SPSL between January 1, 2022 and the effective date of this policy, in an amount equal to 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 of Cathedral 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 of Cathedral 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.

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