



## Joint Communique

### Information on SB 114/AB 84 - Additional Supplemental Sick Leave (COVID-19)

This communique is not meant to be an all-inclusive summary of SB 114/AB 84.

Be advised SB 114 mirrors AB 84.

For complete information on this leave, please visit:

[CA Legislative Information - SB 114](#)

[CA Legislative Information - AB 84](#)

On February 9, 2022, the California Legislature passed SB 114/AB 84 to address employees' need for additional paid sick leave benefits caused by the COVID-19 pandemic - this is new leave and not to be confused with FFCRA nor SB 95. As a result of SB 114/AB 84, full-time employees are eligible to use up to 80 hours of leave (10 work-days x 8 hours/day = 80 hours) and part-time employees are eligible to use a prorated amount according to their regular work-week (example: 10 work-days x 5 hours/day = 50 hours).

SB 114/AB 84 leave is retroactive to January 1, 2022, and expires September 30, 2022.

### **Reasons for Using the Leave**

SB 114/AB 84 leave may be used until September 30, 2022, and applied retroactively from January 1, 2022, if:

- 1) You are 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 public health officer who has jurisdiction over the workplace.
- 2) You have been advised by a health care provider to isolate or quarantine due to COVID-19.
- 3) You are attending an appointment for yourself or a family member to receive a vaccine or a vaccine booster for protection against COVID-19.

- 4) You are experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevents you from being able to work or telework.
  - a) For each vaccination or vaccine booster, an employer may limit the total COVID-19 supplemental paid sick leave to 3 days or 24 hours unless the employee provides verification from a health care provider that the covered employee or their family member is continuing to experience symptoms related to a COVID-19 vaccine or vaccine booster. The 3-day or 24-hour limitation applied to each vaccine or vaccine booster includes the time used under subparagraph (C) to get the vaccine or vaccine booster.
- 5) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- 6) You are caring for a family member who is subject to an order or guidance described in subparagraph (A) or who has been advised to isolate or quarantine, as described in subparagraph (B).
- 7) You are caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

**Amount of Leave:**

- 1) You are entitled to up to 40 hours (prorated for less than full time employees) of COVID-19 supplemental paid sick leave if you are unable to work due to reasons related to COVID-19 or the COVID-19 vaccine or vaccine booster. The reasons are:
  - a) the employee is attending a COVID-19 vaccine or vaccine booster appointment for themselves or a family member;
  - b) is experiencing symptoms;
  - c) caring for a family member experiencing symptoms.
- 2) You are entitled to up to an additional 40 hours of COVID-19 supplemental paid sick leave (prorated for less than full time employees) if you, or a family member for whom you are providing care, tests positive for COVID-19.
- 3) The District may require you to submit to a diagnostic test on or after the fifth day after the test described was taken and provide documentation of those results. The District shall make such a test available at no cost.
- 4) If you request to use additional leave pursuant to this subparagraph because a family member for whom you are providing care tests positive for COVID-19, the District may require you to provide documentation of that family member's test results before paying the additional leave.

- 5) The employer has no obligation to provide additional COVID-19 supplemental paid sick leave if you refuse to provide documentation of the results of the test described upon request.

### **Additional Provisions**

The total maximum amount of COVID-19 supplemental paid sick leave that a covered employee is entitled to pursuant to this section shall not exceed 80 hours for the period between January 1, 2022, and September 30, 2022.

### **Retroactive Application of SB 114/AB 84**

Individuals were encouraged to use sick leave COVID reason for COVID related absences. Leave and Attendance will be able to retroactively credit that leave back to each employee using their respective SB 114/AB 84 allotment (Up to 80 hrs total). If you did not use this code for your COVID related absence, complete this [form](#).

### **Use of SB 114/AB 84 Leave Beginning February 19, 2022 (retroactive to January 1, 2022)**

Each employee will have access to SB 114/AB 84 leave through September 30, 2022. This leave will be reported on your paystub and is to be used/reported in Absence Management. Please be advised, that should you overutilize this leave (go negative), balances will be addressed similarly to when this happens with overuse of Personal Necessity and Discretionary leaves.

### **SB 114/AB 84 and Compensation**

When utilizing SB 114/AB 84 leave, nonexempt (Classified) employees' pay is typically calculated by using the employee's regular rate of pay for the work-week in which he or she uses the leave. For exempt employees (Certificated), regular rates of pay typically used to calculate other leaves are used. Please note, currently, the amount paid for supplemental paid sick leave is capped at \$511 per day and an aggregate of \$5,110. Employees who reach the maximum supplemental leave payout may use other available paid leave such as vacation or sick leave to supplement their salary so that they earn up to 100% of their regular salary. Employee's will be required to complete the [supplemental leave form](#) as this is not automatic. If you do not complete this form, the leave will be changed to Absent Without Pay (AWOP).

Any employee experiencing any COVID symptoms or has been exposed to COVID, needs to continue to follow the protocols for contacting the Staff-COVID Team. [staff-covid-team.](#)