



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

Set out below are Frequently Asked Questions (FAQs) regarding the extension of 2022 COVID-19 Supplemental Paid Sick Leave Act (“2022 SPSL”) signed into law on September 30, 2022.

1. What is the extension deadline for 2022 SPSL?

The extension of 2022 SPSL extends benefits to covered employees until December 31, 2022. A covered employee, who is currently taking 2022 SPSL on December 31, 2022, shall be permitted to finish taking leave through exhaustion of available 2022 SPSL benefits to which the covered employee is entitled had not 2022 SPSL expired.

2. Which District employees are covered and 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 (referenced in #3) allowed under 2022 SPSL.

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

The first category of 2022 SPSL, up to 40 hours, is available to covered employees unable to work or telework due to any one of the following reasons:

- **Caring for Yourself:** The covered employee is subject to a quarantine or isolation period related to COVID-19 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.
- **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 (see note below) or has been advised by a healthcare provider to quarantine due to COVID-19, or the employee is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.
- **Vaccine-Related:** The covered employee or a qualifying family member is attending a vaccine appointment or cannot work or telework due to vaccine-related side effects

The second category of 2022 SPSL, up to 40 hours, is available only if an employee or a family member for whom they are providing care, tested positive for COVID-19.

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

4. How much time are covered employees entitled to receive under the 2022 SPSL?

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- **Full-time employees** are entitled to receive up to forty (40) hours of 2022 SPSL benefit time per Category (as referenced in #3).
- **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.

Under no circumstances may covered employees be allowed to utilize more than their allotted 2022 SPSL benefit hours (for which they are entitled to receive) during January 1, 2022 through December 31, 2022.

5. What percentage of pay does a covered employee receive under the 2022 SPSL 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 benefited time paid at 100% and requesting a “retroactive designation” will not receive additional pay but will receive a credit to the employee’s bank of benefited time.

6. Does the extension of 2022 SPSL offer covered employees the option to utilize additional 2022 SPSL hours once they exhaust their entitled benefit time per Category?

No. The extension of 2022 SPSL does not entitle covered employees to additional hours of benefits. Covered employees, regardless of actual hours worked or assigned default work schedule(s), are only entitled to up to 40 hours of 2022 SPSL per Category, for a potential total of up to 80 hours.

For example, a full-time employee entitled to 80 hours of 2022 SPSL benefits, is not allowed to use more than 80 hours of 2022 SPSL between January 1, 2022 through December 31, 2022.

7. Are all covered employees allowed 80 hours of 2022 SPSL?

No. Only covered full-time employees who worked, on average, at least 40 hours per week in the two weeks preceding their requests for 2022 SPSL, are entitled to 80 hours.

8. When may covered employees be required to submit a second COVID-19 diagnostic test within 24 hours of testing positive for COVID-19?

A covered employee, who tests positive for COVID-19, may be required to submit to a diagnostic test and provide documentation of said results on or after the fifth (5th) day of initially testing positive for COVID-19. If the diagnostic test (taken after the 5th day) is

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positive, a covered employee may be required to submit a second diagnostic test within no less than 24 hours.

9. 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.

10. 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 reasons referenced in #3. An oral or written request for 2022 SPSL benefits must be documented on the “Certification/Request of Absence 2022 COVID-19 SPSL” (Certification of Absence). Certification of Absence forms are maintained at the covered employee’s worksite.

11. 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 SPSL 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 2022 SPSL, then the District shall provide the covered employee with a retroactive designation that provides such compensation.

12. Must a covered employee use their own benefited time when they are entitled and have made an oral or written request to use 2022 SPSL?

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

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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.

13. Does 2022 SPSL address specific situations in which an employer may request documentation before paying the covered employee?

Yes. In various situations, 2022 SPSL permits the District to seek documentation before paying a covered employee. If an employee request to use 2022 SPSL benefits for any reason(s) relating to a positive test, the District may request documentation to support the covered employee’s request. Covered employees 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/or 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.

14. Is a particular type of COVID-19 diagnostic test required in order to qualify for 2022 SPSL 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 a type of test and does not place conditions on how the test is administered in order to qualify for leave.

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

No. Periods of time when 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 on the District’s 2022 SPSL Absence Certification Request, for time away during assigned hours of service only.

16. Can a covered employee take 2022 SPSL benefits if a qualified family member with whom the covered employee resides 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 covered family member whom a medical professional has recommended to stay home due to COVID-19, or caring for a covered 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.

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17. Can a covered employee use 2022 SPSL benefits to attend a COVID-19 test appointment or while waiting for test results for the covered employee or a qualifying family member?

No. 2022 SPSL benefits cannot be used for COVID-19 test appointments or while waiting for test results.

18. Is the District permitted to limit an employee to use three days or 24 hours of SPSL benefits for the covered employee or a qualifying family member receiving a vaccine or vaccine booster and recovery from any related side effects?

Yes. If a covered employee requests leave to obtain a vaccine or a vaccine booster for themselves or a qualifying family member and the time for getting the vaccine or vaccine booster combined with the time while the covered employee or qualifying family member is experiencing side effects exceeds three days or 24 hours of leave, the employee may require verification from a health care provider. This means that the District may limit the leave taken to get a vaccine or a vaccine booster to three days or 24 hours (whichever is less) unless the employee provides verification. Medical verification in this context would be a note from a health care provider that the covered employee or qualifying family member continued to have vaccine or vaccine booster side effects.

19. 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. Covered employees are 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 the child’s classroom closed due to quarantine.

20. 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, except when a covered employee has been excluded by the District due to workplace exposure to COVID-19 and is entitled to exclusion pay pursuant to CalOSHA’s COVID-19 Prevention Emergency Temporary Standards. Please note that this exception is only applicable until the expiration of CalOSHA’s COVID-19 Prevention Emergency Temporary Standards. Please reference the SPSL absence codes or pay codes in question #9.

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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>

State of California Department of Industrial Relations <https://www.dir.ca.gov/dlse/COVID19Resources/2022-SPSL-FAQs.html>

QUESTIONS: Please contact the Absence Management Unit within the Division of Risk Management & Insurance Services at absencemanagement@lausd.net