



## 2021 COVID-19 Supplemental Paid Sick Leave (“SPSL”) Act FREQUENTLY ASKED QUESTIONS (FAQs) FACT SHEET

### Which District employees are covered by the 2021 COVID-19 SPSL Act and eligible to use SPSL Benefits?

A covered employee includes all 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 specified by the 2021 COVID-19 SPSL Act.

### What are the circumstances that allow a covered employee to use SPSL benefits?

**Caring for Yourself:** The covered employee is subject to a quarantine or isolation order period related to COVID-19; **and/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 **and/or** has been advised by a healthcare provider to quarantine due to COVID-19.

**Caring for a Child:** The covered 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 is attending a COVID-19 vaccine appointment **and/or** cannot work or telework due to vaccine-related symptoms.

### How much time is a covered employee entitled to receive under the 2021 COVID-19 SPSL Act?

**Full-time Employees** are entitled to eighty (80) SPSL benefit hours.

**Part-time Employees** are entitled to the number of SPSL benefit hours equivalent to the total number of hours a covered employee is normally scheduled to work over a period of two (2) workweeks.

**Variable Schedule Employees** are entitled to the number of SPSL hours equivalent to fourteen (14) times the average number of hours worked each day based on a defined period.

In no instances, regardless of actual hours worked or assigned default work schedule(s), is a covered employee entitled to more than eighty (80) hours of SPSL benefits effective January 1, 2021, and expiring on September 30, 2021.

### What percentage of pay does a covered employee receive under the 2021 COVID-19 SPSL Act and how are 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 benefitted time paid at 100% and requesting a “retroactive designation” will not receive additional pay, but will receive credit to the employee’s bank of benefitted time.

### What is the absence code or pay code used to time report SPSL benefits?

“SPSL” is the absence code or pay code used to time report SPSL benefits.

The SPSL absence code can be reported for up to 100% of the covered employee’s daily assigned hours. 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 SPSL absence code can be time reported for up to 100% of the employee’s APT time.

### How does an employee request SPSL benefits?

A covered employee must make an oral or written request to their site administrator or designee to use SPSL benefits for purposes consistent with the 2021 COVID-19 SPSL Act. An oral or written request for SPSL benefits must be documented on the “Certification/Request of Absence 2021 COVID-19 SPSL, SPSL Benefits Form” (Certification of Absence). Certification of Absence forms are maintained at the covered employee’s worksite.

### How does an employee request “retroactive” SPSL benefits for leave taken on or after January 1, 2021?

A covered employee should make an oral or written request by contacting their site administrator and completing the 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, PNWD, SBTM, and/or vacation time, resulting in a credit to the employee's bank of benefited time.

If the covered employee entitled to SPSL benefits did not previously receive compensation in an amount equal to or greater than what is specified under the 2021 COVID-19 SPSL Act, the District shall provide the covered employee with a retroactive designation that provides such compensation.

#### Must a covered employee have or use their own benefited time under the 2021 COVID-19 SPSL Act?

No. 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 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 SPSL benefits under the 2021 COVID-19 SPSL Act.

#### Is a medical certification or other documentation required in order to receive SPSL benefits?

No. SPSL benefits are not conditioned on medical certification. As such, a request for SPSL benefits cannot be denied solely on a lack of documentation such as certification from a health care provider.

However, it may be reasonable in certain circumstances for a site administrator to ask for documentation before approving a request for SPSL benefits when there is other information indicating that the covered employee is not requesting SPSL benefits for a valid purpose.

#### Is a quarantine/isolation order due to travel out of the state/country covered under the 2021 COVID-19 SPSL Act?

Yes. A covered employee who travels out of the state or country and then is subject to a federal, state, or local order or guidance to quarantine or isolate upon their return would be entitled to use SPSL benefits if they are unable to work or telework while quarantining.

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

No. Periods of time where an employee is not expected to work are not covered by SPSL benefits. A covered employee may use available SPSL benefits for a prescribed purpose, as outlined under the 2021 COVID-19 SPSL Act, for time away during assigned hours of service only.

#### Can a covered employee take SPSL benefits if a family member with whom the covered employee lives is exposed, experiences symptoms, or is diagnosed with COVID-19?

Yes. A covered employee is eligible for COVID-19 Supplemental Paid Sick Leave if the employee is caring for a family member whom a medical professional has recommended to stay home due to COVID-19, or caring for a 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.

#### Does being subject to a general stay-at-home order mean that a covered employee is able use SPSL benefits for the reason of being subject to a quarantine or isolation order?

No. The order or guidelines must be specific to the covered employee's circumstances. While a general stay-at-home order would not qualify, an order or guidance from a local health officer that, for example, "directs individuals who live with someone who has COVID-19 to quarantine themselves" would qualify as a basis for using SPSL benefits.

#### Can a covered employee take SPSL benefits if a family member with whom the covered employee lives received a COVID-19 vaccination or experiences vaccine-related symptoms?

No. SPSL benefits related to vaccinations are available only when the covered employee is attending a COVID-19 vaccine appointment or cannot work or telework due to vaccine-related symptoms.

#### Can a covered employee use 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. Per the language of the 2021 COVID-19 SPSL Act, a covered employee is only permitted to use 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 child's classroom closed due to quarantine.

## **QUESTIONS:**

**ABSENCE MANAGEMENT:** Contact the Division of Risk Management at [absencemanagement@lausd.net](mailto:absencemanagement@lausd.net)