

# COUNTY OF SANTA CLARA

## Office of the Sheriff

55 West Younger Avenue  
San Jose, California 95110-1721  
(408) 808-4605



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Laurie Smith  
Sheriff

## MEMORANDUM

**TO:** All Staff

**FROM:** COVID-19 Incident Command Center

**SUBJECT:** ICC Directive 22-06, (Updated Supplemental Paid Sick Leave)

**DATE:** February 23, 2022

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On February 18, 2022, Santa Clara County provided an update to the COVID-19 Guidance for Supplemental Paid Sick Leave (SPSL). The attached guidance supersedes previous guidance regarding employee timekeeping and optional benefits for eligible employees. The updated guidance addresses California Labor Code §248.6, which provides for Supplemental Paid Sick Leave, effective January 1, 2022 through September 30, 2022. It also contains a Frequently Asked Questions section to help clarify certain aspects.

### **Initial 40 Hours:**

The County will provide eligible employees with 40 hours of SPSL. The maximum compensation provided for SPSL is \$511.00 per day and \$5,110 in the aggregate. The SPSL request form can be found at the following link:

[2022\\_SPSL\\_Request\\_Form\\_021822.pdf \(sccgov.org\)](https://www.sccgov.org/2022_SPSL_Request_Form_021822.pdf)

### **Additional 40 Hours:**

Employees are also eligible for an additional 40 hours if the employee, or family member for whom they provide care, tests positive for COVID-19, if the employee shows proof of a positive test for themselves or the family member. This proof of a positive test must be submitted before receiving the additional SPSL. This SPSL request form can be found at the following link:

[2022\\_SPSL\\_Request\\_Form\\_Excess\\_40\\_hours\\_for\\_COVID+\\_021822.pdf \(sccgov.org\)](https://www.sccgov.org/2022_SPSL_Request_Form_Excess_40_hours_for_COVID+_021822.pdf)

### **Retroactive 40 Hours:**

An employee may make a request in writing to use Supplemental Paid Sick Leave for certain COVID-19 related absences occurring on or between January 1, 2022 and February 17, 2022. The form to request retroactive use of Supplemental Paid Sick Leave can be found at the following link:

[2022\\_SPSL\\_Retro\\_Request\\_Form\\_021822.pdf \(sccgov.org\)](https://www.sccgov.org/2022_SPSL_Retro_Request_Form_021822.pdf)

The total maximum amount of Supplemental Paid Sick Leave an employee may receive **shall not exceed 80 hours**. All forms must be signed by a supervisor. Send all completed forms to the HIP coordinator using the email address [HIP@shf.sccgov.org](mailto:HIP@shf.sccgov.org).

If anyone has questions regarding SPSL, please contact HIP at 408-808-4629.

\*Important – All Supervisors and Managers please display the attached poster titled, “2022 COVID-19 Supplemental Paid Sick Leave,” where employees can easily read it.

# County of Santa Clara

## Employee Services Agency

### Agency Administration

County Government Center, East Wing

70 West Hedding Street, 8<sup>th</sup> Floor

San Jose, California 95110-1705



DATE: February 18, 2022

TO: Agency/Department Heads  
Executive Leadership Group  
Departmental Human Resources Liaisons  
Departmental Timekeepers

FROM: John P. Mills, Director, Employee Services Agency

DocuSigned by:  
*John P. Mills*  
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**SUBJECT: UPDATED COVID-19 GUIDANCE FOR SUPPLEMENTAL PAID SICK LEAVE (SPSL)**

The County of Santa Clara continues to provide vital services to ensure the health and safety of the community, while also addressing the needs of County employees serving the public at this most critical time during the COVID-19 pandemic. In the past 25 months, the County workforce has met the challenges posed by this unprecedented event with extraordinary creativity, flexibility, and dedication.

As the situation continues to evolve and new information becomes available, the County workforce will need to exercise continued diligence. The following guidance supersedes previous guidance regarding employee timekeeping and optional benefits for eligible employees. This guidance addresses California Labor Code §248.6, which provides for Supplemental Paid Sick Leave, effective January 1, 2022 through September 30, 2022.

### **Supplemental Paid Sick Leave**

In conformance with the recently amended California Labor Code §248.6, the County will provide eligible employees with 40 hours of Supplemental Paid Sick Leave. The maximum compensation provided for Supplemental Paid Sick Leave is \$511.00 per day and \$5,110 in the aggregate. Part-time and Extra Help employees should not be permitted to use more Supplemental Paid Sick Leave hours than their normally scheduled hours during any pay period. For example, a twenty-hour part-time employee (0.5 code) should not receive more than 20 of their allotted hours each workweek. The SPSL request form can be found at the following link: [https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022\\_SPSL\\_Request\\_Form\\_021822.pdf](https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022_SPSL_Request_Form_021822.pdf)

Employees are eligible for up to an additional 40 hours if the employee, or a family member for whom the employee is providing care, tests positive for COVID-19, subject to the employee providing documentation of their own positive test result on the fifth day of their COVID-19

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith

illness, or a positive test result for a family member, before receiving the additional Supplemental Paid Sick Leave. The SPSL request form can be found at the following link: [https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022\\_SPSL\\_Request\\_Form\\_Excess\\_40%20hours\\_for\\_COVID%2B\\_021822.pdf](https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022_SPSL_Request_Form_Excess_40%20hours_for_COVID%2B_021822.pdf)

The total maximum amount of Supplemental Paid Sick Leave an employee may receive shall not exceed 80 hours (40 hours for a qualifying reason + up to an additional 40 hours if the employee or a family member for whom the employee is providing care tests positive and the employee provides documented proof of the positive test result) for the period between January 1, 2022 and September 30, 2022.

If not used for a qualifying purpose, all Supplemental Paid Sick Leave will expire on September 30, 2022. These hours are not subject to sick leave payout provisions as part of any labor agreements or County Ordinance Code.

### **Frequently Asked Questions**

#### ***When is an employee entitled to use Supplemental Paid Sick Leave?***

County employees are eligible for Supplemental Paid Sick Leave (SPSL) for the following reasons, in accordance with California Labor Code §248.6, which states:

- A. The covered 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, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace. If the covered employee is subject to more than one of the foregoing, the covered employee shall be permitted to use COVID-19 supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidelines that provides for the longest such minimum period.
- B. The covered employee has been advised by a healthcare provider to isolate or quarantine due to COVID-19.
- C. 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, subject to the limitations in section (D), subsection (a), below.
- D. 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.
  - a. For each vaccination or vaccine booster, COVID-19 supplemental paid sick leave is limited to 3 days or 24 hours, unless the employee provides verification from a healthcare 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 section C to get the vaccine or vaccine booster.

- E. The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- F. The covered employee is caring for a family member who is subject to an order or guidelines described in section (A) above, or who has been advised to isolate or quarantine as described in section (B) above. A “family member” is defined as:
  - 1. A child (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 applies regardless of age or dependency status.).
  - 2. 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.
  - 3. A spouse.
  - 4. A registered domestic partner.
  - 5. A grandparent.
  - 6. A grandchild.
  - 7. A sibling.
- G. 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.
  - 1. A “child” is defined as 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 applies regardless of age or dependency status.

***How do I request Supplemental Paid Sick Leave?***

Complete the Supplemental Paid Sick Leave (SPSL) request form and submit to your supervisor, along with any supporting documentation. The SPSL request form can be found at the following link:

[https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022\\_SPSL\\_Request\\_Form\\_021822.pdf](https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022_SPSL_Request_Form_021822.pdf)

***My regular compensation exceeds \$5,110 for 80 hours/a full pay period. What will happen when I reach the maximum compensation cap, and I continue using my allotment of SPSL?***

Employees whose regular gross income exceeds \$5,110 per pay period may choose to take any SPSL hours that exceed the compensation cap as unpaid time off or supplement with their other available leave accruals, if any, to maintain their regular compensation rate.

***Will Part-time and Extra Help/Temporary employees receive Supplemental Paid Sick Leave?***

Yes, all active employees, regardless of code status, are eligible for up to 80 hours that may be used for COVID-19 related absences as described above.

***What if an employee is absent for a reason unrelated to COVID-19?***

Absences that are unrelated to COVID-19 are not covered by SPSL. Employees may use other appropriate accrued leave to cover non-COVID-19 related absences. If you are unsure if the request for leave is related to COVID-19, you should ask your manager/supervisor or contact your department's Employee Service Center.

***Can Supplemental Paid Sick Leave be used retroactively for COVID-19 related absences prior to February 18, 2022?***

Yes, an employee may make a request in writing to use Supplemental Paid Sick Leave for certain COVID-19 related absences occurring on or between January 1, 2022 and February 17, 2022. The form to request retroactive use of Supplemental Paid Sick Leave can be found at the following link:

[https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022\\_SPSL\\_Retro\\_Request\\_Form\\_021822.pdf](https://employeeservices.sccgov.org/sites/g/files/exjcpb531/files/documents/2022_SPSL_Retro_Request_Form_021822.pdf)

**Requests For Time Off Unrelated to COVID-19**

Absences due to illness/injury unrelated to COVID-19 should be treated as normal requests for leave (sick leave accruals, FMLA/CFRA, etc.).

Requests for time off for personal reasons should be treated as normal requests for leave (vacation, comp-time, Personal Leave, PTO, etc.), subject to the operational needs of the department.

Please contact Gina Donnelly, Deputy Director, Employee Services Agency, at [gina.donnelly@esa.sccgov.org](mailto:gina.donnelly@esa.sccgov.org) or (408) 209-7322 if you have any questions regarding this information.

# 2022 COVID-19 Supplemental Paid Sick Leave

Effective February 19, 2022



Covered employees in the public or private sectors who work for employers with 26 or more employees are entitled to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022, immediately upon an oral or written request to their employer, with up to 40 of those hours available only when an employee or family member tests positive for COVID-19.

**A full-time covered employee may take up to 40 hours of leave** if the employee is unable to work or telework for any of the following reasons:

- **Vaccine-Related:** The covered employee is attending a vaccine or booster appointment for themselves or a family member\* or cannot work or telework because they have vaccine--related symptoms or are caring for a family member with vaccine-related symptoms. An employer may limit an employee to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects, unless a health care provider verifies that more recovery time is needed.
- **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- **Caring for a Family Member\*:** The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

**A full-time covered employee may take up to an additional 40 hours of leave** if the employee is unable to work or telework for either of the following reasons:

- The covered employee tests positive for COVID-19
  - The covered employee is caring for a family member\* who tested positive for COVID-19.
- \* A family member includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

**Part-Time covered Employees:** Part-time covered employees may take as leave up to the amount of hours they work over two weeks, with half of those hours available only when they or a family member\* test positive for COVID-19.

**Payment:** If an employee took leave for one of the reasons identified above between January 1, 2022 and February 19, 2022, and that leave was either unpaid or compensated at a rate less than the employee's regular rate of pay, the employee may also request a retroactive payment. Payment is at the employee's regular or usual rate of pay, not to exceed \$511 per day and \$5,110 in total.

**Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the nearest district office by looking at the [directory on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

**This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.**