

Human Resources Branch Memorandum

SUBJECT: Amendment #1: California Senate Bill No. 95 – Covid-19 Supplemental Paid Sick Leave 2021	NUMBER: HRB 21-006
	DATE ISSUED: May 7, 2021
DISTRIBUTION: CDFW All Staff	EXPIRES: Until Superseded

Action Required Informational Only Control Agency Directive

Purpose: On March 19, 2021 California Senate Bill No. 95 (SB-95) passed providing COVID-19 supplemental paid sick leave for eligible employees, as defined below, who are unable to work or telework due to certain reasons related to COVID-19. **Please see the amendments below highlighted in yellow.**

Authority:

[Senate Bill No. 95](#)
[CalHR Human Resources Manual Section 2127](#)

Eligibility:

Employees who are not able to work or telework for any of the reasons detailed in [Senate Bill No. 95](#) qualify for the paid leave. There is no length of service requirement for the leave entitlement provided under the new law and eligible employees may use SB-95 leave intermittently.

The leave shall be available for immediate use by the eligible employee, upon the verbal or written request of the employee to the supervisor. Supervisors cannot require an eligible employee to use other leave before the use of SB-95 leave, including PLP 2020. All eligible employees are entitled to leave up to 80 hours retroactive to January 1, 2021 through September 30, 2021.

Employees are entitled to leave for the following reasons:

1. The employee is subject to a quarantine or isolation period related to COVID-19;
2. The employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is attending an appointment to receive a COVID-19 vaccination;
Note: Administrative Time (AT) should be used to receive a vaccine instead of SB-95 leave balances to give the best benefit to the employee.
4. The employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework;
5. The employee is experiencing symptoms related to COVID-19 and seeking medical diagnosis;
6. The employee is caring for a family member who is subject to a quarantine or isolation order or has been advised to self-quarantine; as defined in subdivision (c) of [Section 245.5](#);
7. The employee is caring for a child as defined in the California Labor Code, [Section 245.5](#), subdivision (c), whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

Note: The intent of this language is that the leave can be used if a child's school or place of care has been closed after a concern that a person at the school or daycare premises

was exposed to, or had contracted, COVID-19 on or after January 1, 2021. The leave is not available for normal distance or hybrid learning, dropping off or picking up from school, etc. The leave is only intended for use as stated for reason 7 above.

Leave Entitlement and Usage:

Full-Time employees

- Full-time employees receive up to 80 hours of SB-95 leave at the employee's regular rate of pay.

Part-Time/Intermittent employees

- Part-time employees will receive prorated leave credit per their time base.
- Intermittent employees receive prorated leave credit as outlined by the [CalHR Manual Section 2127](#).

Supervisors of Part-Time and Intermittent employees will need to contact their assigned Senior Personnel Specialist (A-M [Janice Moses](#); N-Z [Trina Moya](#)) to determine the amount of leave they are entitled to prior to approving the employee's timesheet.

Retired Annuitants are not entitled to this leave.

Industrial Disability Leave

If an eligible employee is otherwise entitled to receive Industrial Disability Leave (IDL) or Enhanced Industrial Disability Leave (EIDL), the use of SB-95 leave shall not count against the employee's maximum IDL or EIDL entitlement. An eligible employee may receive SB-95 leave during the waiting period for IDL or EIDL.

Payments

Payments under this program are not subject to the PLP 2020 reduction, although the law provides a maximum benefit allowance, the State provides a better benefit than the law and allows the employee to receive their full pay for SB-95 leave.

Supplemental Paid Sick Leave Cap

CalHR is giving the best benefit to the employee and not subjecting employees to the removed paragraph below regarding the supplemental paid sick leave cap.

~~The amount paid for supplemental paid sick leave is capped at \$511 per day and \$5,110 in aggregate. Employees will be required to track the daily and total amount to insure they do not overuse this leave. HRB will release a notification when State Controller's Office releases the tracking calculator.~~

~~Upon reaching the daily capped rate of your SB-95 leave, you will begin using your own leave balances.~~

Retroactive Leave Corrections:

If you submitted a timesheet in January - March with AT-COVID for any of the qualifying reasons under SB-95, those hours will count towards your supplemental paid sick leave. The Transaction team will be auditing these timesheets and requesting an amendment to update the Tempo Code from AT-COVID to **SB95-2021**.

If you submitted a timesheet in January – March using personal leave for any of the qualifying reasons under SB-95 and would like to retroactively request SB-95 leave, please work with your supervisor for approval and then amend your timesheet with the **SB95-2021** Code and resubmit.

Supervisor Responsibilities:

- Confirm employee eligibility for the SB-95 Sick Leave based on the criteria above prior to approving the timesheets.
- Leave should be granted immediately, and the employee should be allowed reasonable time to provide the needed substantiation.
 - Obtain substantiation from the employee that documents school or childcare date of closures.
 - Supervisors should follow the normal department process for sick leave substantiation.
- Vaccination appointments should be used coded in TEMPO as AT (Administrative Time) for up to 2 hours per dose rather than using SB95-2021 for the best benefit of the employee.
- Contact Senior Personnel Specialist for prorated amount of leave entitled to all non-fulltime staff.

Tempo Coding:

Please use **SB95-2021** code in TEMPO under leave hours for all SB-95 related time off.

Note: Administrative Time (AT) should be used to receive a vaccine instead of SB-95 leave balances to give the best benefit to the employee.

Frequently Asked Questions

[2021 COVID-19 Supplemental Paid Sick Leave FAQ's](#)

Contact:

If you have any questions, please contact Veronica Boles at Veronica.Boles@Wildlife.ca.gov.