



## **Memo**

**To:** Commissioners, First 5 Ventura County

**From:** Lauren Arzu, Director of Human Resources & Operations (on behalf of the Administration Finance committee)

**Date:** October 20, 2022

**Re: Recommendation to Extend COVID-19 Paid Sick Leave and to Adopt Revised Policy and Procedures**

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### **Background**

The Commission has complied with all mandatory and voluntary coronavirus related paid leave entitlements. Staff members have used this leave sparingly, opting to work remote while quarantining whenever possible.

SB 114, required employers with more than 25 employees to provide 80 hours of supplemental paid sick leave between January 1, 2022 and September 30, 2022. Governor Newsom recently extended the supplemental COVID-19 paid sick leave through December 31, 2022. This leave was divided into two categories. For full-time employees, forty (40) hours could be used for "COVID Qualifying Reasons" and an additional 40 hours could be used for a Positive COVID Test for the employee or a family member they care for. The COVID Qualifying reasons include: quarantining, attending an appointment for a vaccine/booster, having a reaction to a vaccine/booster, or caring for a child whose school or child care is closed due to COVID-19 related reasons.

The Administration and Finance Committee reviewed the Governor's order and recommends extending the supplemental COVID-19 paid sick leave through December 31, 2022. Existing balances would remain available for current employees. Employees hired on or after October 1, 2022 would receive 80 hours of supplemental COVID-19 paid sick leave. Available time off will be prorated for part-time employees. All COVID 19 related paid sick leave would sunset on December 31, 2022.

### **Recommendation**

The recommendation is to extend the COVID-19 Supplemental Paid Sick Leave Policy through December 31, 2022, and approve the attached updated Policy and Procedures.



## Policy & Procedures for 2022 COVID-19 Supplemental Paid Sick Leave

### **BACKGROUND**

On February 9, 2022 Governor Newsom signed SB 114, which requires employers with more than 25 employees to provide full time employees with up to 80 hours of supplemental paid sick leave, retroactive to January 1, 2022 and expiring September 30, 2022. [The Governor subsequently extended this leave through December 31, 2022. This leave is divided into two categories. For full-time employees, forty \(40\) hours can be used for “COVID Qualifying Reasons” and an additional 40 hours can be used for a Positive COVID Test for the employee or a family member they care for. The COVID Qualifying reasons include: quarantining, attending an appointment for a vaccine/booster, having a reaction to a vaccine/booster, or caring for a child whose school or child care is closed due to COVID-19 related reasons.](#)

~~First 5 Ventura County had previously voluntarily extended COVID-19 related paid sick leave through June 30, 2022. As a result of this new law, the Commission’s action to extend COVID-19 paid sick leave through June 30, 2022 will now sunset on December 31, 2021.~~

~~Any paid leave that was taken since January 1, 2022, pursuant to the Commission’s previous COVID-19 paid sick leave policy, will be applied against the leave available pursuant to SB 114 and this new policy.~~

~~As a result of the Commission’s action, the supplemental COVID-19 paid sick leave is extended through December 31, 2022. Existing COVID-19 sick leave balances will remain available for current employees. New employees hired on or after October 1, 2022 will receive 80 hours of COVID-19 paid sick leave in accordance with this policy. Available time off will be prorated for part-time employees. All COVID-19 related paid sick leave will sunset on December 31, 2022.~~

Employees are not entitled to reimbursement of unused leave upon termination, resignation, retirement, or other separation from employment.

### **COVID SUPPLEMENTAL PAID SICK LEAVE POLICY:**

First 5 Ventura County (F5VC) will provide to all employees between January 1, 2022, and ~~September~~ December 31, 2022:

Full time employees are entitled to receive up to 40 hours of emergency paid sick leave at the employee’s regular rate of pay if the employee is unable to work (and unable to telework) for any of the COVID qualifying reasons listed below. Part-time employees are eligible for leave for up to the number of hours that the employee is normally scheduled to work over one week.

### **COVID Qualifying Reasons**

The employee:

1. is subject to a Federal, State, or local quarantine or isolation order due to COVID-19;
2. has been advised by a health care provider to self-quarantine due to COVID-19;
3. is attending an appointment for themselves or a family member to receive a vaccine or a booster for protection against COVID-19;
4. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

5. is experiencing symptoms, or caring for a family member experiencing symptoms related to receiving the COVID-19 vaccine
6. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
7. is caring for a child (under 18 years of age) whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 on the premises; or
8. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

### Positive COVID-19 Tests

If an employee or family member for whom the employee is providing care tests positive for COVID-19, the employee is entitled to additional paid leave. Full time employees are eligible for up to an additional 40 hours of paid leave and part time employees are eligible for additional leave up to the number of hours that the employee is normally scheduled to work over one week.

A diagnostic test on or after the fifth day after the initial test was taken may be required.

There is no requirement that employees exhaust the leave available for the COVID Qualifying Reasons hours before using the leave available for Positive COVID-19 Tests.

### PROCEDURES:

Employees who are unable to work or telework due to COVID-19 as defined in the Policy above may request leave. For the purposes of this COVID paid sick leave, the following definitions apply: A “qualifying family member” is:

- Child means a “son or daughter” is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.
- 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.
- A spouse.
- A registered domestic partner.
- A grandparent
- A grandchild.
- A sibling.
- Individual means an individual who, as a result of being subject to a quarantine or isolation order, is unable to care for him or herself and depends on you for care and if providing care prevents you from working and from teleworking. Such an individual includes an immediate family member or someone who regularly resides in your home. You may also take paid sick leave to care for someone if your relationship creates an expectation that you would care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine. You may only take paid sick leave to care for an individual who genuinely needs your care. You may not take paid sick leave to care for someone with whom you have no relationship. Nor can you take paid sick leave to care for someone who does not expect or depend on your care during his or her quarantine or self-quarantine.

**To request leave:**

1. Complete the “2022 Request for COVID Leave Form” and submit to your supervisor.
2. Along with your request form, if requested by the Director of HR & Operations, provide documentation that supports your need for leave, e.g., local executive orders, school/child care closure notice.
3. When completing your timesheet, use the COVID- NC paid sick leave request category.