

February 17, 2022

ALERT UPDATE!

New 2022 COVID Paid Sick Leave Notice Now Available

In our [February 11 Alert](#), we told you about the new round of COVID-19 Supplemental Paid Sick Leave (SPSL) **for employers with 26 or more employees enacted** by [SB 114](#), and we promised some additional details on this new law. Here we make good on that promise.

Covered employees are entitled to up to 80 hours of COVID-19-related sick leave, retroactively from January 1, 2022 through September 30, 2022. **Employers must start providing this new leave on February 19, 2022.**

Covered employers are now required to post and distribute a new notice to employees with information about the COVID SPSL and report the SPSL separately on paystubs.

Notice Requirements

- 1) The **notice must be posted/distributed before February 19, 2022.**
- 2) Access the 2022 SPSL notice in [English](#) and [Spanish](#).
 - The notice must be conspicuously displayed in a location frequented by employees.
 - It may distributed via email to employees working remotely .
- 3) Another important piece of the notice requirement is that **the amount of SPSL used must be reported separately on paystubs** -- starting with the next full pay period following the effective date of February 19, 2022.
 - The employer shall list zero hours used if a worker has not used any COVID-19 supplemental paid sick leave. The prior law ([SB 95](#), 2021-22) required an employer to show how much was available – now the employer must show amount **used**.
 - For retroactive payments, the amount of COVID SPSL taken should be shown on the paystub for the pay period in which the retroactive payment was made.
 - Paystub sick leave reporting is already required for 'regular' Paid Sick Leave (thank you AB 1522 from 2015), so just make sure you show this new Supplemental Paid Sick Leave *separate* from your other sick leave.

Frequently Asked Questions

The California Labor Commissioner's Office is updating its website and [Frequently Asked Questions](#) page to reflect the 2022 SPSL. Employers should check back for updates.

Handy Resource

[Side-by-side comparison chart](#) of the various COVID and non-COVID leave options including this new 2022 COVID SPSL. Again, check back for updates as the State incorporates this latest round of SPSL to its resources.

Amount of Leave

In our February 11 Alert, we mentioned that full-time employees who are unable to work or telework due to certain reasons related to COVID-19 are entitled to up to 80 hours SPSL with that 80 hours broken down into two 40-hour buckets. Below is a look at the eligibility for each of those two buckets.

Note that part-time employees are entitled to a proportional amount of leave based on how many hours they normally work or double that amount with a positive COVID-19 test.

FIRST 40 HOURS

1. The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidance of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer who has jurisdiction over the workplace.
2. The employee has been advised by a health care provider to isolate or quarantine due to COVID-19.
3. The 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 certain limitations.
4. The employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevents the employee from being able to work or telework.
5. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
6. The employee is caring for a family member who is subject to an order or guidance or who has been advised to isolate or quarantine.
7. The employee is caring for a child whose school or place of case is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

SECOND 40 HOURS

1. If the employee, or a family member for whom the employee is providing care, tests positive for COVID-19.

If the employee refuses to take the test or fails to show a positive test result, they are not eligible for additional COVID SPSL.

2022 SPSL Definition of Family Member

“Family member” means parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. This definition is different than the FMLA and CFRA definitions so it is important to pay attention to the distinctions.

Request for Leave

Employers must make SPSL available for immediate use upon an employee’s oral or written request. The employee may decide how many hours of SPSL to use. An employer

may not require the employee to use any other paid or unpaid time off (including paid time off (PTO) or vacation time) before allowing the employee to use SPSL.

Vaccination Leave

Employers may limit the amount of SPSL an employee uses to get a vaccine or vaccine booster shot and to recover from symptoms to 24 hours unless a health care provider confirms that the employee or family member continues to experience symptoms related to a COVID-19 vaccine or booster shot.

MCAC continues to follow this issue.

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