

## San José State University Research Foundation

### 2022 COVID-19 Supplemental Sick Leave

On February 9, 2022, California Governor Gavin Newsom signed into law [Senate Bill 114](#), which requires employers with 26 or more employees to provide COVID-19 supplemental paid sick leave to employees.

The new supplemental paid sick leave requirement took effect on February 19, 2022. It applies retroactively to leave taken since January 1, 2022, and continues through the new law's expiration date of September 30, 2022. If an employee took leave for one of the reasons identified below between January 1, 2022 to until February 9, 2022, and that the employee was either unpaid or compensated at a rate less than the employee's regular rate of pay, the employee may request a retroactive payment. On September 29, 2022, California Governor Gavin Newsom signed into law [Assembly Bill 152](#), extending from September 30, 2022 to December 31, 2022. The employee must submit their request to HR via email ([research-foundation-compliance@sjsu.edu](mailto:research-foundation-compliance@sjsu.edu)) or via phone 408- 924-1308.

#### Qualifying Reasons & Hours Entitlement

***Up to 40 Hours of Paid Leave- 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 (includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling) or cannot work or telework because they have vaccine related symptoms or are caring for a family member with vaccine related symptoms. An employee is eligible for up 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 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; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis. If the employee is subject to more than one of the foregoing, the employee shall be permitted to use COVID-19 supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidance that provides for the longest such minimum period.

**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.
- If an employee tests positive he/she must submit to a diagnostic test on or after the fifth day after the positive test was taken and provide documentation of those results. Employee can make an appointment for testing on campus. As to the additional paid sick leave to care for a family member who tested positive for COVID-19, the employee must provide documentation of that family member's test results. Employee can send the copy of test results to the email [research-foundation-compliance@sjsu.edu](mailto:research-foundation-compliance@sjsu.edu).

If an employee works a variable schedule, the employee may take seven times the average number of hours the employee worked each day in the six months preceding the date the covered employee took 2022 CPSL Leave. A covered employee who is newly hired (i.e., hired 7 days or less) and works variable hours will be entitled to the number of 2022 COVID-19 Supplemental Paid Sick Leave hours that they have worked in the preceding two weeks.

The law permits an employer to limit the supplemental paid sick leave to a maximum of five hundred eleven dollars (\$511) per day and five thousand one hundred ten dollars (\$5,110) in the aggregate, unless federal legislation is enacted that increases these amounts beyond the amounts that were included in the Emergency Paid Sick Leave Act established by the federal Families First Coronavirus Response Act, in which case the new federal dollar amounts shall apply to this section as of the date the new amounts are applicable under the federal law.

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. You can locate the nearest district office by going to the [website](#) using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

**Procedure:** Employee makes a written or oral request to the manager and HR at [research-foundation-compliance@sjsu.edu](mailto:research-foundation-compliance@sjsu.edu). If the leave is requested for a qualifying reason, the leave will be approved. Employee, who are considered variable part-time employees, will be notified of the CPSL hours available to use at that time. The paystub will show you your balance and used CPSL hours and you can access this information via Employee Online portal.

The new California COVID-19 supplemental paid sick leave expires on December 31, 2022.