

**From:** [Romero, Nadine](#)  
**To:** [Orange County](#)  
**Subject:** 2021 COVID-19 Supplemental Paid Sick Leave  
**Date:** Thursday, April 1, 2021 8:55:54 AM  
**Attachments:** [california-covid-supplemental-psl-english.pdf](#)  
[Emergency Paid Sick Leave 2.29.21.pdf](#)  
[Emergency Paid Sick Leave School Closure 2.29.21.pdf](#)

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County Family,

On March 19, 2021, Governor Newsom signed into law Senate Bill 95 (SB 95), known as **2021 COVID-19 Supplemental Paid Sick Leave**, mandating that public agency employers provide COVID-19 supplemental paid sick leave to eligible employees. This new law went into effect on March 29, 2021 and is retroactively effective on January 1, 2021.

In accordance with SB 95, the County's current EPSL program will be extended through September 30, 2021. Employees may use EPSL when they are unable to work or telework and have qualifying reasons for such leave, including:

- Caring for Yourself: The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local 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.
- Vaccine-Related: The covered employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

Further information regarding the qualifying reasons to take EPSL can be found on the attached form "2021 COVID-19 Supplemental Paid Sick Leave."

Employees may request the use of EPSL by completing the attached "Emergency Paid Sick Leave Certification" or "Emergency Paid Sick Leave School/Daycare Closure Certification" Form and submit it to their department's human resources representative.

**How many hours of EPSL will be provided under this new law?**

Full-time employees are entitled to 80 hours of COVID-19 supplemental paid

sick leave pursuant to SB 95 effective January 1, 2021. COVID-19 supplemental paid sick leave hours for part-time employees are determined through a calculation process defined by the State of California Department of Industrial Relations.

Employers such as the County which already provided separate supplemental COVID-19 paid sick leave effective January 1, 2021 may count those hours toward the employer's obligations under the new law. As a result, the 40 hours of EPSL already provided effective January 1, 2021 will be applied towards meeting the 80 hours total provided to employees under SB 95.

**For example**, if a full-time employee had 45 EPSL hours in their balances effective January 1, 2021, they will receive an additional 35 EPSL hours for a total of 80 hours which may be used starting on January 1, 2021 for any of the above qualifying COVID-19 related reasons.

**Another example**, if a full-time employee had 80 EPSL hours or more in their balances on January 1, 2021, they will not receive any additional EPSL hours.

### **What time period does 2021 COVID-19 Supplemental Paid Sick Leave cover?**

January 1, 2021 through September 30, 2021. The law was enacted effective March 29, 2021, however the requirement to provide 2021 COVID-19 Supplemental Paid Sick Leave goes back to January 1, 2021. Therefore, covered employees who took **qualifying leave between January 1, 2021 and March 28, 2021**, can request that EPSL be retroactively applied to those absences.

**For example**, an employee took 2 hours off of work to receive the COVID-19 vaccination on February 17, 2021. The employee used 2 hours of Healthcare Leave by posting SHTSP to their timesheet. The employee may now contact their payroll representative and ask for a timesheet adjustment to replace the used Healthcare Leave with EPSL. The 2 hours of Healthcare Leave will be restored to the employee's available balances.

*The use of pay code EPSL will replace the current use of pay codes SHTSP and EHSHT for absences associated with time off for COVID-19 vaccinations.*

For questions regarding the retroactive posting of EPSL hours, please contact your department's Payroll or Human Resources representative.

### **Who can I contact with questions or find more information?**

Further information regarding 2021 COVID-19 Supplemental Paid Sick Leave can be found on the Department of Industrial Relations website:

<https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html>

Information regarding the County's response to COVID-19 for employees can be found on the "COVID-19 Related Employee Information" page at: <https://www.ocgov.com/gov/ceo/covid19employeeinfo>

Please contact your department's human resources representative if you have any questions regarding 2021 COVID-19 Supplemental Paid Sick Leave.