

## **Guidance Regarding COVID-19 Related Leaves**

**March 31, 2021 – Issuance**

**May 10, 2021 – Second Issuance**

**September 20, 2021 – Third Issuance**

**February 22, 2022 – Fourth Issuance**

**September 30, 2022 – Fifth Issuance**

### **Summary of COVID-19 Related Notices and Regulations Pertaining to Academic Personnel**

- On March 16, 2020, former President Napolitano issued an executive order whereby eligible employees would receive a “*one-time allotment of up to 128 hours of paid administrative leave,*” subject to specific enumerated conditions.<sup>1</sup>
- On November 12, 2020, President Drake issued an amended executive order whereby eligible employees would be able to use their “*one-time allotment of up to 128 hours of paid administrative leave,*” by June 30, 2021.
- On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) into law, which gave employers the option to offer their employees Emergency Paid Sick Leave (EPSL) in 2021. Effective March 29, 2021 (through September 30, 2021), the University provided up to 80 hours of 2021 EPSL for full-time employees and the two-week equivalent for part-time employees. (See 2021 EPSL guidance for additional information regarding 2021 EPSL’s effective dates and entitlement.) The University also permits employees to retroactively use their 2021 EPSL entitlement for eligible leaves taken between January 1, 2021 and September 30, 2021, but employees must submit requests by December 6, 2022. (See the [Retro 2021 EPSL Request Form](#).) The University’s 2021 EPSL was more generous than federal law required and was more generous than California’s COVID-19 supplemental paid sick leave under California Labor Code section 248.2.
- On September 16, 2021, President Drake approved Extended Emergency Paid Sick Leave (Extended EPSL) to allow eligible employees additional time to use any remaining hours from their 2021 EPSL entitlement. Extended EPSL was available October 1, 2021 through June 30, 2022 to eligible employees who did not exhaust their 2021 EPSL entitlement.
- Effective February 19, 2022 through September 30, 2022, the University is providing up to 80 hours of 2022 Emergency Paid Sick Leave (2022 EPSL) for full-time employees and the two-week equivalent for part-time employees. The University will permit employees to use 2022 EPSL retroactively to January 1, 2022. 2022 EPSL also provides eligible employees until September 30, 2022 to use any remaining hours from their 2021 EPSL entitlement. The University’s 2022 EPSL is more generous than California’s COVID-19 supplemental paid sick leave under California Labor Code section 248.6.

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<sup>1</sup> [Coronavirus update: Expanded leave policies.](#)

- The University is extending the time to use any remaining 2022 EPSL or 2021 EPSL entitlement from September 30, 2022 to December 31, 2022. There is no increase in allotment of EPSL. The University’s 2022 EPSL is more generous than California’s COVID-19 supplemental paid sick leave under California Labor Code section 248.6 as amended by AB 152.

**Summary of 2022 Emergency Paid Sick Leave (2022 EPSL)**

Below is a summary of the 2022 Emergency Paid Sick Leave (2022 EPSL) provisions potentially available to academic appointees. Also, see the [2022 EPSL Request Form](#).

<b>2022 Emergency Paid Sick Leave (2022 EPSL)</b>
Maximum potential entitlement: 80 hours for FTE or the two-week equivalent for part-time appointees plus any remaining hours from an academic appointee’s 2021 Emergency Paid Sick Leave (2021 EPSL) entitlement (See FAQ 4 for additional information)
Effective: February 19, 2022-December 31, 2022 (and retroactive to January 1, 2022) (See FAQ 2 for additional information)
Eligibility: All appointees are eligible. Appointees hired on or before September 30, 2021 who did not exhaust their 2021 EPSL entitlement are also eligible to use any remaining 2021 EPSL entitlement.
See FAQ 9 for information regarding block and intermittent usage
Used for the following qualifying reasons – appointee is unable to work or telework because: <ol style="list-style-type: none"> <li>1. The appointee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health (CDPH), the federal Centers for Disease Control and Prevention (CDC), or a local public health officer with jurisdiction over the workplace.</li> <li>2. The appointee has been advised by a health care provider to isolate or self-quarantine due to COVID-19</li> <li>3. (a) The appointee is experiencing COVID-19 symptoms and seeking a medical diagnosis; (b) the appointee has been exposed to COVID-19 and is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19; (c) the University has requested that appointee obtain a diagnostic test for, or a medical diagnosis of, COVID-19, and appointee is seeking or awaiting those results; (d) the appointee is attending an appointment for themselves or a family member to receive a vaccine or vaccine booster for protection against COVID-19; or (e) the appointee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster</li> <li>4. The appointee is caring for a family member who is either subject to a quarantine or isolation period related to COVID-19 (as defined by an order or guidance of the CDPH, the CDC, or a local public health officer with jurisdiction over the workplace) or who has been advised by a health care provider to self-quarantine or isolate due to COVID-19</li> <li>5. The appointee is caring for a child whose school/place of care or child care provider is closed or otherwise unavailable for reasons related to COVID-19</li> <li>6. The appointee tests positive for COVID-19 or the appointee is caring for a family member who tests positive for COVID-19</li> </ol>

**FAQs Related to 2022 Emergency Paid Sick Leave**

**1. Who is eligible for leave under 2022 Emergency Paid Sick Leave (2022 EPSL)?**

All appointees are eligible for 2022 EPSL if one or more of the six qualifying reasons apply. Appointees hired on or before September 30, 2021 who did not exhaust their 2021 EPSL

entitlement are also eligible to use any remaining 2021 EPSL entitlement during the 2022 EPSL period if one or more of the six qualifying reasons apply.

## 2. **When is 2022 EPSL effective?**

Appointees are able to take 2022 EPSL beginning February 19, 2022 through December 31, 2022. Appointees who did not exhaust their 2021 EPSL entitlement are also eligible to use any remaining 2021 EPSL hours through December 31, 2022. If an appointee took any leave between January 1, 2022 and February 18, 2022 for one or more of the EPSL qualifying reasons, the appointee may request that the University allow them to retroactively use 2022 EPSL as follows:

- If an appointee took leave between January 1, 2022 and February 18, 2022 for one or more of the qualifying reasons but was not paid their regular rate of pay during that leave, the University will provide them with a retroactive payment using their 2022 EPSL entitlement upon the appointee's request. The number of hours of leave corresponding to the amount of the retroactive payment will be deducted from the appointee's 2022 EPSL entitlement.
- If an appointee used any paid leave between January 1, 2022 and February 18, 2022 for one or more of the qualifying reasons, the University will allow them to retroactively use 2022 EPSL for that leave and credit their leave banks for the time previously debited upon the appointee's request. The decision to restore used time is the appointee's decision. (See FAQ #7 for additional information.)

If an appointee has a block EPSL leave in progress over December 31, 2022, the appointee will be allowed to finish that block leave using any remaining 2021 or 2022 EPSL entitlement.

## 3. **Is 2022 EPSL a new leave entitlement?**

2022 EPSL provides all appointees with a new leave entitlement, and it also provides eligible appointees with additional time to use any remaining hours from their 2021 EPSL entitlement.

## 4. **How should locations determine an academic appointee's 2022 EPSL entitlement?**

2022 EPSL provides all appointees with new leave, and it also provides eligible appointees with additional time to use any remaining hours from their 2021 EPSL entitlement. Locations should calculate the appointee's EPSL entitlement during the 2022 EPSL period using the following instructions.

- **New Leave for All Appointees:** This section outlines how to calculate an appointee's new leave entitlement under 2022 EPSL. Appointees may also be

eligible for additional EPSL in the 2022 EPSL period if they have hours remaining from their 2021 EPSL entitlement.

- Full-time appointees: The appointee's 2022 EPSL entitlement is 80 hours.
- For all other appointees:
  - Step 1: If the appointee worked or was scheduled to work, on average, at least 40 hours per week in the two weeks immediately before the leave, then the appointee's 2022 EPSL entitlement is 80 hours. Otherwise, the location should proceed to Step 2.
  - Step 2: The appointee's entitlement depends on whether they have a normal schedule or they report time on a variable basis:
    - If an appointee has a **normal weekly schedule**, the appointee's 2022 EPSL entitlement is the number of hours that the appointee is normally scheduled to work over two weeks (up to 80 hours).
    - If an appointee **reports time on a variable basis**, the appointee's 2022 EPSL entitlement is equivalent to the average number of hours the appointee works over two weeks (up to 80 hours). That average is calculated using a six-month lookback period. If the appointee has worked for fewer than six months, the lookback period used for this calculation is the period of time that the appointee has worked. If the lookback period includes any break in service, the break in service period is excluded from the hours calculation.
- Requests to use 2022 EPSL for subsequent leaves:
  - If a full-time appointee uses 2022 EPSL for a leave and then requests 2022 EPSL for a subsequent leave, the appointee's earlier 2022 EPSL usage would be deducted from the appointee's 80-hour 2022 EPSL entitlement to determine the amount of 2022 EPSL available to use for the new leave.
  - If an appointee who is not full-time uses 2022 EPSL for a leave and then requests 2022 EPSL for a subsequent leave, the location would use Step 1 and, if applicable, Step 2 to calculate the appointee's entitlement for each subsequent leave. Once that entitlement is calculated, the appointee's earlier 2022 EPSL usage would be deducted to determine the amount of 2022 EPSL available to use for the new leave. For example, a part-time appointee used 8 hours of 2022 EPSL in February and asks to use 2022 EPSL again in June. When the appointee's entitlement is calculated for the June leave request, the result is 60 hours. The 8 hours previously used in February is deducted, leaving 52 hours of 2022 EPSL available for the appointee to use for the June leave.
- Requests to use 2022 EPSL intermittently: If an appointee asks to use 2022 EPSL for a leave that is being taken intermittently, the location would

determine the appointee's entitlement just once. Because the segments of the intermittent leave are not separate leaves, there is no need to recalculate the appointee's 2022 EPSL entitlement during the intermittent leave. (Note that 2022 EPSL may only be used intermittently in certain circumstances. See FAQ #9)

- **Remaining 2021 EPSL Entitlement:** All appointees hired on or before September 30, 2021 who did not exhaust their 2021 EPSL entitlement are also entitled to use any hours remaining from their 2021 EPSL entitlement during the 2022 EPSL period. Locations should use the method outlined above to calculate an appointee's remaining 2021 EPSL entitlement.

**5. Will an appointee need to use EPSL during the 2022 EPSL period if they are unable to work for COVID-19-related reasons?**

Appointees can choose the order in which they use EPSL and any other paid leave accruals during the 2022 EPSL period.

**6. Will an academic appointee be asked to complete documentation to request EPSL during the 2022 EPSL period? Must a form be used?**

Appointees may request to use EPSL during the 2022 EPSL period either orally or in writing. Locations should encourage appointees to complete the 2022 EPSL Request Form that asks the appointee to provide pertinent information regarding eligibility for EPSL and to certify that the information provided is correct. If an appointee is unwilling to complete the form but is eligible to use EPSL during the 2022 EPSL period, the location should grant the leave.

**7. An academic appointee used their paid leave accruals to take time off for an EPSL-qualifying reason on or after January 1, 2022. The appointee subsequently asks if they can instead retroactively use EPSL for that absence. Should the location grant the appointee's request?**

Yes, if the absence occurred between January 1, 2022 and December 31, 2022.

An appointee who used paid leave accruals (e.g., vacation, sick leave, PTO) for any EPSL-qualifying reason between January 1, 2022 and December 31, 2022 can subsequently opt to use any entitlement to EPSL for that time instead. The accruals that the appointee used for the absences would then be credited back to the appointee.

Likewise, an appointee who took unpaid leave for any EPSL-qualifying reason between January 1, 2022 and December 31, 2022 can subsequently opt to use any entitlement to EPSL for that time instead.

The location should use this same approach even if an appointee makes this request regarding a block EPSL-qualifying leave in progress over December 31, 2022, handling the

portion of the leave after December 31, 2022 as indicated in FAQ #2. For example, if an appointee is on a block EPSL-qualifying leave from December 19, 2022 until January 6, 2023 and elected to take vacation leave during this time, the appointee may subsequently opt to use any entitlement to EPSL for that time instead and their vacation accruals would be credited accordingly.

Note: the academic appointee must make this request on or after February 19, 2022. A request made before February 19, 2022 does not count.

**8. How is EPSL being funded? To which funding source should locations charge time when an academic appointee is determined to be eligible for EPSL?**

Locations should charge EPSL to an academic appointee's regular funding source unless instructed otherwise. There is no systemwide central source of funds.

**9. Does EPSL used during the 2022 EPSL period need to be taken in one continuous block of time or can it be used intermittently?**

EPSL used during the 2022 EPSL period may always be taken as a block leave. Whether it can be used intermittently depends on whether the appointee is teleworking or working onsite, and it may also depend on the reason for which the appointee is taking EPSL:

- Non-exempt appointees who are teleworking may take EPSL as a block leave or intermittently in increments of at least one hour.
- Exempt appointees who are teleworking may take EPSL as a block leave or intermittently in whole day increments.
- Appointees working onsite may take EPSL for any reason as a block leave but may only take EPSL intermittently if taking leave for Reason 3(d) (vaccination), Reason 3(e) (vaccine symptoms), or Reason 5 (school closure). When taking EPSL intermittently for any of these reasons, non-exempt appointees may take EPSL in increments of at least one hour, and exempt appointees may take EPSL in whole day increments.

For public health reasons, appointees working onsite who are taking EPSL for Reason 1 (quarantine or isolation period); Reason 2 (self-quarantine); Reason 3(a) (diagnosis due to symptoms); Reason 3(b) (diagnosis due to exposure); Reason 3(c) (University-requested diagnosis); Reason 4 (caring for family member); or Reason 6 (positive test) must continue using EPSL until the appointee either uses the full amount of EPSL or no longer has a qualifying reason for using EPSL.

**10. Will appointees on EPSL during the 2022 EPSL period continue to accrue service credit for purposes of UCRP and continue to accrue vacation and sick leave, if applicable?**

An appointee on paid leave continues to accrue vacation and sick time, as well as service credit for purposes of UCRP, as they normally would under pay status. Appointees who are

eligible to accrue sabbatical leave shall continue to accrue credits as they normally would under pay status.

**11. May an academic appointee elect to use EPSL during the 2022 EPSL period past their pre-determined appointment end date?**

No, consistent with applicable collective bargaining agreements and the APM, an appointee may not elect EPSL past their pre-determined appointment end date.

**12. Who should an academic appointee contact to initiate EPSL during the 2022 EPSL period?**

An appointee should first notify their direct supervisor of the need to take EPSL during the 2022 EPSL period. Appointees and supervisors should work with their local academic personnel office to determine eligibility.

**13. Can an appointee take 80 hours of 2022 EPSL for their own self-quarantine and then additional EPSL for another qualifying reason per the chart above?**

The new allotment of 2022 EPSL hours is capped at 80 hours for full-time appointees and the two-week equivalent for part-time appointees. An eligible appointee may have additional EPSL hours that can be used during the 2022 EPSL period dependent upon whether they exhausted their 2021 EPSL entitlement. (See FAQ #4 for additional information about determining an appointee's 2021 EPSL entitlement.)

**14. Will EPSL used during the 2022 EPSL period need to be tracked?**

Yes. The University is tracking and reporting the amount of EPSL taken during the 2022 EPSL period and the associated payroll expense. The UCPath Center has mechanisms to track EPSL, including the reason. Not all entry and calculations will be automated in UCPath or PPS – locations will need to process some manual entry and upload of leaves. Locations will also need to monitor whether an appointee is exceeding their paid leave allotments as UCPath is not programmed to place caps on the paid leaves.

**15. What is the rate of pay to apply when an academic appointee is on EPSL during the 2022 EPSL period?**

The University has decided to pay appointees on EPSL during the 2022 EPSL period at the appointee's regular rate of pay.

**16. Can extramural funds be used to pay the salaries of academic appointees who cannot work remotely or whose work is limited due to COVID-19?**

Please refer to [UCOP's Research and Innovation Office, Research Policy Analysis and Coordination's webpage with current information from extramural funders](#) and consult

with your local Contracts & Grants/Sponsored Projects office.

- 17. Can a location require that an appointee use 2022 EPSL when the location has excluded the appointee for workplace exposure to COVID-19 as required by the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards?**

No. When a location excludes an appointee and the appointee is entitled to exclusion pay, the location may not require the use of 2022 EPSL before providing exclusion pay.

- 18. Some schools may operate on an alternate day (or other hybrid-attendance) basis. The school is open each day, but students alternate between days attending school in person and days participating in remote learning. The school only permits students to attend school on their assigned in-person attendance days. May eligible academic appointees use EPSL during the 2022 EPSL period for Reason 5 in these circumstances?**

Yes, an eligible appointee may use EPSL during the 2022 EPSL period for Reason 5 on days when the school does not permit their child to attend school in person if the appointee is unable to work or telework for that reason. The school is effectively “closed” to the appointee’s child on days that the child cannot attend in person. An eligible appointee may take EPSL on each of their child’s remote learning days. As an example, an eligible appointee may take EPSL on Mondays, Wednesdays, and Fridays if the school does not permit their child to attend school in person on those days.

- 19. Some schools may only permit children to attend school in person for part of the day, and the children must spend the rest of the day at home participating in remote learning. May eligible academic appointees use EPSL during the 2022 EPSL period for Reason 5 in these circumstances?**

The answer depends on whether the appointee is exempt or non-exempt. Non-exempt appointees may take EPSL during the 2022 EPSL period for Reason 5 intermittently in increments of at least one hour. This means that a non-exempt appointee could use EPSL for Reason 5 for the hours that the child is participating in remote learning if the appointee is unable to work or telework during that time for that reason. Exempt appointees may take EPSL for Reason 5 intermittently in whole day increments. This means that an exempt appointee would not be able to take EPSL for a partial day. (Please refer to FAQ #9 for the rules regarding intermittent use when taking EPSL for other reasons.)

- 20. Some schools are giving parents a choice between having their children attend in person or participate in a remote learning program. If an academic appointee elects remote learning for their child, can that academic appointee use EPSL during the 2022 EPSL period for Reason 5 while their child is at home?**

No. An appointee is not eligible to use EPSL during the 2022 EPSL period for Reason 5 under these circumstances because the child’s school is not “closed” due to COVID-19



reasons; it is open for the appointee's child to attend. If an appointee's child is home because the appointee has chosen for the child to remain home, the appointee is not entitled to EPSL for Reason 5.

**21. Will hourly academic appointees receive paid time off to receive the SARS-CoV-2 (COVID-19) vaccine?**

Yes, hourly appointees may take up to four hours of paid time to obtain each dose of the SARS-CoV-2 (COVID-19) vaccine or vaccine booster. Appointees must provide advance notice to their supervisor. If an appointee needs more time for this purpose, the appointee may request to use EPSL during the 2022 EPSL period (Reason 3(d)) for the additional time.

**22. Can academic appointees use EPSL during the 2022 EPSL period if they experience symptoms or are caring for a family member experiencing symptoms related to a SARS-CoV-2 (COVID-19) vaccine or vaccine booster?**

Yes. Academic appointees may request EPSL (Reason 3(e)) for either of those purposes. If an appointee has exhausted their EPSL entitlement or opts not to use EPSL, the appointee would be able to use accrued sick leave, vacation leave, and/or paid time off (PTO).

**23. Will UC health benefits continue for appointees using EPSL during the 2022 EPSL period?**

Yes, appointees will continue to have any existing health benefits while on EPSL during the 2022 EPSL period.

**24. If an appointee is or gets sick from COVID-19, will the appointee be required to use their accrued sick or vacation leave, PTO, or other paid medical leave? What if the appointee does not have enough accrued sick or vacation leave – will they still receive their full pay?**

Appointees may request EPSL (Reason 6) for this purpose. If an appointee has exhausted their EPSL entitlement or opts not to use EPSL, the appointee may have several different leave options available, including Family and Medical Leave (under FMLA and/or CFRA) and use of accrued sick leave, vacation leave, and/or PTO. If an appointee does not have enough EPSL or accrued sick leave, vacation leave, and/or PTO available, they should work with their supervisor to accurately record non-work time.

**25. Where can I find additional University resources/information regarding COVID-19?**

The University's [COVID-19 website](#) includes updates and information on all things COVID-19. The website also includes links to location's COVID-19 sites as well as to the CDC and WHO sites.