

## COVID-19 Related Leave for Policy-Covered and Represented Staff Employees

March 31, 2021: Original Issuance  
May 10, 2021: Second Issuance  
October 6, 2021: Third Issuance  
February 22, 2022: Fourth Issuance  
September 30, 2022: Fifth Issuance

### A. Summary of 2022 Emergency Paid Sick Leave (2022 EPSL)

Below is a summary of the 2022 Emergency Paid Sick Leave (2022 ESPL) provisions applicable to policy-covered and represented staff employees. Also, see the [2022 EPSL Request Form](#).

*Chart Updated 9/30/22*

2022 Emergency Paid Sick Leave (2022 EPSL)
<p>Maximum potential entitlement: FTE: 80 hours (full-time firefighters may be entitled to more than 80 hours) plus any remaining hours from an employee’s 2021 Emergency Paid Sick Leave (2021 EPSL) entitlement Part-Time Employee: Two-week equivalent plus any remaining hours from an employee’s 2021 EPSL entitlement</p> <p>(See FAQ# 4 for additional information)</p>
<p>Effective: February 19, 2022 – December 31, 2022 (and retroactive to January 1, 2022) (See FAQ #2 for additional information)</p>
<p>Eligibility: All employees are eligible. Employees 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.</p>
<p>See FAQ #13 for information regarding block and intermittent usage</p>
<p>Used for the following qualifying reasons – the employee is unable to work or telework because:</p> <ol style="list-style-type: none"> <li>1. The employee 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 employee has been advised by a health care provider to isolate or self-quarantine due to COVID-19</li> <li>3. (a) The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; (b) The employee 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 the employee obtain a diagnostic test for, or a medical diagnosis of, COVID-19, and the employee is seeking or awaiting those results; (d) The employee 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 employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster</li> <li>4. The employee 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 employee is caring for 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 employee tests positive for COVID-19 or the employee is caring for a family member who tests positive for COVID-19.</li> </ol>

## B. Summary of COVID-19 Related Communication<sup>1</sup>

- 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 conditions.
- In July 2020, former President Napolitano approved temporarily expanding the reasons for which policy-covered staff employees may use accrued sick leave under [PPSM 2.210 \(Absence from Work\)](#). Effective July 1, 2020 through December 31, 2020, policy-covered staff employees may use all of their accrued sick leave if they are unable to work or telework because they are caring for their child while their child is not physically present at their school or place of care (or with their child care provider) due to COVID-19 precautions. The PPSM 2.210 (Absence from Work) sick leave provisions apply to the use of sick leave for these purposes. This also includes employees working at Medical Centers with PTO programs.
- 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 3, 2021](#), President Drake approved an extension through June 30, 2021, to continue temporarily expanding the reasons for which policy-covered staff employees may use accrued sick leave under PPSM 2.210.
- On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) into law, which gives 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 would require and 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.
- 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.

## C. Frequently Asked Questions Related to 2022 Emergency Paid Sick Leave

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

All employees are eligible for 2022 EPSL if one or more of the six qualifying reasons apply. Employees 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?

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

- If an employee 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 employee’s request. The number of hours of

<sup>1</sup> This guidance does not apply to Lawrence Berkeley National Laboratory employees. Berkeley Lab employees with questions should refer to [Berkeley Lab’s COVID-19 website](#)

leave corresponding to the amount of the retroactive payment will be deducted from the appointee's 2022 EPSL entitlement.

- If an employee 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 employee's request. The decision to restore used time is the appointee's decision. (See FAQ #16 for additional information.)

If an employee has a block EPSL leave in progress over December 31, 2022, the employee 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 employees with a new leave entitlement, and it also provides eligible employees with additional time to use any remaining hours from their 2021 EPSL entitlement.

### 4. How should locations determine an employee's 2022 EPSL entitlement?

- 2022 EPSL provides all employees with new leave, and it also provides eligible employees with additional time to use any remaining hours from their 2021 EPSL entitlement. Locations should calculate the employee's EPSL entitlement during the 2022 EPSL period using the following instructions.
- **New Leave for All Employees:** This section outlines how to calculate an employee's new leave entitlement under 2022 EPSL. Employees may also be eligible for additional EPSL in the 2022 EPSL period if they have hours remaining from their 2021 EPSL entitlement.
  - Full-time employees: The employee's 2022 EPSL entitlement is 80 hours.
  - For all other employees:
    - Step 1: If the employee worked or was scheduled to work, on average, at least 40 hours per week in the two weeks immediately before the leave, then the employee's 2022 EPSL entitlement is 80 hours. Otherwise, the location should proceed to Step 2.
    - Step 2: The employee's entitlement depends on whether they have a normal or variable schedule:
      - If an employee has a **normal weekly schedule**, the employee's 2022 EPSL entitlement is the number of hours that the employee is normally scheduled to work over two weeks (up to 80 hours).
      - If an employee has a **variable schedule**, the employee's 2022 EPSL entitlement is equivalent to the average number of hours the employee works over two weeks (up to 80 hours). That average is calculated using a six-month lookback period. If the employee has worked for fewer than six months, the lookback period used for this calculation is the period of time that the employee 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 employee uses 2022 EPSL for a leave and then requests 2022 EPSL for a subsequent leave, the employee's earlier 2022 EPSL usage would be deducted from the employee's 80-hour 2022 EPSL entitlement to determine the amount of 2022 EPSL available to use for the new leave.
  - If an employee 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 employee's entitlement for each subsequent leave. Once that entitlement is calculated, the employee'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 employee used 8 hours of 2022 EPSL in February and asks to use 2022 EPSL again in June. When the employee'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 employee to use for the June leave.
- Requests to use 2022 EPSL intermittently: If an employee asks to use 2022 EPSL for a leave that is being taken intermittently, the location would determine the employee's entitlement just once.

Because the segments of the intermittent leave are not separate leaves, there is no need to recalculate the employee's 2022 EPSL entitlement during the intermittent leave. (Note that 2022 EPSL may only be used intermittently in certain circumstances. See FAQ #13)

- **Special rule for firefighters only:** If a firefighter was scheduled to work more than 80 hours in the two weeks immediately before the leave, then the firefighter's 2022 EPSL entitlement is the total number of hours that the firefighter was scheduled to work in those two weeks. (This is the only scenario where an employee could potentially be entitled to more than 80 hours of 2022 EPSL.)
- **Remaining 2021 EPSL Entitlement:** All employees 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 employee's remaining 2021 EPSL entitlement.

**5. What amount of pay will eligible employees receive when using EPSL during the 2022 EPSL period?**

Eligible employees will receive their regular rate of pay when using EPSL during the 2022 EPSL period.

**6. Will non-exempt employees receive paid time off to receive the SARS-CoV-2 (COVID-19) vaccine or vaccine booster?**

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

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

**8. Will UC health benefits continue for employees using EPSL during the 2022 EPSL period?**

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

**9. If an employee is or gets sick from COVID-19, will the employee be required to use their accrued sick or vacation leave, PTO, or other paid medical leave? What if the employee doesn't have enough accrued sick or vacation leave — will they still receive their full pay?**

Employees may request EPSL (Reason 6) for this purpose. If an employee has exhausted their EPSL entitlement or opts not to use EPSL, the employee 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 employee 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.

**10. Will employees 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?**

Yes, employees using EPSL during the 2022 EPSL period will continue to accrue vacation and sick leave, as well as service credit for purposes of UCRP, as they normally would while on pay status.

**11. 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 employee is exceeding their paid leave allotments as UCPath is not programmed to place caps on the paid leaves.

**12. 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.

**13. 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 employee is teleworking or working onsite, and it may also depend on the reason for which the employee is taking EPSL:

- Non-exempt employees who are teleworking may take EPSL as a block leave or intermittently in increments of at least one hour.
- Exempt employees who are teleworking may take EPSL as a block leave or intermittently in whole day increments.
- Employees 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 employees may take EPSL in increments of at least one hour, and exempt employees may take EPSL in whole day increments.
- For public health reasons, employees 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 employee either uses the full amount of EPSL or no longer has a qualifying reason for using EPSL.

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

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

**15. Who should an employee contact to initiate EPSL during the 2022 EPSL period?**

An employee should first notify their direct supervisor of the need to take EPSL during the 2022 EPSL period.

**16. Will employees be asked to complete a form to request EPSL during the 2022 EPSL period?**

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

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

Yes, if the absence occurred between January 1, 2022 and December 31, 2022. An employee 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 employee used for the absences would then be credited back to the employee.

Likewise, an employee 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 employee 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 employee 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 employee may subsequently opt to use any entitlement to EPSL for that time instead and their vacation accruals would be credited accordingly.

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

**18. Can an employee 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 employees (though full-time firefighters may be entitled to more than 80 hours) and the two-week equivalent for part-time employees. An eligible employee 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 employee's 2021 EPSL entitlement.)

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

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

**20. 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 employees use EPSL during the 2022 EPSL period for Reason 5 in these circumstances?**

Yes, an eligible employee 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 employee is unable to work or telework for that reason. The school is effectively "closed" to the employee's child on days that the child cannot attend in person. An eligible employee may take EPSL on each of their child's remote learning days. As an example, an eligible employee may take EPSL on Mondays, Wednesdays, and Fridays if the school does not permit their child to attend school in person on those days.

**21. 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 employees use EPSL during the 2022 EPSL period for Reason 5 in these circumstances?**

The answer depends on whether the employee is exempt or non-exempt. Non-exempt employees 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 employee could use EPSL for Reason 5 for the hours that the child is participating in remote learning if the employee is unable to work or telework during that time for that reason. Exempt employees may take EPSL for Reason 5 intermittently in whole day increments. This means that an exempt employee would not be able to take EPSL for a partial day. (Please refer to FAQ #13 for the rules regarding intermittent use when taking EPSL for other reasons.)

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

No. An employee 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 employee's child to attend. If an employee's child is home because the employee has chosen for the child to remain home, the employee is not entitled to EPSL for Reason 5.