

COVID-19 Related Leaves for Policy-Covered and Represented Staff Employees

March 31, 2021: Original Issuance

May 10, 2021: Second Issuance

A. Summary of COVID-19 Related Paid Leaves

The following table is a brief summary of the two COVID-19 related paid leave provisions applicable to policy-covered and represented staff employees.

Chart Updated 5/10/21

UC Expanded Paid Administrative Leave (PAL)	Emergency Paid Sick Leave (EPSL)
<p>Maximum potential entitlement: FTE: Up to 128 hours</p> <p>Part-Time Employee: Prorated by appointment percentage</p> <p>One-time allotment</p>	<p>Maximum potential entitlement: FTE: 80 hours (Full-time firefighters may be entitled to more than 80 hours)</p> <p>Part-Time Employee: Two-week equivalent</p> <p>(See FAQ# 2 for additional information)</p>
<p>March 1, 2020 – June 30, 2021</p>	<p>March 29, 2021 – September 30, 2021 (See FAQ #1 for additional information)</p>
<p>No prior service requirements</p>	<p>No prior service requirements</p>
<p>Exempt Employee: Must be taken in whole day increments but may be taken intermittently</p> <p>Non-Exempt Employee: Can take in increments of less than a whole day and may be taken intermittently</p>	<p>See FAQ #15 for information regarding block and intermittent usage</p>
<p>Used for the following purposes:</p> <ol style="list-style-type: none"> 1. Employee unable to work due to own or family member’s COVID-19 related illness. 2. Employee unable to work because directed not to come to worksite for COVID-19 related reasons and/or worksite implemented COVID-19 related remote work or is under shelter in place order and it is not operationally feasible for employee to work remotely. 3. Employee unable to work due to COVID-19 related school or daycare closure which requires employee to be at home with a child or dependent and not operationally feasible for employee to work in conjunction with childcare commitment. <p>The use of UC Expanded Paid Administrative Leave “shall not adversely affect the delivery of essential university services, including in particular, the clinical services delivered by UC Health.”</p>	<p>Used for the following qualifying reasons - unable to work or telework because of:</p> <ol style="list-style-type: none"> 1. Quarantine or isolation order 2. Told by health care provider to self-quarantine 3. (a) Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; (b) 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) employee is obtaining immunization related to COVID-19; or (e) employee is recovering from injury, disability, illness, or condition related to obtaining COVID-19 immunization 4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine 5. Caring for child whose school/place of care is closed or child care provider unavailable due to COVID-19 6. Other substantially similar condition specified by HHS Secretary

B. Summary of COVID-19 Related Communication¹

- 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 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 (Absence from Work).
- 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, the University is providing up to 80 hours of EPSL for full-time employees and the two-week equivalent for part-time employees. (See FAQ #1 for additional information regarding EPSL’s effective dates and FAQ #2 for additional information regarding determining EPSL entitlement.) The EPSL that the University is offering in 2021 is more generous than federal law would require and more generous than California’s COVID-19 supplemental paid sick leave.

C. Frequently Asked Questions

General

1. When is the 2021 Emergency Paid Sick Leave (EPSL) effective? *(Revised 5/10/21)*

Employees are able to take EPSL between March 29, 2021 and September 30, 2021. If an employee took any leave between January 1, 2021 and March 28, 2021 for one or more of the EPSL qualifying reasons but was not paid their regular rate of pay during that leave, the employee may request that the University allow them to retroactively use EPSL. Also, any employee who has a block EPSL leave in progress on September 30, 2021 must be permitted to finish that block leave using any remaining 2021 EPSL entitlement.

2. How should locations determine an employee’s 2021 EPSL entitlement? *(Added 5/10/21)*

- **If an employee is full-time:** The employee’s 2021 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 2021 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 2021 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 2021 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 2021 EPSL for subsequent leaves:**
 - If a full-time employee uses 2021 EPSL for a leave and then requests 2021 EPSL for a subsequent leave, the employee’s earlier 2021 EPSL usage would be deducted from the employee’s 80-hour 2021 EPSL entitlement to determine the amount of 2021 EPSL available to use for the new leave.

¹ 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](#)

- If an employee who is not full-time uses 2021 EPSL for a leave and then requests 2021 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 2021 EPSL usage would be deducted to determine the amount of 2021 EPSL available to use for the new leave. For example, a part-time employee used 8 hours of 2021 EPSL in May and asks to use 2021 EPSL again in August. When the employee's entitlement is calculated for the August leave request, the result is 60 hours. The 8 hours previously used in May is deducted, leaving 52 hours of 2021 EPSL available for the employee to use for the August leave.
- **Requests to use 2021 EPSL intermittently:** If an employee asks to use 2021 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 2021 EPSL entitlement during the intermittent leave. (Note that 2021 EPSL may only be used intermittently in certain circumstances. See FAQ #15.)
- **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 2021 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 EPSL in 2021.)

3. What amount of pay will eligible employees receive during EPSL?

Eligible employees will receive their regular rate of pay during EPSL. Although the law allows employers to place caps on pay for EPSL, the University has decided not to apply these caps.

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

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. Employees must provide advance notice to their supervisor. If an employee needs more time for this purpose, the employee may request EPSL (Reason 3(d)) for the additional time.

5. Can employees use Expanded Paid Administrative Leave (PAL) or EPSL if they get sick from side effects of the SARS-CoV-2 (COVID-19) vaccine?

Yes. If an employee who has PAL available gets the SARS-CoV-2 (COVID-19) vaccine and gets sick from side effects of the vaccine and is unable to work for that reason, the employee would be able to use PAL for that time. Alternatively, employees may request EPSL (Reason 3(e)) for that purpose. If an employee has exhausted PAL and/or EPSL or opts not to use them, the employee would be able to use accrued sick leave, vacation leave, and/or paid time off (PTO).

6. Will UC health benefits continue for employees on any of these paid leaves?

Yes, employees will continue to have any existing health benefits while on paid leave.

7. 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 who are unable to work due to their own illness or because they must care for an ill family member may have several different leave options available, including Family and Medical Leave (FMLA/CFRA), sick leave, vacation leave and PTO.

Depending upon circumstances, an employee may qualify for PAL and/or EPSL. If an employee does not have enough accrued sick or vacation leave available, they should work with their supervisor about the situation and to accurately record non-work time.

8. Will employees on paid leave related to COVID-19 (i.e., PAL and/or EPSL) continue to accrue service credit for purposes of UCRP and continue to accrue vacation and sick leave, if applicable?

Yes, employees on paid leave 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.

9. What are appropriate leave options?

Standard leave options may include Family and Medical Leave (FMLA/CFRA), accrued sick leave, vacation leave, and/or PTO. Depending upon the circumstances, an employee may qualify for special COVID-19 leaves (see table above regarding COVID-19-related leave).

10. Will COVID-19 related leaves need to be tracked?

Yes. The University is tracking and reporting the amount of COVID-19 leave taken and the associated payroll expense. The UCPath Center is working on mechanisms to track the type of leaves taken, 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.

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

The University has developed a [COVID-19 website](#) with 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.

UC Expanded Paid Administrative Leave (PAL)**12. Will an employee need to use PAL or EPSL during this time period if they are unable to work for COVID-19-related reasons?**

Employees can choose the order in which they use PAL, EPSL, and any other paid leave accruals.

13. An exempt employee who does not accrue vacation or sick leave has requested to take PAL because they are unable to work due to their own COVID-19 related illness (Criterion 1). Is the employee eligible to take PAL?

All employees shall be eligible to receive a one-time allotment of up to 128 hours of PAL subject to the following conditions of the President's Executive Order:

- All hours must be used by June 30, 2021, or the allotment shall expire;
- The hours may be used at any time during the period of the Executive Order, including intermittently in whole day increments, either before or after the use of any accrued leave or other paid leave, at the request of the employee, in consultation with the supervisor, provided that such use shall not adversely affect the delivery of essential university services, including in particular, the clinical services delivered by UC Health;
- The number of hours for employees who work less than full-time shall be prorated according to the percent of the appointment;
- Exempt employees who do not accrue sick or vacation leave are eligible for the onetime allotment of the paid administrative leave.

2021 Emergency Paid Sick Leave (EPSL)**14. Who is eligible for leave under the EPSL?**

All employees are eligible for EPSL in 2021, regardless of their length of employment at the University or appointment type. Although health care workers and emergency responders were not eligible to take EPSL for Reasons 4 or 5 in 2020, they are eligible to take EPSL for any reason in 2021.

15. Does EPSL need to be taken in one continuous block of time or can it be used intermittently?

EPSL 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 EPSL for Reason 5. When taking EPSL intermittently for Reason 5, 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 Reasons 1-4 or 6 must continue using EPSL until the employee either uses the full amount of EPSL or no longer has a qualifying reason for using EPSL.

16. Will employees be asked to complete a form to request EPSL?

Employees may request EPSL orally or in writing. Locations should encourage employees to complete the [2021 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 for EPSL, 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 March 29, 2021. The employee subsequently asks if they can instead use EPSL for that absence. Should the location grant the employee's request? (Added 5/10/21)

Yes, if the absence occurred between March 29, 2021 and September 30, 2021. An employee who used paid leave accruals (e.g., vacation, sick leave, PTO) for any EPSL-qualifying reason between March 29, 2021 and September 30, 2021 can subsequently opt to use 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 March 29, 2021 and September 30, 2021 can subsequently opt to use 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 on September 30, 2021, handling the portion of the leave after September 30, 2021 as indicated in FAQ #1.

18. When can an employee who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (Reason 2) elect EPSL?

Advice to self-quarantine may be based on the health care provider's belief that the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19. The implementation guidelines issued by the U.S. Department of Labor provide that, *[S]elf-quarantining must prevent the employee from working. An employee who is self-quarantining is able to telework, and therefore may not take paid sick leave for this reason, if (a) his or her employer has work for the employee to perform; (b) the employer permits the employee to perform that work from the location where the employee is self-quarantining; and (c) there are no extenuating circumstances, such as serious COVID-19 symptoms, that prevent the employee from performing that work."*

19. If an employee is unable to work or telework as they are caring for an individual who is either subject to a federal, state, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (Reason 4), is the employee eligible for EPSL?

The implementation guidelines issued by the U.S. Department of Labor provide that this qualifying reason applies only if *"but for a need to care for an individual, the employee would be able to perform work for his or her employer...."* The employee will need to identify their relationship to that individual.

20. An employee has requested paid leave (i.e., PAL and/or EPSL) because they are unable to work or telework due to a lack of childcare as a result of COVID-19. How can I determine whether the employee is eligible for paid leave and which leave they are eligible for?

An employee who is unable to work or telework because they are caring for their child whose school or place of care has closed (or whose child care provider is unavailable) due to COVID-19 reasons is eligible to take PAL and/or EPSL (Reason 5). The use of PAL must not adversely affect the delivery of essential University services, which includes the clinical services delivered by UC Health.

Effective July 1, 2020 through June 30, 2021, 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.

21. Can an employee take 80 hours of EPSL for their own self-quarantine and then another amount of EPSL for another qualifying reason per the chart above?

No. The total number of hours for which an employee can take EPSL 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. (See FAQ #2 for additional information about determining an employee's EPSL entitlement.)

22. Some schools are operating 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 for Reason 5 in these circumstances?

Yes, an eligible employee may use EPSL 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.

23. Some schools 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 for Reason 5 in these circumstances? (Added 5/10/21)

The answer depends on whether the employee is exempt or non-exempt. Non-exempt employees may take EPSL 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 #15 for the rules regarding intermittent use when taking EPSL for other reasons.)

24. 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 for Reason 5 while their child is at home?

No. An employee is not eligible to use EPSL 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.