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

A. Summary of Extended Emergency Paid Sick Leave (Extended EPSL)
The following table is a summary of the Extended Emergency Paid Sick Leave provisions applicable to policy-covered and represented staff employees.

<table>
<thead>
<tr>
<th>Extended Emergency Paid Sick Leave (Extended EPSL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum potential entitlement: any remaining hours from an employee’s 2021 Emergency Paid Sick Leave (2021 EPSL) entitlement (See FAQ# 4 for additional information)</td>
</tr>
<tr>
<td>Effective: October 1, 2021 – June 30, 2022 (See FAQ #2 for additional information)</td>
</tr>
<tr>
<td>Eligibility: Employees hired on or before September 30, 2021</td>
</tr>
<tr>
<td>See FAQ #13 for information regarding block and intermittent usage</td>
</tr>
</tbody>
</table>

Used for the following qualifying reasons - unable to work or telework because of:
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

B. Summary of COVID-19 Related Communication
- 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.

---

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.
• 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 in 2021. Effective March 29, 2021 through September 30, 2021, the University is providing up to 80 hours of 2021 Emergency Paid Sick Leave (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 for additional information regarding determining 2021 EPSL entitlement.) The University’s 2021 EPSL is more generous than federal law would require and more generous than California’s COVID-19 supplemental paid sick leave.

• On September 16, 2021, the University 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 is available October 1, 2021 through June 30, 2022 to eligible employees who did not exhaust their 2021 EPSL entitlement.

C. Frequently Asked Questions

1. **Who is eligible for leave under Extended Emergency Paid Sick Leave (Extended EPSL)?**
   All employees hired on or before September 30, 2021 who did not exhaust their 2021 EPSL entitlement are eligible for Extended EPSL, regardless of their appointment type.

2. **When is Extended EPSL effective?** *(Revised 10/6/21)*
   Employees are able to take Extended EPSL between October 1, 2021 and June 30, 2022. Also, any employee who has a block Extended EPSL leave in progress on June 30, 2022 must be permitted to finish that block leave using any remaining entitlement.

3. **Is Extended EPSL a new leave entitlement?**
   No. Extended EPSL does provide employees with additional leave. It provides employees with additional time to use any remaining hours from their 2021 EPSL entitlement.

4. **How should locations determine an employee’s Extended EPSL entitlement?** *(Added 5/10/21)*
   - An employee’s Extended EPSL entitlement is equal to any hours remaining from the employee’s 2021 EPSL entitlement.
   - **If an employee did not use any of their 2021 EPSL entitlement,** then the location should calculate the employee’s Extended EPSL entitlement using the following instructions. (This is the same method that locations used to calculate an employee’s 2021 EPSL entitlement.)
     - **Full-time employees:** The employee’s Extended 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 Extended 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 Extended 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 Extended 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.
       - **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 Extended 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 Extended EPSL.)

- **If an employee used some of their 2021 EPSL entitlement**, then the location should calculate the employee’s Extended EPSL entitlement using the following instructions.
  - If a full-time employee used 2021 EPSL for a leave and then requests Extended 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 Extended EPSL available to use for the new leave.
  - If an employee who is not full-time used 2021 EPSL for a leave and then requests Extended EPSL for a subsequent leave, the location would use Step 1 and, if applicable, Step 2 to calculate the employee’s entitlement for the subsequent leave. Once that entitlement is calculated, the employee’s earlier 2021 EPSL usage would be deducted to determine the amount of Extended EPSL available to use for the new leave. For example, a part-time employee used 8 hours of 2021 EPSL in May 2021 and asks to use Extended EPSL in January 2022. When the employee’s entitlement is calculated for the January 2022 leave request, the result is 60 hours. The 8 hours of 2021 EPSL previously used in May 2021 is deducted, leaving 52 hours available for the employee to use as Extended EPSL for the January 2022 leave.

- **Requests to use Extended EPSL intermittently**: If an employee asks to use Extended 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 Extended EPSL entitlement during the intermittent leave. (Note that Extended EPSL may only be used intermittently in certain circumstances. See FAQ #13)

5. **What amount of pay will eligible employees receive during Extended EPSL?**

   Eligible employees will receive their regular rate of pay during Extended EPSL.

6. **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 Extended EPSL (Reason 3(d)) for the additional time.

7. **Can employees use Extended EPSL if they get sick from side effects of the SARS-CoV-2 (COVID-19) vaccine?**

   Yes. Employees may request Extended EPSL (Reason 3(e)) for that purpose. If an employee has exhausted their entitlement or opts not to use Extended 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 on Extended EPSL?**

   Yes, employees will continue to have any existing health benefits while on Extended EPSL.

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 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 Extended 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.

10. **Will employees on Extended EPSL continue to accrue service credit for purposes of UCRP and continue to accrue vacation and sick leave, if applicable?**

    Yes, employees on Extended EPSL 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 Extended EPSL need to be tracked?
Yes. The University is tracking and reporting the amount of Extended EPSL taken and the associated payroll expense. The UCPath Center is working on mechanisms to track Extended 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 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.

13. Does Extended EPSL need to be taken in one continuous block of time or can it be used intermittently?
Extended 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 Extended EPSL:
- Non-exempt employees who are teleworking may take Extended EPSL as a block leave or intermittently in increments of at least one hour.
- Exempt employees who are teleworking may take Extended EPSL as a block leave or intermittently in whole day increments.
- Employees working onsite may take Extended EPSL for any reason as a block leave but may only take Extended EPSL intermittently if taking Extended EPSL for Reason 5. When taking Extended EPSL intermittently for Reason 5, non-exempt employees may take Extended EPSL in increments of at least one hour, and exempt employees may take Extended EPSL in whole day increments. For public health reasons, employees working onsite who are taking Extended EPSL for Reasons 1-4 must continue using Extended EPSL until the employee either uses the full amount of Extended EPSL or no longer has a qualifying reason for using Extended EPSL.

14. Will an employee need to use Extended 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 Extended EPSL and any other paid leave accruals.

15. Will employees be asked to complete a form to request Extended EPSL?
Employees may request Extended EPSL orally or in writing. Locations should encourage employees to complete the Extended EPSL Request Form that asks the employee to provide pertinent information regarding eligibility for Extended EPSL and to certify that the information provided is correct. If an employee is unwilling to complete the form but is eligible for Extended EPSL, the location should grant the leave.

16. An employee used their paid leave accruals to take time off for an Extended EPSL-qualifying reason on or after October 1, 2021. The employee subsequently asks if they can instead use Extended EPSL for that absence. Should the location grant the employee’s request? (Revised 10/6/21)
Yes, if the absence occurred between October 1, 2021 and June 30, 2022. An employee who used paid leave accruals (e.g., vacation, sick leave, PTO) for any Extended EPSL-qualifying reason between October 1, 2021 and June 30, 2022 can subsequently opt to use Extended 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 Extended EPSL-qualifying reason between October 1, 2021 and June 30, 2022 can subsequently opt to use Extended EPSL for that time instead. The location should use this same approach even if an employee makes this request regarding a block Extended EPSL-qualifying leave in progress on June 30, 2022, handling the portion of the leave after June 30, 2022 as indicated in FAQ #2.

17. 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 Extended 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 University is applying the standard from the Families First Coronavirus Response Act (FFCRA) implementation guidelines issued by the U.S. Department of Labor, which provides 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.”

18. 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 Extended EPSL? The University is applying the standard from the FFCRA implementation guidelines issued by the U.S Department of Labor, which provides 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.

19. An employee has requested Extended EPSL because they are unable to work or telework due to a lack of childcare as a result of COVID-19. How can a location determine whether the employee is eligible for Extended EPSL for this reason?
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 Extended EPSL (Reason 5).

20. Can an employee take 80 hours of Extended EPSL for their own self-quarantine and then another amount of Extended EPSL for another qualifying reason per the chart above?
No. The maximum total number of hours for which an employee can take Extended 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. If an employee used any of their 2021 EPSL entitlement, that amount will be lower. (See FAQ #4 for additional information about determining an employee’s Extended EPSL entitlement.)

21. 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 Extended EPSL for Reason 5 in these circumstances?
Yes, an eligible employee may use Extended 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 Extended EPSL on each of their child’s remote learning days. As an example, an eligible employee may take Extended EPSL on Mondays, Wednesdays, and Fridays if the school does not permit their child to attend school in person on those days.

22. 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 Extended 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 Extended EPSL for Reason 5 intermittently in increments of at least one hour. This means that a non-exempt employee could use Extended 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 Extended EPSL for Reason 5 intermittently in whole day increments. This means that an exempt employee would not be able to take Extended EPSL for a partial day. (Please refer to FAQ #13 for the rules regarding intermittent use when taking Extended EPSL for other reasons.)

23. 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 Extended EPSL for Reason 5 while their child is at home?
No. An employee is not eligible to use Extended 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 Extended EPSL for Reason 5.