

**UNINCORPORATED AREAS OF SACRAMENTO COUNTY
SUPPLEMENTAL PAID SICK LEAVE (SPSL)
Sacramento County Worker Protection, Health, and Safety Act of 2020**

July 15, 2020 to December 31, 2020

January 14, 2021 to March 31, 2021

Employer

- Federal Emergency Paid Sick Leave Act (EPSLA)-exempt employers with 500 or more employees nationally.
- An EPSLA-exempt employer of an employee who is a health care provider or an emergency responder (as each term is defined in 29 C.F.R. § 826.30(c), as it may be amended) may exclude those employees from the requirements of this article.

“Employer” means a person that operates a business in the unincorporated area of the County of Sacramento and who directly or indirectly employs or exercises control over the wages, hours, or working conditions of any employee.

Who is an Employee?

A person who works within the unincorporated area of the County of Sacramento for their employer and is an “employee” as defined by California Labor Code section 2750.3.

Who is a Family Member?

Family Member

- Child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);
- Biological, adoptive, or foster parent; step- parent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- Spouse;
- Registered domestic partner;
- Grandparent;
- Grandchild; and
- Sibling.

Supplemental Paid Sick Leave (SPSL)

An employee who has been employed with the same Employer is entitled to supplemental paid sick leave, if an employee is unable to work or telework, as follows:

1. **Full-time employee** – Entitled to 80 hours of SPSL.
2. **Part-time employee** – entitled to an amount of SPSL hours equal to the number of hours worked on average over a two-week period. To calculate this amount, employer shall use the number of hours the employee worked each week during the six months immediately preceding the effective date, multiplied by two.

Rate of SPSL Pay; Maximum Monetary Benefit

Full-Time Employees	
Employee	The Employer will pay the Employee for properly used sick leave at the Employee's regular rate of pay up to \$511 per day not to exceed an aggregate of \$5,110 for the entire benefit.
To Care for A Family Member	The Employer may pay an Employee using sick time to care for a family member at two-thirds of the Employee's regular rate of pay up to \$200 a day not to exceed an aggregate of \$2,000 for the entire benefit.

Employee Request for Supplemental Paid Sick Leave

An employee who is unable to work or telework (means work performed from an approved location other than the employer's regular place of business) may use SPSL for the following purposes:

1. Employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19, or is caring for a family member who is quarantined or isolated due to COVID-19;
2. A health care provider advises an employee to self-quarantine due to COVID-19 or the employee is caring for a family member who is so advised by a health-care provider;
3. Employee chooses to take off work because the employee is over the age of 65 or is considered vulnerable due to a compromised immune system;
4. Employee is off work because the employer it works for or a specific work location temporarily ceases operation due to a public health order or other public official's recommendation;
5. Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or
6. Employee is caring for a minor child because of a school or daycare is closed due to COVID-19.

Employer Offsets

The ordinance contains two offset provisions that may reduce the amount of SPSL an employer needs to provide to its employees.

1. If an employer granted additional paid leave (beyond any paid sick leave, paid time off, or vacation time afforded an employee by statute, policy or collective bargaining agreement) since March 19, 2020, specifically for use for COVID-19-related matters the ordinance describes.	The employer can credit those hours against the number of SPSL hours the law requires
2. California Executive Order N-51-20 – COVID-19 paid sick leave for certain food sector workers applies	The employer may use those leave hours as a credit against the number of SPSL hours required

Requesting & Verifying Leave

1. If an employer requests, an employee must provide the basis for requesting SPSL, but **a doctor's note or other documentation is not required.**
2. An employer may require the employee to follow reasonable notice procedures before providing SPSL, but only when the employee's need for the SPSL is foreseeable.

Additional Employer Restrictions

1. An employer may not require an employee to use other accrued paid sick leave, paid time off, or vacation time before using SPSL.
2. An employer may not require an employee to find a replacement as a condition of using SPSL.
3. An employer may not issue any discipline or attendance points based on a no-fault attendance policy for an employee's use of SPSL.
4. No employer shall request an employee to waive a right under the law, and any waiver by an employee of any right under this chapter is deemed contrary to public policy and is void and unenforceable.

Retaliatory Action Prohibited

No employer shall discharge, discipline, discriminate against, retaliate against, or reduce the compensation of any employee for seeking to exercise the employee's rights under this chapter by any lawful means.

Unused SPSL

An employee is not entitled, under any circumstances, to be paid for unused SPSL. Unused SPSL expires when this chapter sunsets.

