

Guidance Regarding COVID-19 Related Leaves
March 31, 2021 – Issuance
May 10, 2021 – Second Issuance
October 6, 2021 – Third 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.¹
- 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 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 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 and 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.

Summary of COVID-19 Related Paid Leaves

Below is a summary of the Extended Emergency Paid Sick Leave provisions potentially available to academic appointees. Regardless of whether academic appointees have exhausted Extended EPSL, they may use paid leave by using any remaining personal time off or vacation. Also, see the [Extended EPSL Request Form](#).

Extended Emergency Paid Sick Leave (Extended EPSL)
Maximum potential entitlement: any remaining hours from appointee’s 2021 EPSL entitlement (See FAQ 3 for additional information)
Effective: October 1, 2021 – June 30, 2022 (See FAQ 2 for additional information)
Eligibility: Appointees hired on or before September 30, 2021
See FAQ 13 for information regarding block and intermittent usage

¹ [Coronavirus update: Expanded leave policies.](#)

Extended Emergency Paid Sick Leave (Extended EPSL)
Qualifying reason for use – unable to work or telework because of: <ol style="list-style-type: none">1. Quarantine or isolation order2. Told by health care provider to self-quarantine3. (a) appointee is experiencing COVID-19 symptoms and seeking a medical diagnosis; (b) 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) appointee is obtaining immunization related to COVID-19; or (e) appointee is recovering from injury, disability, illness, or condition related to obtaining COVID-19 immunization4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine5. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19

FAQs Related to COVID-19 Paid Leaves

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

All appointees 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.

Updated 10/6/21

2. When is Extended EPSL effective?

Appointees are able to take Extended EPSL between October 1, 2021 and June 30, 2022. Also, any appointee 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 provided that: (1) the appointment continues past June 30, 2022; and (2) for academic-year appointees, they are engaged in summer teaching, research or service.

Updated 10/6/21

3. How should locations determine an academic appointee’s Extended EPSL entitlement?

- An academic appointee’s Extended EPSL entitlement is equal to any hours remaining from the appointee’s 2021 EPSL entitlement.
- **If an academic appointee did not use any of their 2021 EPSL entitlement**, then the location should calculate the appointee’s Extended EPSL entitlement using the following instructions. (This is the same method that locations used to calculate an appointee’s 2021 EPSL entitlement.)
 - Full-time academic appointees: The appointee’s Extended EPSL entitlement is 80 hours.

- For all other academic 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 Extended 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:
 - a. If an appointee has a normal weekly schedule, the appointee's Extended EPSL entitlement is the number of hours that the appointee is normally scheduled to work over two weeks (up to 80 hours).
 - b. If an appointee reports time on a variable basis, the appointee's Extended 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.
- **If an academic appointee used some of their 2021 EPSL entitlement**, then the location should calculate the appointee's Extended EPSL entitlement using the following instructions.
 - If a full-time academic appointee used 2021 EPSL for a leave and then requests Extended EPSL for a subsequent leave, the appointee's earlier 2021 EPSL usage would be deducted from the appointee's 80-hour 2021 EPSL entitlement to determine the amount of Extended EPSL available to use for the new leave.
 - If an academic appointee 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 appointee's entitlement for the subsequent leave. Once that entitlement is calculated, the appointee'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 appointee used 8 hours of 2021 EPSL in May 2021 and asks to use Extended EPSL in January 2022. When the appointee'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 appointee to use as Extended EPSL for the January 2022 leave.
- **Requests to use Extended EPSL intermittently:** If an academic appointee asks to use Extended 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 Extended EPSL entitlement during the intermittent leave. (Note that Extended EPSL may only be used intermittently in certain circumstances. See FAQ 13.)

Updated 10/6/21

4. Is Extended EPSL a new leave entitlement?

No. Extended EPSL does not provide academic appointees with additional leave. It provides academic appointees with additional time to use any remaining hours from their 2021 EPSL entitlement.

Added 10/6/21

5. Will an academic appointee be asked to complete documentation to request Extended Emergency Paid Sick Leave (Extended EPSL)? Must a form be used?

Appointees may request Extended EPSL orally or in writing. Locations should encourage appointees to complete the systemwide leave request form that asks the appointee to specify pertinent information regarding eligibility for Extended EPSL and to certify that the information provided is correct. See the [Extended EPSL Request Form](#). If an appointee is unwilling to complete the form but is eligible for Extended EPSL, the location should grant the leave.

It is not required that a location use this form, but academic appointees can be encouraged to use the appropriate form. If an appointee does not use a form but provides all of the documentation required that demonstrates their eligibility for Extended EPSL (in an email, for example), the University should maintain that documentation and grant the leave.

Updated 10/6/21

6. An academic appointee used their paid leave accruals to take time off for an Extended EPSL-qualifying reason on or after October 1, 2021. The appointee subsequently asks if they can instead use Extended EPSL for that absence. Should the location grant the appointee's request?

Yes, if the absence occurred between October 1, 2021 and June 30, 2022. An academic appointee who used paid leave accruals (e.g., vacation, sick leave) or other available paid leaves 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 appointee used for the absences would then be credited back to the appointee. Likewise, an appointee 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 appointee 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.

Updated 10/6/21

7. When can an academic appointee subject to a quarantine or isolation order (including a stay-at-home order) (Reason 1) elect Extended EPSL? For example, can an appointee subject to a quarantine or isolation order elect Extended EPSL because they are unable to telework for lack of an ergonomic computer set-up?

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 *“Quarantine or isolation orders include a broad range of governmental orders, including orders that advise some or all citizens to shelter in place, stay at home, quarantine, or otherwise restrict their own mobility.”* If an appointee is not covered by a particular order, then the appointee cannot rely on that order in seeking to take Extended EPSL for Reason 1. For example, an order that excludes essential workers such as healthcare workers, would not apply to such appointees.

The implementation guidelines also provide that the critical question to determine eligibility for paid sick leave is *“whether the employee would be able to work or telework ‘but for’ being required to comply with a quarantine or isolation order.”* Under Reason 1, the appointee has to be unable to work or telework because the appointee is subject to a federal, state or local quarantine or isolation order related to COVID-19. In other words, being subject to the order must be the reason that the appointee is unable to work (or telework) for the University. An appointee subject to a valid order may not take Extended EPSL under Reason 1 if the University does not have work for the appointee to perform based upon a COVID-19 or other reason. The DOL further provides, *“that an employee subject to a quarantine or isolation order is able to telework, and therefore may not take paid sick leave, 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 being quarantined or isolated; and (c) there are no **extenuating circumstances** that prevent the employee from performing that work. For example, if a law firm permits its lawyers to work from home, a lawyer would not be prevented from working by a stay-at-home order, and thus may not take paid sick leave as a result of being subject to that order. In this circumstance, the lawyer is able to telework even if she is required to use her own computer instead of her employer’s computer.”* Examples of **extenuating circumstances** include serious COVID-19 symptoms or a power outage. Lack of ergonomic computer set-up likely does not meet the same standard of extenuating circumstances and thus an appointee subject to a quarantine or isolation order would not be permitted to take paid sick leave under Extended EPSL for lack of an ergonomic

computer set-up at home. However, to the extent there are disability concerns, locations should engage in the **interactive process**.

Examples provided by the Department of Labor where the University would consider Extended EPSL under Reason 1 to be appropriate include: (a) If an employee is prohibited from leaving a containment zone and their employer remains open outside the containment zone and has work the employee cannot perform because the employee cannot leave the containment zone, the employee may use Extended EPSL. (b) If an employee is ordered to stay at home by a government official for fourteen days because the employee was on a cruise ship where other passengers tested positive for COVID-19, and their employer has work for the employee to do but the employee cannot work (or telework) because of the order, the employee may use Extended EPSL.

Updated 10/6/21

8. When can an academic appointee 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 appointee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19. The University is applying the standard from the 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.*"

Updated 10/6/21

9. When can an academic appointee experiencing COVID-19 symptoms (Reason 3(a)) elect Extended EPSL?

The University is applying the standard from the FFCRA implementation guidelines issued by the U.S. Department of Labor, which provides that "*paid sick leave taken for this reason must be limited to the time the employee is unable to work because he or she is taking affirmative steps to obtain a medical diagnosis. Thus, an employee experiencing COVID-19 symptoms may take paid sick leave, for instance, for time spent making, waiting for, or attending an appointment for a test for COVID-19. But, the employee may not take paid sick leave to self-quarantine without seeking a medical diagnosis. An employee who is waiting for the results of a test is able to telework, and therefore may not take paid sick leave, 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 waiting; and (c) there are no extenuating circumstances, such as serious COVID-19 symptoms, that may prevent the employee from performing that work.” In addition, an appointee “may continue to take leave after testing positive for COVID-19, regardless of symptoms experienced, provided that the health care provider advises the employee to self-quarantine...” (Reason 2). An appointee who is “unable to telework may continue to take paid sick leave under this reason while awaiting a test result, regardless of the severity of the COVID-19 symptoms that he or she might be experiencing.”

Updated 10/6/21

- 10. When can an academic appointee 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) elect 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 appointee will need to identify their relationship to that individual.

Updated 10/6/21

- 11. An academic appointee 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 appointee is eligible for Extended EPSL for this reason?**

An academic appointee 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).

Updated 10/6/21

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

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

Updated 10/6/21

- 13. May an eligible academic appointee on approved Extended EPSL elect to use such leave intermittently?**

Yes, but only in certain circumstances as described below. It depends on whether the appointee is teleworking or working onsite, and it may also depend on the reason for

which the appointee is taking Extended EPSL:

- Non-exempt appointees who are teleworking may take Extended EPSL as a block leave or intermittently in increments of at least one hour.
- Exempt appointees who are teleworking may take Extended EPSL as a block leave or intermittently in whole day increments.
- Appointees working onsite may take Extended EPSL for any reason as a block leave but may only take Extended EPSL intermittently if taking EPSL for Reason 5. When taking Extended EPSL intermittently for Reason 5, non-exempt appointees may take Extended EPSL in increments of at least one hour, and exempt appointees may take Extended EPSL in whole day increments. For public health reasons, appointees working onsite who are taking EPSL for Reasons 1-4 must continue using Extended EPSL until the appointee either uses the full amount of Extended EPSL or no longer has a qualifying reason for using Extended EPSL.

Updated 10/6/21

14. Does an academic appointee on Extended EPSL continue to accrue service credit for purposes of UCRP and continue to accrue vacation and sick time, if applicable?

An academic appointee on Extended EPSL continues to accrue vacation and sick time, as well as service credit for purposes of UCRP, as they normally would under pay status. Academic appointees who are eligible to accrue sabbatical leave shall continue to accrue credits as they normally would under pay status.

Updated 10/6/21

15. May an academic appointee elect to use Extended EPSL past their pre-determined appointment end date?

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

Updated 10/6/21

16. Who should an academic appointee contact to initiate Extended EPSL?

An academic appointee should first notify their direct supervisor of the need to take Extended EPSL. Academic appointees and supervisors should work with their local academic personnel office to determine eligibility.

Updated 10/6/21

- 17. If a fiscal year academic appointee is on Extended EPSL because they are unable to work or telework due to lack of childcare related to COVID-19 school closures, can they continue to use such leave even once their child's school would have ended – i.e., during the summer?**

Yes, assuming that the same eligibility requirements are met, such as summer school, daycare or summer recreation camp closure, fiscal year academic appointees would continue to be eligible for such leave during the summer. Locations may encourage appointees to complete a new Extended EPSL request form; however, if an appointee is unwilling to complete the form but is eligible for Extended EPSL, the location should grant the leave. Academic-year appointees that are not in service during the summer, would not need to use leave during their non-service period.

Updated 10/6/21

- 18. Will Extended EPSL need to be tracked?**

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 appointee is exceeding their paid leave allotments as the UCPath Center is not programmed to place caps on the paid leaves.

Updated 10/6/21

- 19. What is the rate of pay to apply when an academic appointee is on Extended EPSL?**

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

Updated 10/6/21

- 20. 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.

- 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 academic**

appointees use Extended EPSL for Reason 5 in these circumstances?

Yes, an eligible academic appointee may use Extended EPSL 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 Extended EPSL on each of their child’s remote learning days. As an example, an eligible academic appointee 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.

Updated 10/6/21

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 academic appointees use Extended EPSL for Reason 5 in these circumstances?

The answer depends on whether the appointee is exempt or non-exempt. Non-exempt appointees may take Extended EPSL for Reason 5 intermittently in increments of at least one hour. This means that a non-exempt appointee could use Extended 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 Extended EPSL for Reason 5 intermittently in whole day increments. This means that an exempt appointee 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.)

Updated 10/6/21

23. 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 appointee use Extended EPSL for Reason 5 while their child is at home?

No. An academic appointee is not eligible to use Extended EPSL for Reason 5 under these circumstances because the child’s school is not “closed” or otherwise unavailable 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 Extended EPSL for Reason 5.

Updated 10/6/21

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

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

Updated 10/6/21

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

Yes. Academic appointees may request Extended EPSL (Reason 3(e)) for that purpose. If an appointee has exhausted their entitlement or opts not to use Extended EPSL, the appointee would be able to use accrued sick leave, vacation leave, and/or PTO.

Updated 10/6/21