

**UNIVERSITY OF CALIFORNIA
REQUEST FORM FOR RETROACTIVE USE OF 2021
EMERGENCY PAID SICK LEAVE (2021 EPSL)
FOR LEAVES TAKEN 1/1/21-9/30/21**

Section [I](#) of this form provides important information regarding University employees' ability to retroactively use their 2021 Emergency Paid Sick Leave (2021 EPSL) entitlement for eligible leaves taken between January 1, 2021 and September 30, 2021.

If an employee took an eligible leave between January 1, 2021 and September 30, 2021 for one or more of the qualifying reasons, the employee may request that the University allow them to retroactively use their 2021 EPSL entitlement for that leave as follows:

Retroactive Leave Adjustments: If an employee used paid leave (e.g., vacation, sick, PTO) between January 1, 2021 and September 30, 2021 for one or more of the qualifying reasons, the employee may request that the University allow them to retroactively use any 2021 EPSL entitlement for that leave and that the University credit their leave banks for the time previously debited.

Retroactive Payments: If an employee took leave between January 1, 2021 and September 30, 2021 for one or more of the qualifying reasons but was not paid their regular rate of pay during that leave, the employee may request that the University provide them with a retroactive payment using any 2021 EPSL entitlement.

An employee may request to retroactively use their 2021 EPSL entitlement orally or in writing by filling out [Section II](#). The signed form should be returned to the employee's local HR or Academic Personnel Office. **Employees must submit requests by December 6, 2022.**

Many terms used below have specific meanings. If a term is italicized, it is defined in [Appendix A](#).

I. Retroactive Use of 2021 Emergency Paid Sick Leave (2021 EPSL) – Background Information

An eligible employee may retroactively use any remaining 2021 EPSL entitlement for an eligible leave taken between January 1, 2021 and September 30, 2021 if (a) the University had work for the employee at that time but the employee took the leave because one of the five qualifying reasons below prevented the employee from being able to perform that work, either under normal circumstances at their normal worksite or by means of telework; and (b) the leave complied with the limitations described in [Section I.D](#) regarding how employees could use 2021 EPSL.

A. Qualifying Reasons

An employee may retroactively use their 2021 EPSL entitlement for an eligible leave if one or more of the following reasons applied to the leave:

Reason 1 (Quarantine or Isolation Order):

The employee was unable to work or telework at that time because the employee was subject to a federal, state, or local *quarantine or isolation order* related to COVID-19.

- An employee may not retroactively use 2021 EPSL for this reason if the University did not have work for the employee to do at that time as a result of the *quarantine or isolation order* or other circumstances.

Reason 2 (Self-Quarantine):

The employee was unable to work or *telework* at that time because the employee had been advised by a *health care provider* to self-quarantine due to concerns related to COVID-19.

Reason 3 (Testing, Diagnosis, and/or Immunization):

The employee was unable to work or *telework* at that time because of any of the following:

- a) The employee was experiencing symptoms of COVID-19 and was seeking a medical diagnosis from a *health care provider*.
- b) The employee had been exposed to COVID-19 and was seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19.
- c) The University had requested that the employee obtain a diagnostic test for, or a medical diagnosis of, COVID-19, and the employee was seeking or awaiting those results.
- d) The employee was obtaining immunization related to COVID-19.
- e) The employee was recovering from an injury, disability, illness, or condition related to obtaining immunization related to COVID-19.

Reason 4 (Caring for an Individual):

The employee was unable to work or *telework* at that time because they were caring for an *individual* who was either subject to a federal, state, or local *quarantine or isolation order* related to COVID-19 or who had been advised by a *health care provider* to self-quarantine due to concerns related to COVID-19.

Reason 5 (Closure of School/Child Care):

The employee was unable to work or *telework* at that time because the employee was caring for their *child* whose *school* or *place of care* had closed (or whose *child care provider* was unavailable) for reasons related to COVID-19.

B. Eligibility for Retroactive Use of 2021 EPSL

Employees who did not exhaust their 2021 EPSL entitlement are eligible to retroactively use 2021 EPSL if they took an eligible leave between January 1, 2021 and September 30, 2021, and one or more of the five qualifying reasons applied to the leave.

C. Amount of Potential Entitlement to Retroactive Use of 2021 EPSL

1. Potential length of time an employee may retroactively use 2021 EPSL:
 - a. An employee may retroactively use any hours remaining from their 2021 EPSL entitlement.
 - b. The 2021 EPSL entitlement was up to 80 hours for full-time employees and the two-week equivalent for part-time employees (capped at 80 hours). Under certain circumstances, full-time firefighters were entitled to more than 80 hours of 2021 EPSL.
2. Amount of pay an eligible employee will receive when retroactively using their 2021 EPSL entitlement for an eligible leave:
 - a. The employee will receive their regular rate of pay that was in effect at the time they took the leave, not their regular rate of pay that is in effect when the employee requests to retroactively use their 2021 EPSL entitlement. (Although the law allowed employers to place caps on pay for 2021 EPSL, the University decided not to apply these caps.)

D. How 2021 EPSL Could Be Taken

An employee may only retroactively use their 2021 EPSL entitlement for an eligible leave that complied with the following limitations regarding how employees could use 2021 EPSL.

1. Non-exempt employees who were teleworking could take 2021 EPSL as a block (i.e., continuous) leave or intermittently in increments of at least one hour.

2. Exempt employees who were teleworking could take 2021 EPSL as a block leave or intermittently in whole day increments.
3. Employees working onsite could take 2021 EPSL for any reason as a block leave but could only take 2021 EPSL intermittently if taking 2021 EPSL for Reason 5 (school closure). When taking 2021 EPSL intermittently for Reason 5, non-exempt employees could take 2021 EPSL in increments of at least one hour, and exempt employees could take EPSL in whole day increments. For public health reasons, employees working onsite who were taking 2021 EPSL for Reason 1 (quarantine or isolation order), Reason 2 (self-quarantine), Reason 3 (testing, diagnosis, and/or immunization), or Reason 4 (caring for an individual) must have continued using 2021 EPSL until the employee either used the full amount of 2021 EPSL or no longer had a qualifying reason for using 2021 EPSL.

E. 2021 EPSL is Protected Leave

Retaliation or discrimination against an employee requesting or using 2021 EPSL is strictly prohibited. Individuals who believe they have been subjected to retaliation or discrimination can submit complaints through their local Human Resources office, Affirmative Action/Equal Employment Opportunity office, Academic Personnel office, Labor Relations office, or the University [Whistleblower Hotline](#) (800-403-4744).

II. REQUEST FORM FOR RETROACTIVE USE OF 2021 EMERGENCY PAID SICK LEAVE (2021 EPSL) University of California

Instructions: Complete this form to request to retroactively use 2021 EPSL for leave taken between January 1, 2021 and September 30, 2021. Submit this form by December 6, 2022.

EMPLOYEE INFORMATION		
EMPLOYEE NAME	EMPLOYEE ID	JOB TITLE
LOCATION	DEPARTMENT	SUPERVISOR
<p>I am requesting to retroactively use 2021 EPSL for the leave that I took on these dates: _____.</p> <p>That leave was (check applicable option):</p> <p><input type="checkbox"/> a block leave</p> <p><input type="checkbox"/> an intermittent leave for Reason 5 while I was working onsite (see Section I.D above)</p> <p><input type="checkbox"/> an intermittent leave while I was teleworking</p> <p>During that leave (check applicable option describing your pay status):</p> <p><input type="checkbox"/> I used the following paid leave accruals (e.g., vacation, sick, PTO): _____</p> <p><input type="checkbox"/> I did not receive my regular rate of pay.</p> <p><input type="checkbox"/> Other: _____</p> <p>I am requesting (check applicable option):</p> <p><input type="checkbox"/> A retroactive leave adjustment where the University applies 2021 EPSL to that leave and credits my leave bank for the time previously debited.</p> <p><input type="checkbox"/> A retroactive payment for that leave because I wasn't paid my regular rate of pay.</p>		
REASON FOR TAKING LEAVE		
<p>I was unable to work or <i>telework</i> during the above period due to the following Reason (as listed in Section I.A above):</p> <p><input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5</p>		
COMPLETE SECTION BELOW THAT IS APPLICABLE TO THE REASON FOR WHICH YOU TOOK LEAVE		
<p>If requesting to retroactively use 2021 EPSL for Reason 1: I was unable to work or <i>telework</i> during the above period because I was subject to a federal, state, or local <i>quarantine</i> or <i>isolation order</i> related to COVID-19.</p> <p>The following federal, state, or local governmental entity issued this order:</p> <p>_____</p>		
<p>If requesting to retroactively use 2021 EPSL for Reason 2: I was unable to work or <i>telework</i> during the above period because I had been advised by a <i>health care provider</i> to self-quarantine during these dates _____ due to concerns related to COVID-19.</p>		
<p>If requesting to retroactively use 2021 EPSL for Reason 3: I was unable to work or <i>telework</i> during these dates _____ because of the following (check as applicable):</p> <p>a) I was experiencing symptoms of COVID-19 and was seeking a medical diagnosis from a <i>health care provider</i>.</p> <p>b) I had been exposed to COVID-19 and was seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19.</p> <p>c) The University had requested that I obtain a diagnostic test for, or a medical diagnosis of, COVID-19, and I was seeking or awaiting those results.</p>		

- d) I was obtaining immunization related to COVID-19.
- e) I was recovering from an injury, disability, illness, or condition related to obtaining immunization related to COVID-19.

If requesting to retroactively use 2021 EPSL for Reason 4:

I was unable to work or *telework* during the above period because I was caring for an *individual* who was either subject to a federal, state, or local *quarantine or isolation order* related to COVID-19 or who had been advised by a *health care provider* to self-quarantine due to concerns related to COVID-19.

1. Name of *individual* for whom I was caring: _____
2. My relationship to this individual: _____
3. Complete one of the following:
 - a. The *individual* identified above was subject to a *quarantine or isolation order* issued by the following federal, state, or local governmental entity:

 - b. The *individual* identified above had been advised by a *health care provider* to self-quarantine during these dates _____ due to concerns related to COVID-19.

If requesting to retroactively use 2021 EPSL for Reason 5:

I was unable to work or *telework* during these dates _____ because I was caring for my *child/children* whose *school or place of care* had closed (or whose *child care provider* was unavailable) for reasons related to COVID-19.

1. Name of each *child* for whom I provided care during the above period:

2. During the above period, my *child's/children's school, place of care, or child care provider* was closed or unavailable to my *child/children* only on certain days due to their implementation of an alternate day or other hybrid-attendance schedule.
 - No, this does not apply to me.
 - Yes, I confirm this is true. My *child's/children's school, place of care, or child care provider* was closed or unavailable to my *child/children* only on certain days because they had implemented the following alternate day or other hybrid-attendance schedule:

For example: “My child’s school only permitted my child to attend school in person on Tuesdays and Thursdays, and my child participated in remote learning on Mondays, Wednesdays, and Fridays.”

CERTIFICATION

I certify that the foregoing is true. I understand that the University may require additional documentation in support of my request to retroactively use 2021 EPSL.

EMPLOYEE SIGNATURE	DATE	SUPERVISOR SIGNATURE	DATE
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APPENDIX A DEFINITIONS

Child: The employee's biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis. An employee stands in loco parentis to a child when the employee has day-to-day responsibilities to care for or financially supports the child.

Child Care Provider: A provider who receives compensation for providing child care services on a regular basis, including a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law and satisfies State and local requirements. An eligible child care provider need not be compensated or licensed if they are a family member or friend, such as a neighbor, who regularly cares for the employee's child.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; a podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to the treatment of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioner, nurse mid-wife, physician assistant, or clinical social worker who is authorized to practice in the State and is performing within the scope of their practice as defined under State Law; a Christian Science practitioner; any health care provider that the employee's health plan carrier recognizes for purposes of payment; and a health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of their practice as defined under such law.

Individual: The employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. This could include, for example, an employee's grandparent, grandchild, or sibling. "Individual" does not include persons with whom the employee has no personal relationship.

Place of Care: A physical location in which care is provided for the employee's child while the employee works for the University. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

Quarantine or Isolation Order: Includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work even though the University has work that the employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though the University has work for them.

School: An "elementary school" or "secondary school" as follows:

- “Elementary school” means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law.
- “Secondary school” means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

Telework: Work the University permits or allows an employee to perform while the employee is at home or at a location other than the employee’s normal workplace. An employee is able to telework if:

- The University has work for the employee;
- The University permits the employee to work from the employee’s location; and
- There are no extenuating circumstances (such as serious COVID–19 symptoms) that prevent the employee from performing that work.