

January 19, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-06

The purpose of this All County Letter (ACL) is to provide information to counties regarding the extension of the COVID-19 related emergency paid sick leave for In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) providers.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

January 19, 2021

ALL COUNTY LETTER NO. 21-06

TO: ALL COUNTY WELFARE DIRECTORS
ALL IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM
MANAGERS

SUBJECT: **EXTENSION OF DIVISION E OF FEDERAL HOUSE
RESOLUTION 6201 RELATED TO EMERGENCY PAID SICK
LEAVE DUE TO COVID-19 PANDEMIC**

REFERENCE: FAMILIES FIRST CORONAVIRUS RESPONSE ACT, [HOUSE
RESOLUTION 6201: THE FAMILIES FIRST CORONAVIRUS
RESPONSE ACT \(FFCRA\)](#), EMERGENCY PAID SICK LEAVE
ACT, [HOUSE RESOLUTION 133, CONSOLIDATED
APPROPRIATIONS ACT, 2021, ALL COUNTY LETTER 20-40
\(APRIL 14, 2020\)](#)

The purpose of this All County Letter (ACL) is to provide information to counties regarding the extension of the COVID-19 related emergency paid sick leave for In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) providers.

BACKGROUND

On March 18, 2020, the President signed House Resolution (HR) 6201, also known as the Families First Coronavirus Response Act (FFCRA), into law. Division E of the FFCRA, the Emergency Paid Sick Leave Act (EPSLA), provides for two weeks of emergency paid sick leave when a covered employee is unable to work due to the COVID-19 pandemic. The FFCRA became effective on April 2, 2020 and remained in effect until December 31, 2020.

On December 27, 2020, the President signed HR 133, also known as the Consolidated Appropriations Act, 2021 into law. Section 286 of HR 133 extends the payroll tax credits set forth in the FFCRA for COVID-19-related emergency paid sick leave under the FFCRA to March 31, 2021. The California Department of Social Services (CDSS) has elected to extend the availability of COVID-19 related emergency paid sick leave

under the FFCRA for IHSS providers through March 31, 2021. In order to qualify for COVID-19-related emergency paid sick leave under this extension; a provider must still meet the requirements set forth in the EPSLA, and all other conditions of the EPSLA continue to apply.

Pursuant to the EPSLA, full-time employees (those who work forty (40) or more hours per week) are entitled to eighty (80) hours of paid sick leave, while part-time employees (those who work less than forty (40) hours per week) are entitled to the average number of hours that they work over a two-week period. COVID-19 sick leave may only be claimed if the employee is unable to work for one of the following reasons related to COVID-19:

1. The employee is subject to a quarantine or isolation order;
2. The employee has been advised by a health care provider to self-quarantine;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to a quarantine or isolation order or has been advised to self-quarantine by a health care provider;
5. The employee is caring for his/her child whose school or childcare facilities have been closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar concerns.

The administration of the COVID-19 paid sick leave benefits does not affect the existing IHSS paid sick leave benefits pursuant to Labor Code (LC) 246(a), and as described in [All County Letter \(ACL\) 18-01](#).

EXTENSION OF COVID-19 PAID SICK LEAVE BENEFITS FOR IHSS PROVIDERS

IHSS/WPCS providers may request COVID-19 sick leave benefits once from April 2, 2020, extended through March 31, 2021. An IHSS/WPCS provider is only entitled to COVID-19 sick leave benefits if, during this timeframe, the provider is unable to work due to one of the reasons listed above. This extension does not create additional sick leave hours for providers who already used the FFCRA emergency paid sick leave for which they were eligible.

As stated in ACL 20-40, when an IHSS provider meets the applicable criteria and is eligible for COVID-19 sick leave, the provider should complete and sign the COVID-19 ONLY – IHSS Provider Sick Leave Request Form (TEMP 3021) and submit the form to their county IHSS office for processing. WPCS providers will submit the form to the Department of Health Care Services (DHCS).

When a county IHSS office or DHCS receives a TEMP 3021 form, county/DHCS staff will continue to utilize the special transaction feature in CMIPS to process the COVID-19 paid sick leave requests. This special transaction will be used to pay providers with a one-time payment for up to 80 hours of sick leave, consistent with their entitlement to COVID-19 sick leave as described above.

Questions or requests for clarification regarding the information in this letter should be directed to the Adult Programs Division, Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By

DEBBI THOMSON
Deputy Director
Adult Programs Division