



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

October 4, 2022

To: Superintendents, Member School Districts (K-12)
From: Nancy L. Klein, Senior Associate General Counsel 
Subject: Expiration date for Supplemental Paid Sick Leave extended to December 31, 2022 (AB 152)
Memo No. 23-2022

The expiration date for Supplemental Paid Sick Leave (“SPSL”) has been extended from September 30, 2022, to December 31, 2022. (Lab. Code sec. 248.6(f).) For the period from October 1 to December 31, 2022, an employer’s obligation to provide SPSL and an employee’s right to take SPSL remain the same,¹ except as follows:

1. If the Qualifying Reason for taking SPSL is the employee’s positive COVID-19 test, in addition to a diagnostic test on after the fifth day is positive, the employer may “require the employee to submit to a second diagnostic test within no less than 24 hours.” (Lab. Code sec. 248.6(b)(2)(ii)); and
2. If an employee refuses to submit to either of the diagnostic tests, the employer is not obligated to provide SPSL to the employee. (Lab. Code sec. 248.6(b)(2)(iv).)

Employers must make the diagnostic tests available at no cost to the employee.

Assembly Bill 152, the legislation extending the expiration date, does not increase the total allotment of SPSL² available to employees. Employees who have used some SPSL on or after January 1, 2022, are only entitled to take up to the remaining balance of their total allotment.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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¹ See Legal Update 08-2022 Revised

² Up to two 40-hour banks of SPSL for full-time employees. See Footnote 1.