



December 6, 2021

Governor Gavin Newsom  
State of California  
State Capitol  
Sacramento, CA 95814

President pro Tempore Toni Atkins  
California State Senate  
State Capitol, Room 205  
Sacramento, CA 95814

Speaker Anthony Rendon  
California State Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

RE: **Extension of Supplemental Paid Sick Leave – SUPPORT**

Dear Governor Newsom, President pro Tempore Atkins, and Speaker Rendon:

The California Labor Federation writes to support renewing COVID-19-related Supplemental Paid Sick Leave (SPSL). This extension will better protect workers from exposure to SARS-CoV-2 and, by doing so, minimize the spread of the pandemic.

The original SPSL legislation—SB 95 (Skinner)—was approved in March of 2021 and included an expiration date of September 30, 2021. The hope was that the pandemic would have subsided by then and COVID-19-related sick leave would no longer be necessary, but that hope was not realized. Over the summer of 2021, a significant increase in positive test results, hospitalizations, and mortality occurred, and the pandemic, worsened by the virulent spread of the Delta variant, has accelerated across much of California. Now, with a winter surge likely on the horizon and the Omicron variant's confirmed presence in California, we are very possibly witnessing the start of another dark chapter in the pandemic.

The data now proves that the Delta variant is far more contagious than the version of SARS-CoV-2 present when SPSL was approved earlier this year. Worse yet, the Omicron variant could not only be more contagious, it could also be more able to evade immunity and even more deadly than Delta, to say nothing of whatever serious variant appears next.

We have also learned the hard way that vaccine effectiveness diminishes over time, requiring frequent boosters that lessen but do not eliminate the problem. Vaccinated individuals can also easily transmit the virus to others who, whether recently vaccinated or not, can themselves become spreaders, leading to continued community spread even in relatively well-vaccinated areas.

Vaccinating the general public has proven to be more challenging than expected, with only two-thirds of the state fully vaccinated nearly a year after vaccines became available. Further, all Californians under the age of 5 are ineligible for vaccines and will likely remain so until late next spring, to say nothing of countless immunocompromised individuals for whom vaccine efficacy is an open question.

The September 30<sup>th</sup> expiration date was drafted and approved when we were not nearly as aware of these facts. Given this knowledge, as well as the current and possibly worsening state of the pandemic, SPSL is as important now as it ever was. To deny access to SPSL for millions of California workers is to ignore the overwhelming evidence that little has changed since the spring, and to not approve an extension is to fight the pandemic with one hand tied behind our back. An evidence-based strategy of getting back to normal demands that we renew SPSL immediately.

In addition, failing to guarantee SPSL also directly harms parents of school aged children, as well as the children themselves. Immediately following the reopening of schools, parents began receiving notices of quarantines and classroom closures, often requiring families to stay home with children for days or weeks at a time. This trend has only been worsened by the fact that many school-age kids remain too young to be vaccinated and, as stated, vaccines lessen but do not eliminate viral spread. Without access to SPSL, employed parents have faced the impossible choice of leaving young children at home alone or quitting work to care for their children. This is an unacceptable, unconscionable outcome and can not be allowed to continue.

All workers, meanwhile, just want to stay employed and work in a safe environment, but the expiration of SPSL has prevented many workers from doing either. Not only has this hurt workers, their children, and their entire families, this insecurity has also exacerbated a crippling labor shortage. Those who know they will be forced to work alongside others ignoring COVID-19 symptoms—or otherwise likely infectious—are much less likely to rejoin the workforce, leading to the struggles faced by so many businesses trying to reopen but unable to find staff. An SPSL extension would go far towards reassuring workers that they will be taken care of should an infection or outbreak occur, and an extension would thus also greatly aid our collective effort to connect the unemployed with safe, stable, living wage employment.

In addition, other leave programs still available after SPSL expiration, such as exclusion pay under the Cal/OSHA Emergency Temporary Standard (ETS), workers' compensation temporary disability benefits, worker-funded disability insurance, and unpaid California Family Rights Act leave, all have serious weaknesses that often leave workers with inadequate or no benefits when needed.

Exclusion pay, a requirement that employers pay “excluded” workers who were exposed to COVID-19 on the job and must isolate, has been severely weakened. Despite the introduction of a new variant and raising case numbers globally, the employer community has made the elimination of this public health tool a top priority. The failure to reauthorize SPSL, coupled with the loss of exclusion pay, would amount to a near total surrender in the face of a possibly worsening pandemic. If we are serious about bringing the pandemic to a close, we should significantly expand both programs, but at a minimum, we must renew SPSL to give workers a fighting chance against this relentless virus.

To best renew the SPSL while accounting for changing circumstances and responding to employer concerns, Labor proposes the following:

- An extension of SB 95 to provide up to 80 hours of paid COVID-19 vaccine and quarantine leave; and
- Add booster shots to the definition of “vaccine”; and
- Add taking a child to get a vaccine as a permissible use.

SB 95 was set to expire on the same date as federal tax credits for employers in the CARES Act. Labor proposes that, in the absence of an extended federal tax credit program, the state create a grant program to assist employers with providing SPSL. Subject to the availability of funds, we also urge that this grant program be expanded to include employers with 25 or fewer employees that choose to provide SPSL, although neither SB 95 nor this proposal require those employers to do so.

While this proposal does not present an insignificant cost, the cost of failing to extend SPSL would certainly be far greater. Forcing Californians to work or go to school while infectious will needlessly prolong this pandemic, waste taxpayer dollars, cause outbreaks, and end lives.

Sincerely,



Art Pulaski

Executive Secretary-Treasurer

SM: OPEIU 29 AFL CIO

California Labor Federation

American Federation of State, County, and Municipal Employees

California Alliance of Retired Americans

California Conference Board of Amalgamated Transit Union

California Conference of Machinists

California Federation of Teachers

California School Employees Association

California Teamsters Public Affairs Council

Engineers and Scientists of California, Local 20, IFPTE

Northern California District Council of the international Longshore and Warehouse Union

Service Employees International Union, California State Council

UNITE HERE

United Auto Workers, Western States

United Domestic Workers/AFSCME, Local 3930

United Food and Commercial Workers, Western State Council

United Nurses Association of California/Union of Health Care Professionals

Utility Workers Union of America

Cc: Angie Wei, Legislative Affairs Secretary, Governor's Office  
Keely Martin Bosler, Finance Director, Department of Finance