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Return to Work in a COVID-19 World

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ABC's of Leaves

Pre-COVID Leaves of Absences

- Sick Leave under the School Code
 - All employees receive 10 days
 - Can be used for personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption
- Family Medical Leave Act Leave
 - 12 weeks of unpaid leave for serious illness of employee or someone in the employee's family
 - Does not include leave for quarantine
 - Benefits cannot be interrupted during 12 weeks
- Paid or unpaid leave pursuant to a collective bargaining agreement or board policy
 - Leaves and reasons for leaves vary from District to District



Federal Family Coronavirus Response Act

- A school district employee is entitled to take leave related to COVID 19 if the employee is unable to work, including telework, because the employee:
 - (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - (2) has been advised by a health care provider to self-quarantine related to COVID-19;
 - (3) is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - (4) is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
 - (5) is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
 - (6) is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.



TYPE OF LEAVE AVAILABLE	QUALIFYING CONDITIONS	RATE OF PAY	MAXIMUM PAY
2 weeks paid sick leave to all employees	1, 2, 3	Full Rate of Pay	\$511 per day \$5110 in the aggregate
2 weeks paid sick leave to all employees	4, 6	$\frac{2}{3}$ rate of pay	\$200 per day \$2,000 in the aggregate
10 weeks of paid leave to employees who have worked at least 30 days	5	$\frac{2}{3}$ rate of pay	\$200 per day \$10,000 in the aggregate



Expanded FMLA

- In addition to creating emergency sick leave, the FFCRA has expanded the FMLA to provide benefits to employees who have a childcare need because their child's school is closed due to Coronavirus
- Employers are required to provide 12 total weeks of leave (first two weeks are unpaid) at 2/3 the employee's rate of pay
- Leave only applies if a remote assignment is not available
- The employer may allow intermittent leave to be taken for employees



The ADA and COVID-19



What does the ADA do?

Requires employers to provide reasonable accommodations to employees with disabilities in the workplace.



Interactive Process to Comply with the ADA

- **Analyzing** the job to determine its essential functions;
- **Consulting** with the employee to determine the nature of the disability, what job-related limitations it poses, and how those limitations may be addressed through reasonable accommodations;
- **Identifying**, in consultation with the employee, potential accommodations and assessing the effectiveness of each option; and
- **Selecting and implementing** an accommodation that is reasonable and effective, taking into consideration as appropriate the individual's preferred accommodation.



What are some examples of reasonable accommodations for disabilities impacted by COVID?

- Additional PPE
 - Mask
 - Face Shield
 - Gown
 - Plexiglass
- Additional adult support in the classroom to reduce contact with students
- Alternative entrance and exit
- Classroom that is well ventilated or contains an air purifier
- Reduced or eliminated supervision duties to reduce or eliminate contact with groups of people
- Leaves of absence
- Use of sick leave
- Alternate assignments if they are available
- Remote work, if it is available in the school district



**An accommodation
is not reasonable
when it imposes an
undue hardship on
the employer.**



Common Scenarios



An employee has Covid19



**An employee has a
high risk condition**



An employee is pregnant



**An employee is
living with
someone with a
high risk condition**



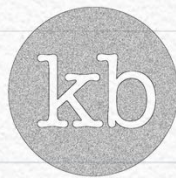
**An employee lives
in a school district
that has elected to
go fully remote,
leaving the
employee without
child care**



**An employee lives
in a school district
that has elected a
hybrid learning
plan, leaving the
employee without
child care a couple
days per week**



Questions?



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