



Employee Leaves and Workplace Accommodations During COVID-19

v.1: Last Updated: August 11, 2020

The following presentation is intended to be a living document. It will be updated frequently.

Purpose: to help inform employees about leave options and workplace accommodations in a variety of possible scenarios.

Intention: to respond to the most commonly asked questions, staying up to date with the parameters of the District's Health and Safety Plan and the evolving conditions of the COVID-19 Pandemic

What you can expect?

To readily find this presentation in a prominent place on the district's webpage

This document will change frequently based on the District's plan and COVID-19 conditions



Families First Coronavirus Relief Act (FFCRA) Family Medical Leave Act (FMLA)

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave (FMLA) for specified reasons related to COVID-19. The FFCRA provisions will apply from April 1, 2020 through December 31, 2020.

FFCRA PAID SICK LEAVE:

- Up to 10 days (80 hours), or a part-time employee's equivalent, of paid sick leave.
- This paid sick leave is not deducted from the employee's earned sick leave balance. The district recommends that, when it is applicable, that the employee first consider using this leave.



Families First Coronavirus Relief Act (FFCRA) (FMLA) Family Medical Leave Act

QUALIFYING REASONS FOR PAID SICK LEAVE RELATED TO COVID-19: An employee is entitled to take leave related to COVID-19 if the employee is unable to work, 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 childcare 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.

Special Note: Paid Leave for reasons #4- #6 listed above:

- 2/3 of regular pay (67%) is provided for qualifying reasons #4 and #6 above, up to a maximum of \$200 daily and \$2,000 total for the 10 days
- **FMLA:** *After the 10 days referenced above*, a qualifying employee may take up to 10 weeks of expanded family and medical leave paid at 2/3 of regular pay, but only for qualifying **reason #5 above**, up to a maximum of \$200 daily and \$12,000 total.
- (A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.)



Families First Coronavirus Relief Act (FFCRA) Family Medical Leave Act (FMLA)

Who is eligible for paid leave under FFCRA and Expanded FMLA under COVID-19?

In general, all school district employees are eligible (whether full time or part time) for up to 10 days of fully or partially paid FFCRA sick leave **but must qualify** according to the reasons listed in the previous slide.

Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave, **but only for:**

Reason #5 - Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons.



“What happens if I have COVID-19 and after my 10 days of FFCRA paid Sick Leave is done and I am still sick?”

- If eligible, you may then apply for up to 10 more weeks of leave under the traditional FMLA regulations. During this time, you will need to use your own available sick leave and all appropriate paid leave. A certified medical form completed by a physician is required for approval. If your sick leave is exhausted, you may use time without pay.
- Contact the HR Department for documents needed for FMLA.



“What if I have an underlying medical condition that limits me from returning to work?”

To qualify for the paid sick leave under FFCRA, you must be medically certified unable to work due to COVID-19 symptoms or quarantine. See reasons 1, 2 and 3 above.

- With proper certification, FFCRA paid sick leave will be made available for the first 10 days.
- If approved, after the 10-day period, you may then apply for up to 10 weeks of traditional FMLA leave (if eligible) and use all appropriate paid leave. A certified medical form completed by a physician is required for approval.
- Human Resources will offer a request form for employees to submit an initial request. The [FFCRA form](#) is available on the Jamestown Public School District Website.



“What if I have a family member with an underlying medical condition, and I believe that it limits me from returning to work?”

- Generally, FFCRA paid sick leave does not apply to the underlying health condition of a family member, however,
 - It may apply if the family member is quarantined, sick with COVID-19 symptoms and you are required to care for them. Traditional FMLA may also apply in situations where you are required to care for an ill family member.
- If COVID-19 related and upon proper certification, FFCRA paid sick leave will be made available for the first 10 days at 2/3 (67%) of your regular rate, or
 - You may use your own sick leave, (denoted ‘sick leave-family illness’) at full pay.
- If eligible, you may also apply for traditional FMLA leave and use your appropriate leave. A certified medical form completed by a physician is required for approval.
- During approved FMLA, if paid leave is exhausted you may use time without pay.

****The Human Resources Department, Michelle Zuther and Sally Ost, are the points of contact for FMLA forms**



“I am pregnant, and my doctor says that I should self-quarantine.”

- With certification (i.e. order to quarantine) FFCRA paid sick leave will be made available for the first 10 days. Note: This assumes the FFCRA paid sick leave has not already been exhausted.
- If eligible, after the 10 day period, you may then apply for up to 10 weeks of traditional FMLA leave and use all appropriate paid leave. A certified medical form completed by a physician is required for approval.
 - If paid leave is exhausted, you may use time without pay.
- The [FFCRA Form](#) is available on the district website.



“What if I need to take time off for medical reasons not related to COVID-19?”

- All other illnesses will continue to be administered under JPS negotiated agreements and policies, and federal regulations.
- You may be eligible for up to 12 weeks of FMLA leave. Please inform the HR Department to determine your eligibility and respond with the appropriate policies.
- JPS employees must meet these criteria in order to be eligible for FMLA leave.
 1. Have worked for the district for at least 12 months;
 2. Have at least 1,250 hours of service in the 12 months before taking leave



”If my classroom or my entire school is ordered to quarantine/isolate at home, will this time be taken from my sick leave bank?”

- **Certified Staff** – As certified and students will be able to quickly transition from classroom to a distance learning plan, with minimal disruption, education will continue. The teacher would be working throughout this time and there would be no need for leave to be taken.
- **Support staff** – If adequate work can be transitioned into an online environment, quarantined support staff would be working and there would be no need to leave to be taken. The district will strive to provide opportunities, to the degree practical, for an online working environment. **Note: This may require different job duties than the position worked in a traditional setting.** If adequate work is unable to be transitioned into an online environment, sick leave or unpaid time will be necessary.



“I don’t have enough sick days to use, will I receive a reduced pay check?”

- Like in any school year and with any illness, depending on the situation, yes this could happen.
- For COVID related reasons shown in slide 3, and **until December 31**, we have the paid sick leave from the FFCRA. In many instances, this can be an extra cushion.
 - Staff qualify according to the stated reasons and provide appropriate medical information.
- Every situation is different. The determination will consider the specifics of each situation.



“If I am hospitalized due to COVID-19, will the district pay the deductible and copay for me?”

- Generally, the answer is no. However, we do have some expanded benefits on our current health plan to help with COVID related expenses. For example:
 - BCBSND will cover, with no cost share to the member, the appropriate medically necessary diagnostic testing for COVID-19.
- Please be aware that Workers Compensation has also stated that they will not cover time lost or medical expenses related to COVID-19.
- It will likely be very difficult, if not impossible, to determine or prove where a person has contracted COVID-19.



“I am at a higher risk. Can/Should I file for reasonable accommodations?”

- A 504 or Americans with Disabilities Act (ADA) workplace accommodation may be applicable in some cases.
- Each situation is different and requires an in-depth examination of the job duties required, needs of the requesting staff, and possible accommodations.
- In general, the district will not create a position that doesn't currently exist or dramatically change the position, but the district will work to create classroom/workplace accommodations that address the needs outlined in the request.
- Safety of staff and students will continue to be the primary consideration.



“If I have an underlying medical condition that could interfere with my ability to my job at my school this fall, how do I let you know?”

- Human Resources will review your submission of FFCRA and/or FMLA requests and contact you regarding further information and documentation required.
- Please utilize the FFCRA request form and FMLA request form as the exclusive method to contact Human Resources on this issue. Emails and voicemails will be redirected to submit these documents. This will provide the most efficient response and ensures consistency and accountability to this important information!



“What should I do if I have a child or spouse with a medical condition that requires me to care for them?”

The following guidelines should be considered:

- Illness of your spouse or child, if COVID related as described in the FFCRA, will first be considered for FFCRA 10 day leave. Beyond the 10 days, traditional FMLA leave may be an option.
- Illness of your spouse or child, not COVID related, but requiring your care, will be considered under traditional FMLA leave rules.
- HR Personnel will review your submission and contact you regarding further information required.
- Please utilize the FFCRA request form and FMLA request form as the exclusive method to contact Human Resources on this issue. Emails and voicemails will be redirected to submit these documents. This will provide the most efficient response and ensures consistency and accountability to this important information!
- **Note: If using FMLA leave, a staff member would use his/her own available leaves, if applicable.**



Final Thoughts:

- The safety of all staff and students, and a safe return to school is the top priority of the district.
- We will strive to keep staff, parents and students updated as frequently and completely as possible.
- If you have questions or need additional clarification, we ask that, in order to keep everyone safe, meetings times be set with employees of Central Office.
- Return to this presentation often for updated information as we progress through this together!