



CORONAVIRUS (COVID-19) FREQUENTLY ASKED QUESTIONS

DEFINITIONS

Quarantine- When quarantined, an individual may be around their immediate family in their household, but should not be in public areas for 14 days. Quarantined individuals are not allowed to come to work without a negative test result from a healthcare provider.

Isolation- When isolated, an individual must not have any contact with other people for 14 days. Isolated individuals are not allowed to come to work without a negative test result from a healthcare provider.

Paid Leave- days in which employees are entitled to be paid

- **Sick Leave-** the days given to each full-time employee each year
 - 10 days of extended leave whereas after sick leave days are exhausted, certified employees will have 10 days docked at sub pay
 - **After extended leave days are exhausted, certified employees are docked per diem.**
- **Personal Leave-** the 2 days given to each full-time employee each year
 - These days must be approved at least 2 days in advance.
 - Up to 5 personal days can be accumulated. Over 5 accumulated personal days will be transferred to sick days.
- **Vacation-** 10 paid days for 12-month employees who have worked at least 1 full year
- **COVID-19 Leave (Emergency Paid Sick Leave Act)-** paid leave granted to employees for COVID-related issues; new employees must have worked 30 days to be eligible. The COVID10 paid leave days are for the entire school year.
 - Employees receive 10, 100% paid leave days if they are required to isolate, self-quarantine, or are experiencing symptoms due to COVID-19 as diagnosed by a healthcare provider.

OR

 - Employees receive 10, $\frac{2}{3}$ paid leave days if they are required to care for an individual who has been required to self-quarantine or isolate due to COVID-19, as diagnosed by a healthcare provider.
 - Employees may mix the two aforementioned options, based on their circumstances, for a **total of 10 days.**
 - Employees receive up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ in order to care for a child whose school or childcare

provider is closed or unavailable due to COVID-19 reasons. The employee must provide written documentation of the school/childcare closure.(Emergency Family and Medical Leave Expansion Act)

- **All COVID-19 leave counts against FMLA days, when eligible.**
 - **All missed days due to COVID-19 will require usage of paid leave and FMLA (if eligible).** Once paid leave is exhausted, the employee will be docked per diem.
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- **Close Contact** - close contact entails you being within 6 feet of a person for fifteen minutes or longer, where neither of you are wearing a mask
 - **Family and Medical Leave Act (FMLA)** - The Family and Medical Leave Act (FMLA) provides 12 weeks of job protection for eligible employees. These 12 weeks are not paid leave, unless the employee has available paid sick or personal leave days. In order to be eligible for FMLA, employees must have been a full-time employee for 12 months. Once FMLA is exhausted, the district will follow the FMLA guidelines.
 - **Telework** – working from home. Must be approved by the district.

FREQUENTLY ASKED QUESTIONS

What do I do if I have been exposed? It depends on the type of exposure.

- If you have tested positive for the virus, you must **isolate** for 14 days. You cannot come to work during that time. After the 14th day, you must submit a negative test result to your immediate supervisor.
- If you have been exposed via close contact with an individual who tests positive, you must self-quarantine for 14 days. After the 14th day, you must submit a negative test result to your immediate supervisor.
- If you have been exposed, but not via close contact with an individual who tests positive, you do not have to self-quarantine or isolate. You can return to work, but a mask must be worn.

How many tests do I need to take to return to work?

Only one negative test is needed to return to work after the 14-day isolation/quarantine period.

How many sick days will I have for the year?

Every employee receives 7 paid sick days and 2 personal days per year to be added to the previously accumulated days. Due to COVID-19, employees will receive an additional 10 paid sick days for COVID-19 related issues only. COVID-19 leave days are also subtracted from your FMLA days.

What is the effective date of the COVID-19 Leave Days?

The COVID-19 Leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid sick leave for another reason provided under the COVID-19 Leave?

No. You may take up to two weeks—or ten days—(80 hours for a full-time employee) of paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?

You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use existing vacation, personal, or medical or sick leave under your employer's policy. After the first ten work days have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.

Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons (see bullet 3 under COVID-19 Leave).

Can my employer deny me paid sick leave if my employer gave me paid leave for a reason identified in the Emergency Paid Sick Leave Act prior to the Act going into effect?

No. The Emergency Paid Sick Leave Act imposes a new leave requirement on employers that is effective beginning on April 1, 2020.

Is all leave under the FMLA now paid leave?

No. The only type of family and medical leave that is paid leave is expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act when such leave exceeds ten days. This includes only leave taken because the employee must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons (see bullet 3 under COVID-19 leave).

Are the paid sick leave and expanded family and medical leave requirements retroactive?

No.

What documents do I need to give my employer to get paid sick leave or expanded family and medical leave?

You must provide to your employer documentation in support of your paid sick leave as specified in applicable IRS forms, instructions, and information. Your employer may also require you to provide additional in support of your expanded family and medical leave taken to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19-related reasons.

For example, this may include a notice of closure or unavailability from your child's school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider. Your employer must retain this notice or documentation in support of expanded family and medical leave, including while you may be taking unpaid leave that runs concurrently with paid sick leave if taken for the same reason.

Please also note that all existing certification requirements under the FMLA remain in effect if you are taking leave for one of the existing qualifying reasons under the FMLA. For example, if you are taking leave beyond the two weeks of emergency paid sick leave because your medical condition for COVID-19-related reasons rises to the level of a serious health condition, you must continue to provide medical certifications under the FMLA if required by your employer.

When am I able to telework?

You may telework when your employer permits or allows you to perform work while you are at home or at a location other than your normal workplace.

May I take my paid sick leave or expanded family and medical leave intermittently while teleworking?

Yes, if your employer allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act. In that situation, you and your employer may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you and your employer may agree that you can take expanded family medical leave intermittently while teleworking. You may take intermittent leave in any increment, provided that you and your employer agree. For example, if you agree on a 90-minute increment, you could telework from 1:00 PM to 2:30 PM, take leave from 2:30 PM to 4:00 PM, and then return to teleworking.

The Department encourages employers and employees to collaborate to achieve flexibility and meet mutual needs, and the Department is supportive of such voluntary arrangements that combine telework and intermittent leave.

May I take my expanded family and medical leave intermittently while my child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?

Yes, but only with your employer's permission. Intermittent expanded family and medical leave should be permitted only when you and your employer agree upon such a schedule. For example, if your employer and you agree, you may take expanded family and medical leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

The Department encourages employers and employees to collaborate to achieve flexibility. Therefore, if employers and employees agree to intermittent leave on a day by-day basis, the Department supports such voluntary arrangements.

If my employer closes my worksite while I am on paid sick leave or expanded family and medical leave, what happens?

If your employer closes while you are on paid sick leave or expanded family and medical leave, your employer must pay for any paid sick leave or expanded family and medical leave you used before the employer closed. As of the date your employer closes your worksite, you are no longer entitled to paid sick leave or expanded family and medical leave, but you may be eligible for unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because the employer was required to close pursuant to a Federal, State or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

If my employer is open, but furloughs me on or after April 1, 2020 (the effective date of the FFCRA), can I receive paid sick leave or expanded family and medical leave?

No. If your employer furloughs you because it does not have enough work or business for you, you are not entitled to then take paid sick leave or expanded family and medical leave. However, you may be eligible for unemployment insurance benefits. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

May I collect unemployment insurance benefits for time in which I receive pay for paid sick leave and/or expanded family and medical leave?

No. If your employer provides you paid sick leave or expanded family and medical leave, you are not eligible for unemployment insurance. However, each State has its own unique set of rules; and [DOL recently clarified additional flexibility to the States](#) (UIPL 20-10) to extend partial unemployment benefits to workers whose hours or pay have been reduced. Therefore,

individuals should contact their State workforce agency or State unemployment insurance office for specific questions about eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

Which employees are eligible for paid sick leave and expanded family and medical leave?

Both of these new provisions use the employee definition as provided by the Fair Labor Standards Act, thus all of employees who meet this definition are eligible including full-time and part-time employees. There is one difference regarding an employee's eligibility for paid sick leave versus expanded family and medical leave. While your employee is eligible for paid sick leave regardless of length of employment, your employee must have been employed for 30 calendar days in order to qualify for expanded family and medical leave. For example, if your employee requests expanded family and medical leave on April 10, 2020, he or she must have been your employee since March 11, 2020.

Who is a son or daughter?

A "son or daughter" is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. For additional information about in loco parentis.

In light of Congressional direction to interpret definitions consistently, WHD clarifies that under the FFCRA a "son or daughter" is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability. For additional information on requirements relating to an adult son or daughter or call our toll free information and helpline available 8 am–5 pm in your time zone, 1-866-4USWAGE (1-866-487-9243).

What if an employee does not feel safe/comfortable returning to work?

If CDC guidelines are being met, to include the option to wear masks, the option to social distance, sanitation efforts are being implemented, the employee is required to return to work. If the employee does not feel comfortable returning, he/she may take sick leave and/or personal days. However, COVID leave or FMLA is not applicable.

What if an employee has a pre-existing condition?

If CDC guidelines are being met, to include the option to wear masks, the option to social distance, sanitation efforts are being implemented, the employee is required to return to work, unless the pre-existing condition does not allow for them to complete their regular job requirements. Documentation from a medical provider must be provided, and that individual should apply for FMLA.

This information comes directly from the United States Department of Labor. Policies will be created by the Board to align with this information provided by the USDL.