



Clearview Local Schools

Frequently Asked Questions: Leave and Other COVID-19 Issues for the 2020-2021 School Year

This Frequently Asked Questions (“FAQ”) document provides guidance on questions District staff members have regarding leave, health and safety, and other concerns for the 2020-2021 school year relating to COVID-19. The FAQ does not, and cannot, address every possible scenario. However, the FAQ provides a helpful starting point for discussions on these topics.

Please remember, if any staff member believes he or she might qualify for leave, it is the staff member’s responsibility to contact his/her immediate supervisor to initiate a request for leave.

A. GENERAL LEAVE QUESTIONS

1. When might I qualify for leave related to COVID-19?

Every situation is unique and will require the District to explore the specific facts of a staff member’s situation. Depending upon the circumstances, staff members may or may not be eligible for certain types of leave:

a. **Expanded Family and Medical Leave (“Expanded FMLA”)** (expires December 31, 2020) addresses a person’s inability to work or telework due to a need to care for his or her son or daughter whose school or “place of care” has been closed, or whose “child care provider” is unavailable, for reasons related to COVID-19, and no suitable person is available to care for their son or daughter during that period of time.

- (1) A staff member must have been employed for at least 30 calendar days to be eligible for Expanded FMLA.
- (2) A staff member who qualifies for Expanded FMLA may be entitled to leave for up to 2 weeks unpaid, and 10 weeks paid (for a total of up to 12 weeks). After the initial first two weeks of Expanded FMLA (which are unpaid), the staff member will be paid two-thirds his or her regular rate for his/her scheduled number of hours for each day Expanded FMLA leave is taken, up to \$200 per day of \$10,000 in the aggregate.
- (3) Leave taken under Expanded FMLA counts towards the staff member’s 12 weeks of regular FMLA leave.
- (4) A staff member may use Expanded FMLA concurrently with Emergency Paid Sick Leave (described below) in certain circumstances related to childcare.

(5) Staff members requesting Expanded FMLA must complete an Emergency Paid Sick / FMLEA Leave Request Form, available on the district website, Treasurer's webpage. www.clearviewschools.org

(6) For more information about Expanded FMLA, please contact the Superintendent of Schools, Jerome M. Davis or the District Treasurer/CFO, Mary Ann Nowak.

b. Emergency Paid Sick Leave ("EPSL") (currently expires December 31, 2020) permits up to two weeks (ten days) of paid leave for certain qualifying reasons related to COVID-19 if a person is unable to work or telework.

(1) All staff members are eligible for EPSL.

(2) The qualifying reasons under the EPSL are:

(a) The employee is subject to a Federal, State, or local "quarantine or isolation order" related to COVID-19;

(b) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(c) The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis from a health care provider;

(d) The employee is caring for an "individual" who is subject to an order described above in either Reason #1 (Federal, State, or local quarantine of isolation order related to COVID-19) or Reason #2 (the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19);

(e) The employee is caring for his/her son or daughter whose school or "place of care" has been closed for a period of time for reasons related to COVID-19; or

(f) The employee has a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. (At this time, no such conditions have been identified.)

(3) The amount of pay for EPSL leave depends upon the reason for EPSL and whether the employee is receiving other pay.

(a) For Reasons (a), (b), and (c) above, the staff member receives full pay up to \$511 per day, and \$5,110 in the aggregate.

(b) For Reasons (d), (e), and (f) above, the staff member receives two-thirds of his/her full pay up to \$200 per day, and \$2,000 in the aggregate.

(4) Staff members requesting EPSL must complete an Emergency Paid Sick / FMLEA Leave Request Form available on the District website, Treasurer's webpage. www.clearviewschools.org

(5) For more information about EPSL, please contact the Superintendent of Schools, Jerome M. Davis or Treasurer/CFO, Mary Ann Nowak.

c. The **Family and Medical Leave Act (FMLA)** permits up to 12 weeks of leave for certain qualifying reasons. FMLA leave generally is unpaid. However, the Board requires staff members to use sick days that are available.

(1) Staff members are eligible for FMLA if they have been employed by the Board for at least 12 months, and they have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

(2) Staff members may be entitled to FMLA for certain qualifying reasons. Two reasons which might apply related to COVID-19 are:

(a) To care for the staff member's spouse, son, daughter, or parent with a serious health condition;

(b) Because of the staff member's own serious health condition, which makes the staff member unable to perform the functions of his/her job.

(3) To receive FMLA leave, staff members must provide the District with notice as outlined in Board Policy and the staff member's respective collective bargaining agreement.

(4) Please note that requests for FMLA leave to avoid contracting COVID-19 or to avoid exposing family members to COVID-19 is not covered under the FMLA.

(5) For more information regarding FMLA Leave, please contact the Superintendent of Schools, Jerome M. Davis or Treasurer, Mary Ann Nowak.

If you believe you might qualify for the above leaves, or any other form of leave, you should notify your immediate supervisor, to determine whether, and to what extent, leave is available based upon your specific situation.

2. How will I be compensated if I am eligible for leave?

Compensation, if any, during leave depends upon the type of leave. For the types of leave discussed above:

Leave Type Pay

Traditional FMLA Unpaid, unless a staff member has sick days that are available to use

Emergency FMLA First two weeks: Unpaid;

Up to ten weeks thereafter: 2/3rds pay up to \$200/day & aggregate of \$2,000.

Emergency Paid Sick Leave Depends on the reason for leave (see below):

Employee on COVID-19 quarantine due to order by health care provider

Employee on COVID-19 quarantine / isolation order (federal, state, local)

Employee has COVID-19 symptoms and is seeking medical diagnosis from a health care provider

Full pay up to \$511/day & aggregate of \$5,110

Employee's child's "place of care" closed or "child care provider" unavailable due to COVID-19

Employee is caring for a person subject to a quarantine order listed above

2/3rds pay up to \$200/day & aggregate of \$2,000 a quarantine order listed above

3. If I think I qualify for some form of leave related to COVID-19, am I required to provide documentation?

Yes, staff members will be required to complete the District's form for both Expanded FMLA and EPSL. The District also has a form for traditional FMLA leave that would need to be completed if a staff member wanted to request traditional FMLA. If a staff member qualifies for sick leave, the staff member should follow the procedures for documentation outlined in his or her respective collective bargaining agreement. Staff members will be required to provide documentation from a health care provider if they qualify for a leave due to a medical condition.

4. I have a medical condition I believe puts me at greater risk related to COVID-19. What are my options?

Depending on your specific situation, you may qualify for one or more of the following types of leave: Emergency Paid Sick Leave, FMLA leave, sick leave, or other forms of leave. The type(s) of leave for which you qualify will be determined by your specific situation and the medical documentation you provide in support of your request. If you have a disability for which you would like to request a reasonable accommodation, you should discuss that accommodation request further with your immediate supervisor.

5. I believe my age puts me at greater risk related to COVID-19. What are my options? Age, in and of itself, does not automatically make a staff member eligible for leave. Similar to Question A.4. above, whether you are eligible for leave will be determined by your specific situation and the medical documentation you provide in support of your request. You should discuss your specific situation, and the type of leave you are seeking, with your immediate supervisor.

6. I will be traveling, or have recently traveled, to a State listed on the Governor's Travel Advisory. Am I required to self-quarantine? If so, am I entitled to any form of leave?

The Travel Advisory indicates that individuals who travel to a high-positivity State are "advised" to self-quarantine for 14 days. However, self-quarantine is not required. The Governor's travel advisory is just that – an advisory, not an Order. As such, the mere fact that a staff member has traveled to a high-positivity State does not, by itself, make an employee eligible for leave. If you believe you were exposed to COVID-19 during your travels, or if you are experiencing symptoms of COVID-19 after traveling, you should discuss that with your health care provider and, if necessary, your immediate supervisor.

B. EMERGENCY PAID SICK LEAVE

1. Can I be eligible for the Emergency Paid Sick Leave more than once?

No. EPSL is limited to a total of two weeks for any combination of the qualifying reasons.

2. Can I choose to use sick, vacation, or personal time if I am not eligible for Emergency Paid Sick Leave more than once?

Possibly. Staff members' eligibility for other types of leave will depend on the reason for leave and whether the situation meets the regular requirements for sick, vacation, and/or personal time under his or her respective collective bargaining agreement.

3. Can I use Emergency Paid Sick Leave intermittently?

EPSL can be used intermittently, with the District's consent, for reason (e) above (to care for the staff member's son or daughter whose school or place of care is closed, or child care provider is unavailable, because of reasons related to COVID-19). Under such circumstances, intermittent EPSL may be taken in any increment of time agreed to by the staff member and the Superintendent of Schools, Jerome M. Davis.

C. EMERGENCY FMLA

1. Can I take Expanded FMLA leave intermittently?

If the District and staff member agree, the staff member may take Expanded FMLA intermittently in any increment of time agreed to by the staff member and the Superintendent of Schools, Jerome M. Davis.

2. My child(ren) attend a school which is offering two options for instruction: (a) online instruction, or (b) attending in-person classes on staggered days (e.g., M/W or T/Th). Am I eligible for leave under Expanded FMLA if I choose online instruction? What about if I choose the staggered days?

Yes, if the physical location where your child receives instruction or care is closed to your child(ren), the school or place of care is "closed" for purposes of EPSL and Expanded FMLA you are eligible. For example, if your child(ren)'s school is open, but you choose to pursue online-only instruction, that would not qualify for EPSL or Expanded FMLA. However, if the school's staggered model effectively "closes" the school to your child(ren) on certain days, you may qualify for Expanded FMLA or EPSL for the days on which school is "closed" to your child(ren). You should discuss your specific situation with the Superintendent of Schools, Jerome M. Davis.

D. GENERAL HEALTH / SAFETY QUESTIONS

1. What precautions is the District taking to keep staff safe?

The Board has reviewed, and will continue to review, guidance from the Center for Disease Control and Prevention ("CDC"), the Ohio Department of Health ("ODH"), and the Lorain County Public Health Department to help ensure that it has health and safety measures in place to protect staff members and District students. The following preventative measures already have been put in place for safety:

- All students and staff are required to wear masks in school and on the bus subject as set forth in the Board's mask policy;

- Social distancing will take place whenever possible;
- Frequent hand washing and sanitizing highly encouraged;
- A hybrid model and a remote model of learning is being offered thus reducing the number of students in the buildings at one time, and,
- The Board will follow the guidelines set by the Ohio Department of Health for cleaning all facilities.

2. What should I do if I am experiencing symptoms of COVID-19 or believe I was exposed to COVID-19?

A staff member diagnosed with COVID-19 should follow requirements of his/her health care provider, the ODH, and/or Lorain County Health Department as it relates to self- isolation and when it is safe to return to being around others.

Under guidance issued by the Ohio Department of Education (ODE) and ODH,¹ if a student, staff member, or volunteer begins to show symptoms of COVID-19 or has a temperature above 100°F while at school, that person must immediately be:

- a. Separated from other students, staff, or volunteers;
- b. Given a face covering (if one is not already being worn);
- c. Monitored by a staff member wearing appropriate personal protective equipment (PPE) and maintaining physical distance when possible.

Any such person will be referred to an appropriate health care professional or testing site. In the case of positive or suspected COVID-19 in a District building, the Lorain County Public Health Department will be contacted and the District will follow guidance set forth by the Lorain County Public Health Department.

3. What should I do if I am feeling sick, but not related to COVID-19?

If you are ill or do not feel well, you should stay home and report your illness as you have in the past following traditional Board policies and procedures.

4. When will I be required to self-quarantine? If I need to self-quarantine, do I need to provide any documentation?

The need for quarantine will be determined by: (1) federal, state, or local quarantine or isolation orders; (2) your health care provider; and/or (3) the Lorain County Public Health Department. If you are requesting paid leave related to an order to self-quarantine, you should provide the supporting order or documentation from a health care provider.

¹ ODE and ODH, COVID-19 Health and Prevention Guidance for Ohio K-12 Schools,

<https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf> (July 2020).

5. I have a medical condition and want to request an exemption from the District's mask requirement. What steps should I take?

ODE and ODH Guidance requires the Board to provide written justification to local health officials, upon request, explaining why a staff member is not required to wear a face covering in the school. If wearing a mask is not advisable due to health reasons, if you have a disability and need a related reasonable accommodation, you should provide appropriate medical documentation to, and discuss the matter further with your immediate supervisor.

E. OTHER

1. I have reviewed these FAQs, but I still have questions about my situation.

What should I do next?

You should contact your immediate supervisor, the Superintendent of Schools, Jerome M. Davis or Mary Ann Nowak, Treasurer/CFO to discuss your situation and your specific request(s).