Personnel Issues During COVID-19

Texas Association of School Boards, HR Services
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Families First Coronavirus Response Act

FFCRA leave
- Emergency Paid Sick Leave (EPSL)
- Expanded Family and Medical Leave (EFML)
- Limited to April 1–December 31, 2020
EPSL

• Limited to 10 workdays
• Available for six reasons
• Rate of pay
  • Self
  • Other

EFML

• Up to 12 weeks
  • First two weeks are unpaid
• Available for one reason
• Rate of pay

Trustee Take-Aways

• Board policies: intermittent & concurrent use of leave
• Telework
• Resolutions for additional leave
Q&A

• Does an employee have to use FFCRA?
• What happens if an employee exhausts their FFCRA leave?
• Does the district get funding for this leave?

Exposure and Diagnosis

Employer response plan

• Identify (self-reporting & screening)
• Contact tracing
• Notify
Exposure response

- Define exposure
- Access to leave
- Exhaustion of leave
- Return to work

Trustee Take-Aways

- Be aware of cases and exposure
- Be aware of district COVID-19 communication contact(s)
- Be aware of screening processes

Q&A

- What is considered close contact?
- Is an exposed employee without symptoms still required to quarantine?
- When can a diagnosed or exposed employee return to work?
LETTER TO EMPLOYEE DIAGNOSED WITH OR EXPOSED TO COVID-19

Date

Dear: [Employee Name],

Thank you for notifying us of your exposure to or confirmed diagnosis of COVID-19. HR will contact individuals identified as having a possible exposure risk. When communicating with others, HR will keep your personal and medical information confidential.

Below is a summary of the information we discussed:

- Leave: You are eligible to take emergency paid sick leave (EPSL), leave, state sick, personal non-discretionary, or local leave during this time in accordance with district policies. If you require extended leave for complications from COVID-19 you may be eligible for family and medical leave (FML). Medical certification forms and FML information is available.
- Contact Information: Ensure your personal contact information and emergency contact information is up to date.
- Isolation: You are directed to stay at home for at least 14 calendar days.

CHECKLIST FOR EMPLOYEE DIAGNOSIS OF OR EXPOSURE TO COVID-19

The following checklist can be used to guide HR's response when notified an employee has been exposed to or diagnosed with COVID-19.

1. Instruct all employees to immediately contact human resources (HR) by phone or email if exposed to or diagnosed with COVID-19.
2. Direct supervisors to immediately notify HR if an employee reports a diagnosis of or exposure to COVID-19.
3. Provide the following information:
   - Available leave benefits including emergency paid sick leave (EPSL), expanded family and medical leave (EFML), and state/federal personal and sick leave
   - HR's responsibility for notifying individuals identified as at risk for potential exposure
   - Process for updating personal contact information and emergency contact information
   - Requirement to provide fitness for duty before returning to work
4. Inform the superintendent and other relevant district leaders, including the board, of the situation.

Trustee Take-Aways

- Multiple tools are available in the HR Library
- Updates are being made as new information is released
Q&A

• Does a school contact name and number need to be given to parents?
• According to TEA, who is required to be notified of a positive test result?
• Do you have to report exposure to TEA or just confirmed positive cases?

Return to Onsite Work

High-risk health factors

• Work remotely
• Limit contact
  • One-way hallways or stairwells
  • Plexiglass or other barriers
• Adjust work schedule
• Temporary position
Fear of return

- Inform of safety precautions
- Consider remote work
- Access to accrued leave
- Consider resignation

Trustee Take-Aways

- Remote work arrangement may be a viable option
- Communication is key to reducing anxiety from fear of returning to the worksite

Q&A

- Should employees be allowed to bring children to work when in-class instruction is unavailable?
- Can an administrator require an employee to return to work if doctor requires remote work?
ADA and Alternate Work Arrangement

Disability defined

- Physical or mental impairment
- Limits major life activity
- Record of such impairment
- Being regarded as having such impairment

Major life activity defined

- Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Breathing
- Sitting
- Standing
- Lifting
- Reaching
- Bending
- Speaking
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Interacting with others
- Working
Considerations

- Disability
- Reasonable accommodation
- Undue hardship
- Alternate work arrangement

Sample accommodations

- Remote work option
- Install plexiglass shield
- Provide mask with air filters
- Change location
- Change hours
- PT onsite and PT home
- Upgrade MERV AC filters
- Replace AC filters frequently
- Install student desk dividers
- Supply room air purifier

Sample accommodations

- Reassign to site with fewer employees
- Make hand sanitizer accessible
- Allow outdoor teaching or worksite
- Reassign to another position
- Enforce safety protocol
- Remove high-contact items
- Reduce transitions or periods
- Declutter space
Trustee Take-Aways

• Not every employee requires accommodations
• Accommodations may not pose an undue hardship
• Alternate work arrangements can be used

Q&A

• Does an ADA accommodation apply if a family member is high risk?
• Is the district required to grant the accommodation requested by the doctor?
• What if adequate information isn’t provided by the doctor?