

Joint MPS-MEA Communication Regarding Leave Options for 2020-21 School Year

(1)

What kinds of leave are normally available to us as teachers, counselors, nurses and other certificated staff, according to our contracts and board policies?

For *paid* leave, every August teachers begin the school year with a bank of at least twelve (12), fully paid leave days, along with any unused days carried over from previous years of employment (up to a maximum of 87). Any of these paid leave days may be used for employee or family illness, while three (3) can also be used for [approved Business and Emergency leave](#), or “B&E.” Finally, of those three B&E days, up to two (2) are identified as ‘personal days’ and are available for any reason.

1	2	3	4	5	6	7	8	9	10	11	12
SICK, B&E, or PERSONAL	SICK, B&E, or PERSONAL	SICK or B&E	SICK	SICK	SICK	SICK	SICK	SICK	SICK	SICK	SICK
+ accumulated leave days from prior years, not to exceed 87											

Board policies and federal law also provide for *unpaid* leave (for example, employee leaves of absence and the workplace leave available through the Family and Medical Leave Act).

(2)

What is changing next year? Are there any new leave options in light of the pandemic?

This year employees will also have access to new leave days provided by the Family First Coronavirus Relief Act (**FFCRA**), specifically through its Emergency Paid Sick Leave (**EPSL**) and Emergency FMLA (**EFMLA**) provisions.

(3)

What are the details?

The FFCRA provides up to ten (10) days of paid emergency sick leave for staff who need to miss work for COVID-19-related illness, either because they themselves are quarantined and (or) ill, or are providing care to a family member who is.

Specifically, you are entitled to take leave related to COVID-19 if you are unable to work because:

1	You are subject to a COVID-19 government quarantine or isolation order.
2	You’ve been advised by a healthcare provider to self-quarantine because of COVID-19.
3	You’re experiencing possible COVID-19 symptoms and awaiting diagnosis.
4	You’re providing care for someone who is under quarantine (scenarios 1 and 2).
5	You’re caring for a child whose school or place of care is unavailable due to COVID-19.*

Families First Coronavirus Relief Act (FFCRA)
Qualifying Reasons for Emergency Paid Sick Leave (EPSL)
and Emergency Family & Medical Leave (EFMLA)

(4)

How does the FFCRA change our bank of existing leave?

It does not. Your existing leave bank is still available. The new EPSL and EFMLA are *additional* days, separate from and in addition to your existing paid leave.

(5)

Does FFCRA change how we take good, old fashioned sick days? We're not going to know right away if 'a cold is a cold' or something more serious ...

You're right. This year every cough or sore throat — ours, a spouse's, a child's — has the potential to make us nervously scramble for a thermometer and our doctors' offices' phone numbers. Our wellness threshold for staying home will need to be lower this year. We do not want teachers to report to work when they feel sick or vulnerable. To that end ...

When you feel sick, or suspect someone within your 'bubble' is sick, reach out to your doctor or an [Aetna telehealth professional](#) and, at least at first, take leave as you have in the past, using the [absence management system \(Frontline, formerly Aesop\)](#) to notify your building supervisor.

If after consultation with the doctor, that cold turns out to be more than a cold and a traditional, paid sick leave day (or more likely, days) should be re-entered as Emergency Paid Sick Leave for COVID-19, reach out to [Human Resources](#) to recode the day. Just be prepared to share contact information for the doctor or health official suggesting the quarantine and the names and ages of the household individuals impacted.

(6)

What about leave for child care, for reason #5? Is that different? How do I request that kind of leave and what do I do if my children's school or daycare shuts down without warning? There won't be a lot of time to process paperwork if that happens.

Yes, child care leave, reason #5, is different, and it's certainly the new wrinkle here.

Let's start with how to request it. We recognize for child care-related leave, employees may learn weeks in advance that a particular day care provider or school is about to adopt a more limited schedule, but if the spring was any indication, parents may be just as likely to receive that news with only hours' notice.

WHEN YOU KNOW ABOUT A CHILD CARE NEED IN ADVANCE. *If you learn in advance a school or daycare closure is looming, request leave by first completing the [COVID-19 Questionnaire](#) on the HR website and a member of the HR staff will contact you to submit the required documentation (the name of the school or daycare closed and the names and ages of family members requiring care) and start the process of securing subs.*

WHEN YOU DON'T. *If not, start with a normal sub request through [Frontline](#) to get your classroom covered. Then circle back to HR using the [COVID-19 Questionnaire](#) on the HR website and a member of the HR staff will reach out to you and start the process of re-coding the leave days taken.*

(7)

How does pay work?

For reasons 1, 2, and 3 — when you are directly impacted by COVID-19 illness (for example, you are under quarantine) — you can access up to two weeks (10 days) of leave paid at 100% of your regular daily rate, your annual salary divided by the total number of contract days (which, for most teachers, is 192). Compensation is capped at a daily rate of \$511 or \$5,110 total. For reasons 4 and 5 — when you are instead providing care because of COVID-19 — you can access up to two weeks (10 days) of leave

paid at two-thirds ($\frac{2}{3}$) of your regular daily rate, with compensation capped at a daily rate of \$200 or \$2,000 total.

For reason #5, because school and daycare closures may well extend beyond the two weeks provided for by Emergency Paid Sick Leave, employees may also access Emergency Family and Medical Leave for an additional 10 weeks — a total of 12 — paid at two-thirds ($\frac{2}{3}$) their daily rate and, again, capped at \$200 daily or \$12,000 total. For the first two weeks, you may also — but are not required — to use your existing leave bank to avoid loss of pay.

Part time employee leave pay is prorated based on FTE.

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WRAPPING UP

TO LEARN MORE. Both the District's leadership and the MEA know it's a lot to digest. We've tried to anticipate some of the scenarios and follow-up questions you may have [below](#).

BEHIND THE SCENES. As you have probably noticed, FFCRA leave requests pose questions to our teachers they don't normally need to answer to take a simple sick day. Know that we don't ask those questions out of any desire to limit access to these new forms of leave. The Department of Labor and IRS require this information of all employers and tracking FFCRA utilization may well inform the government's decision to extend these programs into 2021. Right now, the FFCRA is slated to expire at the end of December, 2020. It's therefore important we work together to track everything properly.

RETURNING TO WORK IN GENERAL. We also acknowledge, in light of this information and the board's decision to return to in-class instruction — as well as your own conversations with your doctor — that you may have anxieties about returning to work period.

If that's the case, we encourage employees to complete the [COVID-19 Questionnaire](#) on the Human Resources website to start that conversation. A member of the HR department will review and discuss your concerns with you. We know completing a Google Form can seem impersonal and a bit off-putting under these circumstances, but HR has assured the Association it is not using the questionnaire to disqualify employees from — or compel them — to return. The [COVID-19 Questionnaire](#) is instead the hub for identifying and discretely reaching out to employees for follow-up interviews to determine 'best fit' instructional scenarios for the fall. Teachers better suited to remote instruction, for example, might be paired with students with similar needs, and by funneling all of the information through that questionnaire, it's possible to pair up teachers with the HR personnel best prepared to answer their questions. We need the data to start that process.

If you have additional questions, please reach out to us ...

MEA

Tim Royers – MEA President

Matt Heys – Chief Negotiator

District

Kevin Chick – Associate Superintendent of Human Resources

Jake Curtiss – Director of Employee Relations

SOME POSSIBLE FFCRA LEAVE SCENARIOS

I MAY BE SICK.

What if I have symptoms consistent with COVID-19, but I'm awaiting diagnosis?

If you are concerned you are sick, please do not report to work. Contact your doctor or an [Aetna telehealth professional](#). While you wait to learn more, log into the [Frontline Absence Management System](#) as you have in the past to arrange coverage and notify your supervisor. Hopefully, that cold is just a cold. But if it's later determined to stem from COVID-19, HR can recode the absence as Emergency Paid Sick Leave.

A FAMILY MEMBER IS SICK.

We have a family member living in our household who has been diagnosed with COVID-19 and directed to quarantine. What should I do?

Complete the [COVID-19 Questionnaire](#) on the HR website and select Reason #2. HR will reach out to you and provide an FFCRA Request Form. Notify your supervisor that you will need to miss work for the time period recommended by your medical provider and request a sub through the [Frontline Absence Management System](#) as you have in the past.

POSSIBLE EXPOSURE.

I feel fine, but I was at an event where others in attendance later tested positive for COVID-19. What should I do?

Contact your doctor's office. What is their assessment of your exposure risk? If they recommend testing, complete the [COVID-19 Questionnaire](#) on the HR website and select Reason #2. Log into the [Frontline Absence Management System](#) as you have in the past to arrange coverage and notify your supervisor while you wait to learn more.

NO ONE IS SICK, BUT MY CHILD'S SCHOOL CLOSED.

My child's school is using a 3/2 schedule (e.g., OPS) and I do not have childcare on their off days. Am I able to take Emergency FMLA intermittently to remain at home with them?

Yes. Although traditionally FMLA related to childcare has not been permitted on an intermittent basis, the District and MEA have jointly agreed that it is in the best interest of our staff and students to be flexible. We want to keep our teachers in classrooms when feasible and minimize the financial impact of the reduced, $\frac{2}{3}$ leave pay provided by EFMLA.

I HAVE A LOT OF BANKED LEAVE. CAN I ...

If I use EPSL or Emergency FMLA for reasons #4 or #5, can I borrow against my existing paid sick leave to "top off" pay at 100%, rather than two-thirds ($\frac{2}{3}$)? Or, how about this: I have banked a LOT of days over the years. Can't I just use all of them until I'm comfortable returning?

Yes and no. Although you may substitute your existing leave for the first 10 days of emergency FMLA leave — similar to the process that has been in place for traditional unpaid FMLA — after those first 10 days, employees may not supplement any regular paid leave to make up the $\frac{1}{3}$ gap in pay.

Remember, however, that this restriction in pay applies to leave for child or dependent care under scenarios #4 and #5. If *you* or a family member are sick, those banked days are available through traditional sick leave and FMLA.

LEAVES OF ABSENCE. DO THEY WORK?

I know leaves of absence are typically used for much happier circumstances, like taking time to be with a newborn, but could I take a traditional unpaid leave of absence while COVID-19 is prevalent in the community and return to my position later?

Possibly. We're not trying to be cagey with that answer; it's just something that operates at the school board level. Specifically, [Board Rule 4510.05](#) details the requirements for requesting an extended unpaid leave of absence from the Millard Board of Education, which is allowed to factor into its approval (or rejection) the impact such an absence would have on instruction.

RETIREMENT.

I signed my letter of intent last spring, but in light of all this, what if I wish to retire now?

Complete the [COVID-19 Questionnaire](#) on the HR website and you will be contacted to discuss options.