

PUSD Human Resources Department

COVID-19 & LEAVES - Frequently Asked Questions (FAQs)

Below is an attempt to provide some general information to PUSD staff regarding leaves. Please note that as with most personnel issues, each leaves case would likely be different and unique. Therefore, please contact Human Resources directly to review your individual situation.

1. Will employees 65 years old and over be allowed to work on site?

Being over 65 does not prevent anyone from coming to work unless you also have an underlying health condition that limits your ability to return to work on site, as noted by your doctor. The Centers for Disease Control and Prevention (CDC) has since updated (June 25, 2020) its previous guidelines regarding adults 65 years and above. The new guidelines have removed the specific age threshold from the older adult classification. CDC now guides that among adults, risk increases steadily as you age, and it's not just those over the age of 65 who are at increased risk (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>). Human Resources will work with employees to address any restrictions and explore possible options.

2. What if I have an underlying health condition?

If you have an underlying health condition you will need to provide a doctor's note specifying your health-related restrictions to your job duties. Employees should notify their supervisor and work with Human Resources to address restrictions and explore possible options.

3. What if an employee has an extenuating circumstance that restricts them from physically reporting to work?

Please notify your supervisor and work with Human Resources to determine leave options based on your individual circumstances.

4. Would an employee who is afraid of coming to work and contracting COVID-19 be eligible for paid sick leave?

No, an employee's concern for contracting the virus is not included within the six allowable reasons for leave. The employee, however, may be eligible for other types of leaves. If an employee's fear, however, is related to a serious health condition, they may be eligible for traditional FMLA leave. Normal notice and certification procedures would be followed for that determination.

5. When is an employee entitled to paid sick leave under the federal COVID-19 leave law?

The "Emergency Paid Sick Leave Act" allows employees to take up to 10 days (maximum 80 hours) of paid sick leave (prorated for part-time employees), to obey a quarantine or isolation order; to abide by a health care provider's recommendation to self-quarantine; to seek a medical diagnosis because the employee is experiencing symptoms of COVID-19; to care for an individual who is subject to a quarantine or isolation order, or has been

recommended by a health care provider to self-quarantine; to care for the employee's minor child whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19; or the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor. (Note: There are pay limits in the law). Please see Human Resources to determine leave options based on your individual circumstances, and to review the paid leave entitlement parameters.

https://www.pittsburg.k12.ca.us//cms/lib/CA01902661/Centricity/Domain/85/FFCRA_Poster_WH1422_Non-Federal.pdf

6. If an employee takes FMLA leave for his or her own serious health condition related to COVID-19, is the employee eligible for this new category of paid FMLA leave?

No. The new paid FMLA leave entitlement is for one reason only—to care for a child whose school or place of care is closed or whose caregiver is unavailable due to COVID-19-related issues. Such an employee would, however, likely be eligible for up to 10 days of emergency paid sick leave if:

- a. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- b. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

7. Do I have to use my sick leave to care for my child who has been exposed to the coronavirus?

The “Emergency FMLA” law under the 2020 Families First Coronavirus Response Act (FFCRA) allows employees to take FMLA (Family and Medical Leave Act) leave to care for their own minor child whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19.

8. If I get COVID-19 during the school year do I have an additional 2 weeks of sick leave?

In general, that is correct. The “Emergency Paid Sick Leave Act” allows employees to take up to 10 days (maximum 80 hours) of paid sick leave, prorated for part-time employees, if they become sick with COVID-19.

9. Will substitutes be allowed this year?

Yes. Protocols will be in place for their safety and the safety of others on site.

10. Is there any special consideration for employees that are older with underlying health issues and are at a higher risk?

Each situation is different and will be appropriately reviewed based on relevant medical guidance and applicable leave laws. Upon submission of a doctor's note that the employee must continue to self-isolate, an employee in a high-risk group, or who lives with someone in a high-risk group, can use sick leave to be absent from work. If the employee exhausts their sick leave they will be placed on Differential Leave for up to 100 days with full benefits.

11. Can I use the emergency paid leave to cover my time off for other medical conditions?

No. Absences from work other than for COVID-19 related health issues shall follow leave language in the union contracts and applicable leave laws.

12. What happens if I'm not sick or exposed to the virus, but I'm very concerned about getting it and would rather self-isolate at home for my personal safety and sanity? Is this covered under the COVID-19 leave laws? Or can I use my accrued sick time to stay at home?

In general, the emergency laws related to COVID-19 will not cover a case like this. Also, since you are not sick, you will not be able to use your sick time. Notify your supervisor and discuss with Human Resources if you are concerned about the safety of your work area.

13. Can I take unpaid leave if I need to, due to COVID-19?

Please see Human Resources to determine unpaid leave options based on your individual situation.

14. I was unable to report to work during the shelter in place last school year, and was already extended the 80 hours of emergency paid sick leave, since this is a new school year will I get a new set of time?

The new Families First Coronavirus Response Act (FFCRA) guidelines went into effect on April 1, 2020 and expires on December 31, 2020. These guidelines indicate an employee is only extended one emergency paid sick leave during this time period. Please contact Human Resources to discuss other possible leave entitlements.

15. If an employer requires an employee to self-quarantine, such as after returning from personal travel, would the employee be eligible for emergency paid sick leave?

No. Only an employee subject to a government order to quarantine or one advised to do so by a health care provider is eligible to receive emergency paid sick leave.

16. If I am home with my child because his or her school or place of care is closed, do I get paid sick leave, expanded family and medical leave, or both?

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 due to COVID-19 related reasons. Please meet with Human Resources to discuss your specific situation.

17. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?

Generally no. If you become ill with COVID-19 symptoms, you may take paid sick leave under the FFCRA only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take paid sick leave. You may not take paid sick leave under the FFCRA if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms.

18. If I take paid sick leave under the Emergency Paid Sick Leave Act, does that count against other types of paid sick leave to which I am entitled under State or local law, district policy, or union contract?

No. Paid sick leave under the Emergency Paid Sick Leave Act is in addition to other leaves provided under Federal, State, or local laws, and applicable collective bargaining agreements.

19. Who is a “health care provider” for purposes of determining individuals whose advice to self-quarantine due to concerns related to COVID-19 can be relied on as a qualifying reason for paid sick leave?

The term “health care provider,” for this purpose means a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for purposes of the FMLA.

20. When am I eligible for paid sick leave to self-quarantine?

You are eligible for paid sick leave if a health care provider directs or advises you to stay home or otherwise quarantine yourself because the health care provider believes that you may have COVID-19 or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working (or teleworking).