



## FAQ: Taking Sick and Personal Leave During Coronavirus-Related School Closures

### FREQUENTLY ASKED QUESTIONS

When it comes to personal leave, sick leave, and the specifics of your sick leave bank, there's just no one-size-fits-all answer to questions about how leave is managed because every bargaining unit operates under different contracts. Your local association and UniServ director know your contract inside and out, are in touch with your human resources department, and will continue to support you and answer your questions in this area.

#### **Does MSEA have any basic guidance around types of leave during this time?**

Following are some basic guidelines. Please check with your local association and UniServ director with any questions that you may have.

#### **Daily and long-term leave requested and approved before school closures**

**Daily leave request:** If you had requested personal or sick leave already and schools are closed for the day(s) requested due to the pandemic, you should not be considered to have used the leave.

**Long-term leave request, including maternity leave:** Requests for long-term leave may, under certain circumstances, be considered to be used. For example, if you requested annual leave for five days that fall during the closure, the annual leave will likely be considered as used. And if you are on previously scheduled maternity leave using accrued sick leave and scheduled to return during the closure (i.e. on March 23, 2020), the sick leave may likely be considered as used.

**Sick leave bank benefits:** Sick leave banks are a contractual benefit and local boards of education should continue to pay benefits to those employ-

ees previously approved. Ask your local association or UniServ director for the specifics in your contract.

#### **What if you get sick with coronavirus during the closure and schools reopen?**

**Employee's own illness/isolation:** If you must miss work because of your own illness or coronavirus diagnosis, which includes medical instruction to isolate, the first 10 days would be emergency paid sick leave provided pursuant to the Families First Coronavirus Response Act (FFCRA). Emergency paid sick leave is paid at the employee's regular rate of pay if the employee is absent for his or her own illness, but is capped at \$511/day or \$5,110 total. Thereafter, you would be covered by accrued sick leave, or where accrued leave has been exhausted, sick leave banks or the Family Medical Leave Act (FMLA).

**Employees at high-risk of serious illness from coronavirus:** If you need leave or other accommodations because of a health condition that may put you at higher risk of getting seriously ill from coronavirus, you may be covered under the Americans with Disabilities Act (ADA). Telework would be a simple accommodation but school employees can't perform the essential functions of your job via telework. Leave (likely unpaid) should be considered as a possible reasonable accommodation.

**Employees who are quarantined:** If you have been advised by a health care provider to self-quarantine due to concerns related to the coronavirus, you are eligible for ten (10) days of emergency paid sick leave per the provisions of the FFCRA, referenced herein.

**Employee caring for an ill family member:** If you need to take leave to care for an ill family member, the leave may be covered by the FMLA or the provisions of the collective bargaining agreement. If it is leave to care for a family member who has been advised to self-quarantine by a health care provider due to concerns related to the coronavirus, the ten (10) days of emer-

gency paid sick leave per the provision of the FFCRA are available to you.

**Employee unable to work due to the lack of child care:** The FFCRA provides paid FMLA leave to employees who have been employed for at least 30 days and are unable to work or telework because they are needed to care for a child under the age of 18 due to school closures or child care unavailability resulting from the COVID-19 pandemic. Although the first 10 days are unpaid, the following 10 weeks are paid at 2/3 of the employee's regular rate of pay. This leave is also capped at \$200 per day or \$10,000 total per employee.

### **How does the Families First Coronavirus Response Act (FFCRA) impact educators?**

The Families First Coronavirus Response Act (FFCRA) was signed by President Trump on March 18, 2020 and is scheduled to take effect April 2, 2020. The FFCRA applies to employers with less than 500 employees and all public employees, including teachers, administrators, and other school employees. Its provisions ensure that workers have up to two work-weeks of job-protected, immediately available paid sick days for coronavirus-related health and caregiving reasons, and up to 12 weeks of job-protected, paid family leave in certain coronavirus-related circumstances. Specifically, paid time may be used for quarantine, diagnosis, or care of oneself or a family member, or to care for a child whose school or usual source of care is closed due to the COVID-19 pandemic. The law also includes tax credits to reimburse employers for the cost of wages paid for emergency paid sick days and paid family leave.

*Importantly, however, this law does not provide paid leave to those employees off of work because of an office closure. If public schools were to return with an online, telework platform, and*

*the employee is unable to telework because of a coronavirus-related health or caregiving reason, then leave pursuant to FFCRA is available.*

Learn more about the FFCRA [here](#).

### **If you face a new issue brought on by the effects of coronavirus on schools or your own personal situation, what can you do?**

You are not expected to know all aspects of leave, especially under these constantly changing provisions we're facing with the coronavirus. Don't assume or do nothing, contact your local association office and MSEA UniServ director.

*April 1, 2020*

