



TO: BOARD OF DIRECTORS

FROM: DAN JOHNSTON, DIRECTOR OF ASSESSMENT AND TECHNOLOGY

SUBJECT: Memorandum of Agreement related to Leave of Absence during the 2020-2021 School Year

DATE: November 3, 2020

TYPE: Action Required

Due to the impact of COVID-19 and based on the recommendations and guidance from OSPI, we have reached the attached Memorandum of Agreement (MOA) with SCEA related to leave of absence during the 2020-2021 school year.

Recommendation: We recommend that the board move to approve the attached Memorandum of Understanding related to Leave of Absence during the 2020-2021 School Year.

Memorandum of Agreement between Stanwood-Camano Education Association and Stanwood-Camano School District

COVID-19 presents unique health, family, disability and staffing challenges for the District and its employees. The following provisions are included to provide clear, objective, and practical options for the District and employees facing those challenges. In all cases, strict compliance with all relevant District safety and health rules will be an essential function of each employee's job. This MOA is in effect until school resumes its traditional model or June 20, 2021.

1. Employees with COVID-19/Suspected COVID-19:

Employees who have been diagnosed with COVID-19, or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis, may not come to work at a District work site and may access any of the following benefits for which they are eligible:

- a. Emergency Paid Sick Leave (EPSL)** under the federal Families First Coronavirus Response Act (FFCRA). The statutory cap on EPSL is \$511 per day. The District agrees to allow employees with a salary that exceeds this cap to supplement benefits received through EPSL up to the employee's regular daily salary by other paid leaves or benefits for which the employee is eligible if they so choose;
- b.** Accrued or donated leave for illness, injury or emergency; donated leave
- c.** Personal leave and/or accrued sick leave;
- d.** Washington Paid Family Medical Leave (PFML);
- e.** Worker's compensation
- f.** Family Medical Leave Act (unpaid leave except for continued health insurance benefits);
- g.** Unpaid leave of absence for the period of the temporary disabling condition; the District agrees to allow an unpaid leave of absence if so requested
- h.** Long-term disability benefits; and
- i.** Unemployment benefits

2. Employees Quarantined Due to Possible Exposure to COVID-19:

Employees who have been advised by a public health agency to quarantine at home due to possible exposure to COVID-19 may not come to work at a District work site and may access any or all of the following benefits for which they are eligible.

- a.** Alternative assignment for work/services which may be provided from home, if determined feasible by the District
- b.** EPSL with supplemental benefits up to the employee's regular daily salary if the employee's salary exceeds the statutory EPSL cap (\$511/day) by (i) paid administrative leave if the quarantine was due to a confirmed exposure at a District work site ; or (ii) other paid leaves (see above) if the quarantine was due to reported exposure elsewhere;

- d. Accrued or donated leave for illness, injury or emergency;
- e. Personal leave;
- f. Unpaid leave of absence for the period of the quarantine;
- g. Unemployment benefits.

Employees who are quarantined or who test positive for COVID 19 based on confirmed exposure at work:

Confirmed exposure at work will be defined as either:

1. **Primary Contact Exposure** – *the employee was within 6 feet of an infected person at work for at least 15 minutes starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to positive specimen collection);*
2. **Work Site Exposure** – *the employee has been requested to quarantine by the District or health department due to a suspected exposure at their work location and within the quarantine time period tests positive for COVID-19; or*
3. **Instructional Exposure** – *the employee has been within the same confined space (classroom, office, etc.) as an infected person for 30 minutes or longer, 2 days before illness onset (or, for asymptomatic patients, 2 days prior to positive specimen collection).*

- h. In addition to a-g above, paid administrative leave will be provided if (i) the employee has exhausted EPSL, (ii) an alternative work assignment for work/services provided at home is unavailable, and/or the employee is unable to work due to illness
- i. Employees impacted by confirmed exposure at work will not be required to use their personal accrued sick leave.

3. Employees Caring for Someone with COVID-19/Suspected COVID-19:

Employees who are caring for an individual who is subject to quarantine because that individual has been diagnosed with COVID-19, or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis, may not come to work at a District work site and may access any or all of the following benefits:

- a. Alternative assignment for work/services which may be provided from home, if determined feasible by the District (see paragraph 10 below);
- b. EPSL with supplementation up to the employee's regular daily salary if the employee's salary exceeds the statutory EPSL cap (\$200/day) by other paid leaves (see above);
- c. Accrued or donated leave for illness, injury or emergency;
- d. Personal leave
- e. Washington Paid Family Medical Leave (PFML);
- f. Family Medical Leave Act (unpaid leave except for continued health insurance benefits);
- g. Unpaid leave of absence; and
- h. Unemployment benefits.

4. Increased Risk Employees:

Employees who are at increased risk of severe illness or death from COVID-19 [as that term is defined by the Governor's proclamation] may choose to come to work at a District work site when required by the employee's assignment or may choose to access any or all of the following benefits:

- a. Alternative assignment for work/services which may be provided from home, if determined feasible by the District (see paragraphs 10 below);
- b. EPSL with supplementation up to the employee's regular daily salary if the employee's salary exceeds the statutory EPSL cap (\$511/day) by other paid leaves (see above);
- c. Accrued or donated leave for illness, injury or emergency;
- d. Personal leave;
- e. Unpaid leave of absence; and
- f. Unemployment benefits.

5. Increased Risk Individual in the Employee's Household:

Employees who themselves are not at higher risk but have someone in the household who is at increased risk of severe illness or death from COVID-19 [as that term is defined by the Governor's proclamation] may choose to come to work at a District work site when required by the employee's assignment or may choose to access any or all of the following benefits:

- a. Alternative assignment for work/services which may be provided from home, if determined feasible by the District (see paragraph 10 below);
- b. EPSL with supplementation up to the employee's regular daily salary if the employee's salary exceeds the statutory EPSL cap (\$200/day) by other paid leaves (see above);
- c. Accrued or donated leave for illness, injury or emergency;
- d. Personal leave; and
- e. Unpaid leave of absence.

6. Employees with Children Impacted by School Closure:

An employee who must care for the employee's child because of a school closure or unavailability of the care provider due to COVID-19 precautions may choose to come to work at a District work site when required by the employee's assignment or may choose to access any or all of the following benefits under the terms of the applicable collective bargaining agreement (CBA) or law:

- a. Alternative assignment for work/services which may be provided from home, if determined feasible by the District (see paragraph 10 below);
- b. EPSL with possible supplementation up to the employee's regular daily salary if the employee's salary exceeds the statutory EPSL cap (\$200/day) by other paid leaves (see above);
- c. Emergency Family and Medical Leave (EFML) under the FFCRA (partially unpaid, and partially paid at 2/3 regular wages up to a maximum of \$200/day) with possible supplementation up to the employee's regular daily salary by other paid leaves (see above);

- d. Accrued or donated leave for illness, injury or emergency;
- e. Personal leave;
- f. Unpaid leave of absence.

7. Employees Who Cannot Wear Required PPE:

An employee whose assignment requires work at a District work site and who provides medical certification that the employee cannot wear any personal protective equipment (PPE) required for the employee's assignment, may choose to access any or all of the following benefits upon presentation of appropriate documentation from the employee's health care provider:

- a. Alternative assignment for work/services which may be provided from home, if determined feasible by the District (see paragraphs 10 below);
- b. Accrued or donated leave for illness, injury or emergency;
- c. Personal leave and/or vacation leave (as available under the CBA or District policy);
- d. Unpaid leave of absence; and
- e. Other accommodations identified through an interactive process consistent with the Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD), chapter 49.60 RCW.

8. Employees Who Refuse to Wear Required PPE:

A. An employee whose assignment requires work at a District work site and who does not have a documented inability to wear PPE required for the employee's assignment, including but not limited to a face mask, but nevertheless refuses to do so will be granted an unpaid leave of absence upon request for up to one (1) school year.

9. Employees Who Otherwise Choose to Not Work at a District Work Site Due to Concern for Safety:

An employee whose assignment requires work at a District work site and who does not fit within the conditions of paragraphs 1-8 above, will receive unpaid leave of absence upon request for up to one (1) school year.

10. Alternative Work Assignments Provision

When an employee's regular 2020-21 assignment requires work/services at a District work site and the employee cannot work at a District work site on a temporary basis due to conditions under paragraphs 1, 2 or 3 above, the District will consider assigning the employee to available work that can be provided remotely from home on the condition that the employee is qualified, prepared and willing to provide such services. This decision is premised on the District determining that an alternative work assignment is feasible for the position held by the employee. If multiple employees holding the same job classification request alternative work assignments and such assignments are limited, the District will prioritize employees in the following order:

- a. Employees who hold the appropriate training, licensing, endorsement (or out-of-endorsement waiver) or other qualifications for the position;

- b. Employees with COVID-19/suspected COVID-19;
- c. Employees quarantined due to possible exposure to COVID-19; and
- d. Employees caring for someone with COVID-19/suspected COVID-19.
- e. Employees who are at increased risk for serious illness based on a health condition
- f. Employees who may be at an increased risk for serious illness based on a health condition.
- g. Employees who, due to a condition, cannot wear personal protective equipment (PPE).
- h. Employees who themselves are not at higher risk but have someone in the household who is at increased risk of severe illness or death from COVID-19
- i. Employees who must care for the employee's child because of a school closure or unavailability of the care provider due to COVID-19 precautions

If two or more employees qualify for a temporary assignment under the priorities above, the District will award the assignment on the basis of seniority.

SCEA name /date

SCSD Name/Date