

Sick Leave, FMLA, and other COVID Related FAQ

The following FAQ is intended to answer some of the question's educators may have regarding sick leave and the return to school this fall. Detailed and comprehensive answers are available on the Wyoming Education Association's COVID-19 Resources page <https://www.weacovidresources.com/>. Please reach out to your local UniServ Director if you have any questions or concerns.

This fact sheet focuses primarily on provisions of newly enacted federal laws. In addition to federal provisions, employees may have options or rights by district policy or contract, or other provisions. Some districts are willing to make arrangements or adjustments that are not strictly required. Successfully utilizing some of these rights such as Americans With Disabilities and Family Medical Leave Act depends on how the request is made. Please reach out to your local UniServ Director if you have any questions or concerns.

Are there protections for me if I get sick or have to care for someone who is sick?

Under the Families First Coronavirus Response Act and the CARES Act there are multiple provisions to address COVID related health and employment issues. Under the FFCRA two types of leave are provided:

- 1) Paid sick leave
- 2) Family leave to care for children during school closures

The CARES Act expands unemployment benefits (through July 31st) in case of furlough or layoffs.

How does the paid sick leave under the FFCRA work?

Paid sick leave under the FFCRA can be used for your own needs or care for others for Coronavirus related reasons. There are differences in the leave depending on your reasons for taking the leave i.e. care for yourself or care for another.

What does the paid sick leave offer if I have to care for myself?

Under the FFCRA, if you are unable to telework because you:

- 1) Are subject to a Federal, State, or local quarantine or isolation order;
- 2) Have been advised by a healthcare provider to self-quarantine or;
- 3) Experiencing Coronavirus symptoms and are seeking a diagnosis

You are entitled to 80 hours of paid sick leave at full rate of pay capped at \$511 a day.

What if I am a part-time employee like a food-service worker or a bus driver?

Part-time employees are entitled to the same for the number of hours they ordinarily work over a two-week period.

Are there protections if I have to care for someone who is ill or if my child's school or daycare is closed?

If you have to care for someone who meets one of the following criteria:

- 1) Are subject to a Federal, State, or local quarantine or isolation order;
- 2) Have been advised by a healthcare provider to self-quarantine or;
- 3) Experiencing Coronavirus symptoms and are seeking a diagnosis

You are entitled to a total of 80 hours of paid sick leave at 2/3 the normal rate of pay, capped at \$200.00 a day.

The FMLA was also expanded to help assist care for children who's school or daycare has been closed due to Coronavirus.

Are there certain qualifications for 'caregiving relationships?'

Caring for someone under quarantine entitles you to sick leave only if they are:

- 1) An immediate family member
- 2) Someone who lives with you regularly
- 3) Someone who depends on you for care
- 4) Including sons and daughters: biological, adopted, foster, stepchild, legal ward or a child for whom you have daycare responsibilities or a financial duty to support.

Do I have to use my existing paid leave benefits before using the paid sick leave under the FFCRA?

No, and employees cannot require you to use your other paid leave benefits before utilizing the paid sick leave under the FFCRA.

Are there other protections aside from the paid sick leave under the FFCRA?

Yes. The Family and Medical Leave Act was expanded under the FFCRA. This is for the limited purposes of caring for a son or daughter whose school or daycare closed due to coronavirus. The FMLA expansion is :

- For a total of 12 weeks
- Up to 10 weeks are paid at 2/3 your regular rate of pay and capped at \$200
- The first 10 days are unpaid which you can use your emergency sick pay to fill

What if I have a condition that puts me at high-risk for COVID?

Currently, the primary protection that exists here are the accommodations already established under the Americans with Disabilities Act. If you have a condition that qualifies you as having a disability under the ADA, you should ask your employer for reasonable accommodations as established under the ADA. It is recommended that you work with your Uniserv Director in formulating requests for accommodations, and in obtaining medical verification in the correct language. Employers have a legal duty to provide “reasonable” accommodations for a qualifying disability. Common types of accommodations might be the ability to telework, modifications of physical environment, additional health measures to reduce risk, modified schedules. What is “reasonable” will depend on the facts of each individual situation. Districts are required to engage in a good faith “interactive” process to find reasonable accommodations.

Other Important Information:

- **Available to use immediately no matter how long you’ve worked for your employer**
- **Does not diminish any other benefits**
- **Does not roll over – Ends December 31st 2020**
- **It is illegal for an employer to retaliate against you for taking this leave or filing a complaint**
- **May be used intermittently**

If you have further questions or concerns, please:

- 1) check the WEA COVID Resources page for more detailed information <https://www.weacovidresources.com/>**
- 2) reach out to your local UniServ Director with questions or concerns**