

Nevada COMMUNITY SCHOOL DISTRICT
COVID-19 Pandemic Temporary Supplemental Policy Provisions

Effective Date: April 1, 2020

NOTE: This Policy involves a rapidly evolving public health emergency. The District will continue to reassess this policy as the public health emergency and the law evolves. The District reserves the right to amend or revise this policy at any time.

- 1. PURPOSE.** The purpose of this temporary and supplement policy is to protect students, employees, and community members; to establish a consistent approach to an infectious disease which is potentially impactful to the quality and timeliness of services provided by the District; and to provide a way to disseminate information to employees and answer questions or concerns.

This is a working document that may be updated as information is released, or if additional legislation is passed by the federal and state government. The District will strive to follow all guidelines put in place by the Centers for Disease Control (CDC), Iowa Department of Public Health (IDPH), and the County Department of Public Health.

- 2. COVID-19.** COVID-19, or coronavirus, is a respiratory illness for which no vaccine currently exists and people do not possess immunities from previous exposure/infection. The incubation period for COVID-19 is estimated to be approximately 14 days. On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. Because of the possibility of person-to-person transmission, it is important that employees stay a minimum of six (6) feet away from persons with whom they are interacting and refrain from handshakes and other forms of human touching. Common areas such as computers, mice, public countertops, chairs, tables, doors, knobs, light switches, restroom sinks and toilet handles, manual soap and sanitizer dispensers should be regularly wiped down with disinfectant. Employees using these items should wash their hands or use sanitizer with at least 60% alcohol following the contact.
- 3. DISTRICT RESPONSE TO PANDEMIC.** In response to the pandemic, the District has temporarily closed all buildings. Some employees have been deemed essential employees required to report to work at their designated building site, including, but not necessarily limited to [name employees required to report to work, e.g. custodial staff required to sanitize buildings]. Other employees may be directed to work remotely. In some instances, these employees may be required to work overtime or otherwise adjust their regular schedules to assist during this crisis. All employees performing work during this temporary closure will be compensated pursuant to their individual contracts or letters of assignment, applicable collective bargaining agreements, Board policy, and/or state and federal law.

The District may modify work schedules as follows: (1) work from home entirely; (2) work partially from home and work partially at their worksite; (3) work staggered shifts either on a full-time or part-time basis; or (4) adjusted or otherwise reduced hours.

Any employee working from home will be required to comply with all applicable District policies and procedures, including but not limited to the Acceptable Use of Technology Policy (Board

Policy No. 605.6), Student Records/FERPA (Policy No. 506.1), and District policies and procedures for reporting and using available leave.

During this time, if you are reporting to work or working from home, you may be asked to perform tasks that are not normal for your job description. Changes in your job duties, including the direction to work remotely (if applicable), are temporary in nature and do not constitute permanent changes to the essential functions of your job or other District policies or procedures. These changes do not set precedent for future requests for leave, remote work, or other accommodations.

The District will periodically re-evaluate this situation and workplace attendance and leave policies.

4. EMERGENCY PAID SICK LEAVE: Pursuant to the Families First Coronavirus Response Act, a federal law passed on March 18, 2020, and effective April 1, 2020, the District will provide paid sick leave for employees who meet the following criteria:

1. A federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to (1) a federal, state, or local quarantine or isolation order related to COVID-19; or (2) advice by a healthcare provider to self-quarantine due to concerns related to COVID-19.
5. The employee is caring for a son or daughter (under age eighteen (18)) of the employee if the school or place of care of the son or daughter has closed or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.
6. 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 Department of Labor.

Employees meeting one of these criteria shall report their desire to take this leave to their direct supervisor and the Office of Human Resources [or Business Office]. At this time employees shall not be required to provide an FMLA certification for this leave but may be required to provide proof of the need for such leave, which may include through a quarantine or isolation order or proof that their child's school/childcare has closed.

If an employee needs leave for one of these COVID-19 related reasons prior to April 1, 2020, the employee may use any source of existing, accrued leaves. If the employee does not have any accrued paid leave, they may take the leave unpaid.

Beginning April 1, 2020, employees shall be entitled to paid leave in the following amounts:

- For full-time employees, 80 hours.
- For part-time employees, a number of hours equal to the number of hours that such employee works on average, over a two-week period.

- There are caps on the amount of money an employee taking this leave may be compensated. The District will enforce these legally required caps.

This 80 hours of paid leave for full-time employees, or two-week equivalent of pay for part-time employees, is a separate source of paid leave required by the Families First Coronavirus Response Act. During this time, the District will not deduct from other categories of accrued leave, and employees will be paid in accordance with the legally required amounts and caps.

- For employees absent for reasons (1), (2) or (3) above, they shall receive 100% of their pay with a daily cap of \$511 per day or an aggregate of \$5,110 over the two-week period.
- For employees absent for reasons (4), (5) or (6) above, they shall receive two-thirds (2/3) of their regular pay with a daily cap of \$200 per day or an aggregate of \$2,000 over the two-week period.
- If the rate of pay described above is less than the employee's regular rate of pay, the employee may use other available leave, if any, to supplement the difference between the payments described above and their regular rate of pay.

If employees exhaust this two weeks of pay and cannot return to work and their absence is related to reasons (1), (2), (3), (4), and (6), the employee may be paid through the use of any applicable accrued leave. If employees exhaust this two weeks of pay and cannot return to work and their absence is related to reason (5) above and they have been employed for at least thirty (30) days, the employee is entitled to additional leave as described below in the EMERGENCY EXPANDED FMLA section.

The District will allow employees who are requesting this Emergency Paid Leave Sick Leave for school or childcare closures or unavailability to use the leave on an intermittent basis. For example, for an employee requesting this leave for school or childcare closure or unavailability who is able to work part-time due to other individuals being able to care for the child(ren), that employee shall be able to use their hours intermittently for any leave experienced until the hours they are entitled to are exhausted. However, the employee shall work with the District to schedule the intermittent leave to minimize the impact on the District's business operations as much as practicable.

Employees seeking to use this Emergency Paid Sick Leave for any other reason other than school or childcare closure or unavailability are not permitted to use this leave on an intermittent basis.

- 5. EMERGENCY EXPANDED FMLA:** Through the passage of the Families First Coronavirus Relief Act, the federal government temporarily expanded the FMLA to include a new qualifying reason for FMLA leave related to the public health emergency. *A qualifying need related to a public health emergency means that the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.*

In addition to the District's FMLA policy already in place, the following guidelines apply to this new qualifying reason:

- The only eligibility requirement for employees to be eligible for this leave is that the employee has been employed for thirty (30) calendar days prior taking the leave.
- The employee shall be paid for this leave as follows:
 - Employees will be paid two-thirds (2/3) of the employee's regular rate of pay (as determined by Section 7(e) of the FLSA).
 - For employees whose schedules vary from week to week, the employee will be paid two-thirds of their regular rate of pay for those hours that the employee would have worked if the leave was not necessary. If the hours the employee would have normally worked are not apparent, the hours the employee should be compensated for will be calculated as follows:
 - A number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
 - If the employee did not work over the 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.
- Under no circumstances will an employee be compensated more than \$200/day or \$10,000 in the aggregate for this leave.
- If the rate of pay described above is less than the employee's regular rate of pay, the employee may use other available leave, if any, to supplement the difference between the payments described above and their regular rate of pay.

Employee's medical benefits will be maintained during an FMLA Expansion leave.

Requests for FMLA Expansion leave should be made directly to the Human Resources department as soon as reasonably possible.

During the 12 workweeks of approved FMLA Expansion leave, employees are entitled to be reinstated to their same job or to an equivalent position with the same pay, benefits and working conditions, as provided by law.

6. ILLNESS REPORTING: Do Not Enter any District facility or perform any in-person job functions for the District, regardless of location, if:

- You are experiencing any of the following flu-like/respiratory symptoms,
 - Fever – over 100 degrees Fahrenheit
 - Coughing
 - Sneezing
 - Shortness of Breath
 - Any other flu-like symptom. Uncommon symptoms of COVID-19 include diarrhea, nausea, and fatigue.
 - YOU MAY NOT RETURN TO WORK UNTIL THE LATER OF THE FOLLOWING: (1) seven (7) days from the onset symptoms; (2) fever free for seventy-two (72) hours without any fever reducing medication.
- Have been diagnosed with COVID-19 and/or tested positive for COVID-19.

- Been around someone who has been diagnosed with COVID-19 or tested positive for COVID-19. This includes living in the same household or spending time within six (6) feet of someone who has been diagnosed with COVID-19 or tested positive for COVID-19.

Employees experiencing any of the above should report it immediately. Employees should call their supervisor to report these conditions.

- 7. HIGH RISK EMPLOYEES:** If you are someone who is at “higher risk” for becoming ill from the virus (pursuant to the CDC’s guidance, see: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>), please feel free to communicate that to the Director of Human Resources [or the District administrator who handles FMLA requests]. The information you provide will be kept strictly confidential in your medical file and will be used solely for the purposes of determining your potential need for a leave of absence or for modifications to your work schedule and/or work environment during the pandemic.

The District will assess situations with high-risk employees on a case-by-case basis. In the event an employee is high risk and unable to report to work, the employee will either be allowed to work from home if practicable or be excused from reporting to work and receive two-thirds of their normal salary as described under the non-essential employees who are not required to work from home in this policy. If a doctor recommends the employee self-quarantine due to underlying health conditions, the employee will receive 100% of their normal salary for up to eighty (80) hours and then may use any applicable leave thereafter.

- 8. TRAVEL:** As of the date of this policy all employees who travel as defined by this policy will be subject to the following requirements:

For purposes of this policy, "Travel" is defined as follows:

- Non-essential: (1) traveling to any location outside of a fifty (50) mile radius of the District or (2) attending a gathering of more than ten (10) people regardless of the location.
- Essential: (1) necessary travel that does not meet the definition of non-essential travel. The District will authorize essential travel on a case by case basis.

All District-related Non-Essential Travel as defined by this policy is suspended without prior approval of the Superintendent or her/his designee (i.e. conferences or non-essential meetings.) Any employee who engages in Non-essential Travel pursuant to this policy shall report their plans to travel (or if already traveling as of the date of this policy, their return plans from travel) to their direct supervisor. These reports shall be made via phone or e-mail rather than in person to minimize contacts and limit person-to-person exposure.

For anyone engaged in Non-essential Travel as defined by this policy and planning to return to work, you will be required to self-isolate away from work for fourteen (14) days. You will only be allowed to return to work if symptom and fever free (without the use of fever-reducing medications such as Tylenol) as defined by the CDC guidelines. You are required to use vacation, personal leave and sick leave during this time and in that order to be compensated for your normal working hours. If, after April 1, 2020, you need leave relating to reasons (1) through (6) outlined above, the employee may be eligible for Emergency Paid Sick Leave and Emergency Expanded FMLA Leave.

- 9. MEETINGS:** Except for school board meetings, which may be held in person or electronically as determined by the Board, no group meetings shall be held in-person for the duration of this policy without prior approval from the Superintendent or her/his designee. All meetings shall be held electronically or over the phone. This includes meetings required under the Individuals with Disabilities Education Act (“IDEA”) or Section 504 of the Rehabilitation Act. Employees with questions about scheduling IEP or 504 meetings should contact the District’s special education director and/or 504 coordinator. Any approved in-person meetings shall only include internal staff unless the Superintendent or her/his has approved the presence of others prior to the meeting.
- 10. STAFF UPDATES:** The Superintendent or her/his designee shall update all staff on developments throughout this time period.
- 11. POLICY:** The leave authorized by this policy shall expire on December 31, 2020 and no leave shall be carried forward to 2021.