



SAN GABRIEL UNIFIED SCHOOL DISTRICT

"Our Children's Future is our Mission"

408 JUNIPERO SERRA DRIVE • SAN GABRIEL, CALIFORNIA 91776
(626) 451-5400 • FAX (626) 451-5494 • www.sgusd.k12.ca.us

GOVERNING BOARD

DR. GARY THOMAS SCOTT, *President* • **ROCHELLE KATE HAAS**, *Vice President*
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August 13, 2020

To: SGUSD School District Staff
From: Ross Perry —Assistant Superintendent of Human Resources
Re: FAQ's Regarding Leave Requests

As we start the 2020-21 school year, we know many of you have questions regarding how leave requests will be processed as we prepare for employees to return for their work year.

Our district and bargaining units are working collaboratively to address concerns and share information. All employees are encouraged to share questions and concerns about leaves with the Human Resources department. The following FAQ is intended to provide clarification to some common questions related to leaves. These questions and answers are updated based on the latest information from LA County, State and Federal officials. Please keep in mind that guidance may change based on evolving situations.

FAQs Regarding Leave Requests

Q: Are employees expected to report to worksites for the 2020-21 school year?

A: Depending on your job classification, some employees may be required to report to a work location in order to complete their required or assigned job functions. You will be notified whether you are required to report to a work location or if you may work from home.

Q: I am medically-vulnerable and/or am over the age of 65 and am concerned about returning to the school site. What steps should I take?

A: If you are medically-vulnerable and/or are over the age of 65 and are concerned about returning to the school site, please contact the Human Resources department. Each employee's situation will be addressed on a case-by-case basis. Human Resources will work with you to try to address your concerns and determine if you can work at the school site and/or if telework is available.

If it is determined that you cannot work at the school site and there is no telework available, Human Resources will work with you to determine if you are eligible for leave under the new Emergency Paid Sick Leave Act, which is available to employees under specified circumstances. If you are eligible for emergency paid sick leave and have not already exhausted your entitlement, then you would be entitled to up to 10 days/80 hours of paid sick leave at your regular rate of pay, subject to a pay cap of \$511/day and \$5,110 total. The cap may be offset with accrued and unused leave to provide full pay during the leave.

If you exhaust that leave, then additional leave will be evaluated based on the leave policies set forth in the applicable collective bargaining agreement and Board policies/ administrative regulations.

ADMINISTRATION

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Further leave requests will also be evaluated to determine if you qualify for leave under the Family and Medical Leave Act ("FMLA")/California Family Rights Act ("CFRA"). However, leave taken solely because of fear of exposure to COVID-19 is not protected under the FMLA/CFRA. In addition, if necessary, the District will engage in the interactive process to determine if there are reasonable accommodations that would allow you to perform the essential functions of your job.

Q: Am I eligible for workers' compensation if I contract COVID-19 while working?

A: If you have a confirmed case of COVID-19 and believe you contracted it at work, you may submit a claim. The District's workers' compensation carrier will process the claim as it would any other claim. If sustained, you will be eligible for industrial accident or illness leave as provided in the Education Code and collective bargaining agreement, if applicable. Please note that the Governor's prior Executive Order providing for a rebuttable presumption of employer liability for workers' compensation is expired. The regular process now applies.

Q: To qualify for emergency paid sick leave, can I determine that I am particularly vulnerable to COVID-19 and self-quarantine myself, or must a health care provider make that determination?

A: To be eligible for emergency paid sick leave, a health care provider must advise the employee to self-quarantine because the employee is particularly vulnerable to COVID-19, and following that advice to self-quarantine prevents the employee from working or teleworking.

Q: I am experiencing COVID-19 symptoms and not allowed on the work site. I do not seek a medical diagnosis or advice relating to those symptoms. Am I eligible for emergency paid sick leave?

A: Generally, no. If you are experiencing COVID-19 symptoms, you may take emergency paid sick leave if you are taking affirmative steps to obtain a medical diagnosis, or if a health care provider has advised you to self-quarantine because you may have COVID-19. You are not eligible for emergency paid sick leave if you unilaterally decide to self-quarantine due to COVID-19 symptoms without seeking a medical diagnosis or advice.

Q: I am over the age of 65 and am concerned about returning to the school site. What steps should I take?

A: If you are over the age of 65 and are concerned about returning to the school site, please contact the Human Resources department. Each employee's situation will be addressed on a case-by-case basis. Human Resources will work with you to try to address your concerns and determine if you can work at the school site and/or if telework is available.

If it is determined that you cannot work at the school site and there is no telework available, the Human Resources department will work with you to determine if you are eligible for emergency paid sick leave. If you are eligible for emergency paid sick leave and have not already exhausted your entitlement, then you would be entitled to up to 10 days/80 hours of paid sick leave at your regular rate of pay, subject to a pay cap of \$511/day and \$5,110 total.

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If you exhaust that leave, additional leave will be evaluated based on the leave policies set forth in the applicable collective bargaining agreement and Board policies/ administrative regulations.

Further leave requests will also be evaluated to determine if you qualify for leave under the FMLA/CFRA. However, leave taken solely because of fear of exposure to COVID-19 is not protected under the FMLA/CFRA, and an employee over the age of 65 is not considered sick or disabled under the law. In addition, if necessary, the District will engage in the interactive process to determine if there are reasonable accommodations that would allow you to perform the essential functions of your job.

Q: If I have not been advised to self-quarantine by a healthcare provider but am uncomfortable returning to the school site and there is no telework available, what are my options?

A: If telework is not available for your assignment, please communicate with the Human Resources department to discuss options, and whether you may be eligible to take other leave pursuant to Board policies/administrative regulations and the applicable collective bargaining agreement.

Q: If I am in a high-risk category for working on-site and am offered telework and refuse, am I eligible for emergency paid sick leave?

A: No. Emergency paid sick leave is only available if you are unable to work *or telework* for one of the enumerated reasons. You would not be eligible for emergency paid sick leave so long as you are able to telework, but refuse to do so.

Q: My child's school or childcare provider is closed due to the COVID-19 pandemic. Am I eligible for leave?

A: If you have been employed for at least 30 days, you may be eligible to take expanded family and medical leave if you are unable to work or telework due to the need to care for your child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons. You are entitled up to a total of twelve weeks of partial paid leave for this reason.

The initial two weeks of leave are unpaid, but you may elect to use your emergency paid sick leave during these initial two weeks of leave at 2/3 of your regular rate of pay, subject to a cap of \$200/day and \$2,000 total. If you choose not to use your emergency paid sick leave during the first two weeks of unpaid leave, you may alternatively elect to use existing vacation, personal, or medical or sick leave you have accrued.

After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay, subject to a cap of \$200/day and \$10,000 total, for up to ten work weeks under expanded family and medical leave.

Please also note that you are entitled to 12 workweeks *total* during a 12-month period for both traditional FMLA leave *and* expanded family and medical leave. For example, this means that if you have already used six (6) workweeks of

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traditional FMLA during a 12-month period, you are only eligible for six (6) workweeks of expanded family and medical leave for child care reasons due to COVID-19.

Q: Can I take emergency paid sick leave to care for someone who is self-quarantining?

A: You may take emergency paid sick leave to care for a self-quarantining individual if a health care provider has advised that individual to stay home or otherwise quarantine him or herself because he or she may have COVID-19 or is particularly vulnerable to COVID-19 and providing care to that individual prevents you from working or teleworking.

Such individual that you are caring for must be an immediate family member or someone who regularly resides in your home, or someone whose relationship with you creates an expectation that you care for the person and that individual depends on you for care during the self-quarantine. However, you may not take emergency paid sick leave to care for someone with whom you have no relationship, or for someone who does not expect or depend on your care during his or her self-quarantine due to COVID-19.

If you exhaust that leave, then additional leave will be evaluated based on the leave policies set forth in the applicable collective bargaining agreement and Board policies/administrative regulations.

Q: What documents do I need to give Human Resources to get emergency paid sick leave or expanded family and medical leave?

A: Please contact Human Resources for a COVID-19 leave request form to complete, which will specify the requisite information.

Q: May I take leave under the FMLA over the next 12 months if I used some or all of my expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act?

A: It depends. You may take a *total of 12 workweeks of leave during a 12-month period* under the FMLA, including the Emergency Family and Medical Leave Expansion Act. If you take some, but not all 12, workweeks of your expanded family and medical leave by December 31, 2020, you may take the remaining portion of FMLA leave for a serious medical condition, as long as the total time taken does not exceed 12 workweeks in the 12-month period. Please note that expanded family and medical leave is available only until December 31, 2020; after that, you may only take FMLA leave.

You are, however, entitled to emergency paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA. Paid sick leave is not a form of FMLA leave and therefore does not count toward the 12 workweeks in the 12-month period cap. But please note that if you take emergency paid sick leave concurrently with the first two weeks of expanded family and medical leave, which may otherwise be unpaid, then those two weeks do count towards the 12 workweeks in the 12-month period.

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