



## **USD 333 Crisis Mitigation: COVID-19 Exposure Prevention, Preparedness, and Response Plan for Education Institutions**

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The purpose of this plan is to outline the steps that every staff member and student should take to reduce the risk of exposure to COVID-19. The plan describes how to prevent student and staff exposure to coronavirus, protective measures to be taken in the classroom, personal protective equipment and work practice controls to be used, cleaning and disinfecting procedures, and what to do if a staff member or student becomes sick.<sup>1</sup>

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**USD 333 Concordia Public Schools** take the health and safety of our employees very seriously. With the spread of the coronavirus or “COVID-19,” a respiratory disease caused by the SARS-CoV-2 virus, we all must remain vigilant in mitigating the outbreak. This is particularly true for the education setting, which is crucial in reopening and keeping schools open during this Declared National Emergency. (*COVID-19 Planning Considerations*, n.d.) In order to be safe and maintain operations, we have developed this COVID-19 Exposure Prevention, Preparedness, and Response Plan to be implemented throughout the School District and all of our classrooms. We have also identified a team of employees to monitor available U.S. Center for Disease Control and Prevention (“CDC”), Kansas Department of Education (KSDE) and our County Health Department for additional information.

This Plan is based on currently available information from the CDC, KDHE and KSDE, and is subject to change based on further information provided by the CDC, KDHE, KSDE, and other public officials. The District may also amend this plan based on operational needs.

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<sup>1</sup> This template COVID-19 Exposure Prevention, Preparedness, and Response Plan for Education has been developed with Guidelines for Reopening Schools recommend by superintendents throughout the United States as part of an ongoing AASA task force. (*AASA Central / Guiding Principles & Action Steps*, n.d.) Leadership emphasized the need for a clear national plan considering the diverse approaches and conflicting messages evident in states and districts and the multiple contingencies that may arise in light of the COVID-19 crisis. At the same time, we all agree that this unprecedented era represents a startling new time in public education. It provides superintendents, staff, students and families the chance to revitalize education as a public institution and incorporate strategies and processes proven effective in making education for all learners equitable, experiential, engaging and authentic. This document is a “template” that individual educators should review carefully and tailor to their own work and school buildings. It does not constitute legal advice and should not be construed on its own as fulfilling an educator’s overall obligations to ensure a safe and healthful learning environment. This template was prepared on June 25, 2020. As the COVID-19 outbreak develops, the information and recommendations contained in this document may change and thus, principals and superintendent should continue to monitor developments in this area.

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## I. Responsibilities of Principals and Directors

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All Principals and Directors must be familiar with this Plan and be ready to answer questions from employees. Managers and supervisors must set a good example by following this Plan at all times. This involves practicing good personal hygiene and school building safety practices to prevent the spread of the virus. Principals and Directors must encourage this same behavior from all employees.

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## II. Responsibilities of Staff and Students

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We are asking every one of our employees and students to help with our prevention efforts while at work. In order to minimize the spread of COVID-19 at our schools, we all must play our part. As set forth below, the District has instituted various housekeeping, social distancing, and other best practices at our Schools. All employees must follow these. In addition, employees are expected to report to their Principals and Directors if they are experiencing signs or symptoms of COVID-19, as described below. If you have a specific question about this Plan or COVID-19, please ask your Principal or Director. If they cannot answer the question, please contact **Kelly Struebing, Director of Operations, [kelly.struebing@usd333.com](mailto:kelly.struebing@usd333.com)**

KSDE, KDHE and the CDC have provided the following control and preventative guidance to all staff, regardless of exposure risk:

- All teachers and staff in classroom setting are required to wear appropriate PPE (masks). Students are also required to wear masks. PPE reusable masks will be provided to staff members by the district for this purpose.
- Frequently wash your hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Follow appropriate respiratory etiquette, which includes covering for coughs and sneezes.
- Avoid close contact with people who are sick.

In addition, employees must familiarize themselves with the symptoms of COVID-19:

- Coughing;
- Fever;
- Shortness of breath, difficulty breathing; and
- Early symptoms such as chills, body aches, sore throat, headache, diarrhea, nausea/vomiting, and runny nose.

If you develop a fever and symptoms of respiratory illness, such as cough or shortness of breath, DO NOT GO TO WORK and call your healthcare provider right away. Likewise, if you come into close contact with someone showing these symptoms, call your healthcare provider right away.(CDC, 2020c)

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### III. Attendance Center Protective Measures

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The District has instituted the following protective measures at the USD 333 Attendance Centers.

#### A. *General Safety Policies and Rules*

- Any employee/student/visitor showing symptoms of COVID-19 will be asked to leave the attendance center and return home.
- Employees must avoid physical contact with others and direct employees/students and visitors to increase personal space to at least six (6) feet, where possible. *Where office spaces are used, only necessary employees should enter the space and all employees should maintain social distancing while inside the office.*
- To the extent possible, meetings will be conducted by telephone or google meet.
- The District understands that due to the nature of our work, access to running water for hand washing may be impracticable in all classrooms. In these situations, the District will provide, if available, alcohol-based hand sanitizers and/or wipes.
- Employees and students should limit the use of shared supplies, devices and equipment. To the extent equipment must be shared, the District will provide alcohol-based wipes to clean equipment before and after use. When cleaning

supplies and equipment, consult supervisor for proper cleaning techniques and restrictions.

- The District may divide students/staff into groups where possible so that teaching can continue effectively in the event that one of the divided teams is required to quarantine.
- Employees are encouraged to minimize ride-sharing. While in vehicle, employees must ensure adequate ventilation. Consult transportation director for proper vehicle safety precautions.
- In lieu of using a common source of drinking water, such as drinking fountains, employees should use individual water bottles.

*B. Employees regarding classrooms*

- All teachers and staff in classroom setting are required to wear appropriate PPE (masks). Students are also required to wear masks. PPE reusable masks will be provided to staff members by the district for this purpose.
- When employees perform educational activities within classrooms, these work locations present unique hazards with regards to COVID-19 exposures. All such staff members should evaluate the specific hazards when determining best practices related to COVID-19.
- During this work, employees must sanitize the work areas upon arrival, throughout the workday, and immediately before departure. The District will provide appropriate disinfectant for use.
- Employees should ask other occupants to keep a personal distance of six (6) feet at a minimum whenever possible. Staff and students should wash or sanitize hands immediately before and after each class period.

*C. Building Visitors*

- The number of visitors to the schools, including the offices, will be limited to only those necessary for school business.
- All visitors will be screened in advance of arriving in the offices, if possible. If the visitor answers “yes” to any of the following questions, he/she should not be permitted to access the buildings:
  - Have you been confirmed positive for COVID-19?

- Are you currently experiencing, or recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
- Have you been in close contact with any persons who has been confirmed positive for COVID-19?

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#### **IV. School Cleaning and Disinfecting**

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The District has instituted regular housekeeping practices, which includes cleaning and disinfecting frequently used supplies, devices and equipment, and other elements of the work environment, where possible. Employees should regularly do the same in their assigned work areas.

- Classrooms and break/lunchroom areas will be cleaned at least once per day. Employees performing cleaning will be issued proper personal protective equipment (“PPE”), such as nitrile, latex, or vinyl gloves and gowns, as recommended by the CDC.
- Any trash collected from the classrooms must be changed frequently by someone wearing nitrile, latex, or vinyl gloves.
- While building level custodial staff, will assist in cleaning, it is the responsibility of everyone to help disinfect between classes and activities.
- Vehicles, Buses and equipment/tools should be cleaned at least once per day and before change in operator or rider.
- The District will ensure that any disinfection shall be conducted using one of the following:
  - Common EPA-registered household disinfectant
  - Alcohol solution with at least 60% alcohol

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## V. Attendance Center Exposure Situations

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- **Employee or Student Exhibiting COVID-19 Symptoms**

If an employee or student exhibits COVID-19 symptoms, the employee must remain at home until he or she is symptom free for 24 hours (1 full day) without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). The District will similarly require an employee that reports to work with symptoms to return home until they are symptom free for 24 hours (1 full day). To the extent practical, employees are required to obtain a doctor's note clearing them to return to work.

- **Employee or Student Tests Positive for COVID-19**

An employee or student that tests positive for COVID-19 will be directed to self-quarantine away from school. Employees or students that test positive and are symptom free may return to school when at least ten (10) days have passed since the date of his or her first positive test, and have not had a subsequent illness. Employees or students exhibiting symptoms that test positive and are directed to care for themselves at home may return to school when: (1) at least 72 hours (3 full days) have passed since recovery;<sup>2</sup> and (2) and (10) days have passed since symptoms first appeared. Employees or students that test positive and have been hospitalized may return to school when directed to do so by their medical care provider. The District will require an employee to provide documentation clearing their return to work.

- **Employee or Student Has Close Contact with a Tested Positive COVID-19 Individual**

- **Schools ARE considered “Critical Infrastructure” or “Essential”**

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

**Critical Infrastructure persons who have had an exposure but remain asymptomatic can continue school and should adhere to the following practices prior to and during their school day:**

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<sup>2</sup> Recovery is defined as: (1) resolution of fever without the use of fever-reducing medications; and (2) improvement in respiratory symptoms (e.g., cough, shortness of breath).

- **Pre-Screen:** Officials will measure the student's temperature and assess symptoms prior to entering the school. Ideally, temperature checks should happen before the individual enters the facility.
- **Regular Monitoring:** As long as the student doesn't have a temperature or symptoms, they should self-monitor under the supervision of their school nurse. Mid-Day student temperatures will be measured adjacent to lunch periods.
- **Wear a Mask:** The student should wear a face mask at all times while in the school for at minimum 14 days after last exposure. School officials can issue facemasks or can approve student cloth face coverings in the event of shortages. (*From the Frontlines: The Truth About Masks and COVID-19* / American Lung Association, n.d.)
- **Social Distance:** The student should maintain 6 feet and practice social distancing as work duties permit in the school.
- **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the District learns that an employee or student has tested positive, the District will investigate co-workers or students that may have had close contact with the confirmed-positive employee or student in the prior 14 days and direct those individuals that have had close contact with the confirmed-positive case to self-quarantine for 14 days from the last date of close contact with the carrier. If an employee or student learns that he or she has come into close contact with a confirmed-positive individual outside of the workplace, he/she must alert a principal or supervisor of the close contact and also self-quarantine for 14 days from the last date of close contact with the carrier.

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## VI. USD 333 Human Resources Procedures

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If a confirmed case of COVID-19 is reported, the District will assess the situation. The Districts assessment will consider the work environment itself, the type of work performed, risk of person-to-person transmission given the work environment, and other factors such as community spread. Further, if an employee has a confirmed case of COVID-19 that is considered work-related, the District will work collaboratively with the individual to report the case to the Cloud County Health Department.

- **Employee Exhibiting COVID-19 Symptoms**

If an employee exhibits COVID-19 symptom, the employee must remain at home until he or she is symptom free for 24 hours (1 full day) without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). The District will similarly require an employee that reports to work with symptoms to return home until they are symptom free for 24 hours (1 full day).

1. Employee Exhibiting Symptoms will be asked to stay home and be required to use their sick, or discretionary leave.
2. If symptoms continue longer than 24 hours, please consult your doctor or local health department. To the extent practical, employees are required to obtain a doctor's note clearing them to return to work.

- **Employee Tests Positive for COVID-19**

An employee that tests positive for COVID-19 will be directed to self-quarantine away from school. Employees that test positive and are symptom free may return to school when at least ten (10) days have passed since the date of his or her first positive test, and have not had a subsequent illness. Employees exhibiting symptoms that test positive and are directed to care for themselves at home may return to school when: (1) at least 72 hours (3 full days) have passed since recovery;<sup>3</sup> and (2) and (10) days have passed since symptoms first appeared. Employees that test positive and have been hospitalized may return to school when directed to do so by their medical care provider. The District will require an employee to provide documentation clearing their return to work.

1. Employees Testing positive will be directed to stay home and be required to use their sick, or discretionary leave.
2. If an employee wishes to qualify for leave under the "Families First Coronavirus Response Act", the employee must complete the "Emergency Paid Sick Leave Request Form" This form must be submitted within 48 hours to the USD 333 Human Resource Office.
3. If an employee qualifies for leave under the "Families First Coronavirus Response Act", leave may be granted up to 2 weeks or 80 hours per school year.

- **Employee Has Close Contact with a Tested Positive COVID-19 Individual**

- **School Employee's ARE considered "Critical Infrastructure" or "Essential"**

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

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<sup>3</sup> Recovery is defined as: (1) resolution of fever without the use of fever-reducing medications; and (2) improvement in respiratory symptoms (e.g., cough, shortness of breath).



A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

**Critical Infrastructure workers who have had an exposure but remain asymptomatic can continue working and should adhere to the following practices prior to and during their work shift:**

- **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
  - **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
  - **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for at minimum 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages. (*From the Frontlines: The Truth About Masks and COVID-19* | American Lung Association, n.d.)
  - **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
  - **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.
1. Employees directed to quarantine will be instructed to stay home and be required to use their sick, or discretionary leave.
  2. If an employee wishes to qualify for leave under the "Families First Coronavirus Response Act", the employee must complete the "Emergency Paid Sick Leave Request Form" This form must be submitted within 48 hours to the USD 333 Human Resource Office.
  3. If an employee qualifies for leave under the "Families First Coronavirus Response Act", leave may be granted up to 2 weeks or 80 hours per school year.

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## VII. "Essential or Critical Infrastructure" Industry

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Several States and localities are issuing orders that prohibit work and travel, except for essential businesses. In general, Education has been deemed "Essential" or "Critical Infrastructure" and the District is committed to continuing operations safely. If upon your

travel to and from school, you are stopped by State or local authorities, you will provide your district identification to authorities indicating that you are employed in an “essential” industry and are commuting to and from work. (*COVID-19* -, n.d.)

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## VIII. Confidentiality/Privacy

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Except for circumstances in which the District is legally required to report workplace occurrences of communicable disease, the confidentiality of all medical conditions will be maintained in accordance with applicable law and to the extent practical under the circumstances. When it is required, the number of persons who will be informed of an employee’s condition will be kept at the minimum needed not only to comply with legally-required reporting, but also to assure proper care of the employee and to detect situations where the potential for transmission may increase. A sample notice to employees and student is attached to this Plan. The District reserves the right to inform other employees that a co-worker (without disclosing the person’s name) has been diagnosed with COVID-19 if the other employees might have been exposed to the disease so the employees may take measures to protect their own health.

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## IX. General Questions

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Given the fast-developing nature of the COVID-19 outbreak, the District may modify this Plan on a case by case basis. If you have any questions concerning this Plan, please contact **Quentin Breese, Superintendent** or **Kelly Struebing, Director of Operations**

## **Employee/Student Notification**

DATE: [DATE]

TO: [CLOSE CONTACT INDIVIDUAL]

FROM: [DISTRICT REPRESENTATIVE]

We have been informed by one of our [employees/student/vendor/etc] working at USD 333 that he/she has a confirmed case of COVID-19, commonly known as “Coronavirus,” based on test results obtained on [DATE]. Per District policy, this [employee/student/vendor/etc] has been directed to self-quarantine until permitted to return to work.

We are alerting you to this development because, based on the District’s investigation, we believe that you may have come into contact with the confirmed-positive case, on or about [DATE]. Based on District policy we are directing you not to report to work/school (i.e., self-quarantine) until, at least, [14 days from last contact with confirmed case]. In the interim, we encourage you to seek medical advice, communicate with the Cloud County Health Department, and a possible COVID-19 test, especially if you are exhibiting symptoms of the virus.

If you do not test positive for COVID-19, or experience symptoms, by [14 days from last contact with confirmed case], you may return to work. However, please inform Kelly Struebing, Director of Operations if any of the following occur during your self-quarantine: you experience flu-like symptoms, including fever, cough, sneezing, or sore throat; or you test positive for COVID-19.

We are committed to providing a safe environment for all of our students and employees and top-quality service to our community. It is in the interest of those goals that we provide this information out of an abundance of caution.

We also want to take this opportunity to remind you that one of our core values as a district is respect for and among our employees. We will treat information regarding the identity of employees with suspected or confirmed cases of COVID-19 as confidential to the extent feasible and will comply with applicable laws regarding the handling of such information. Further, per District policy, we will not tolerate harassment of, or discrimination or retaliation against, employees.

Please contact Kelly Struebing, Director of Operations at (785) 243-3518 if you have any questions or concerns.

For more information about COVID-19, please visit the CDC website at: <http://www.cdc.gov/coronavirus/2019-ncov/index.html>

## **COVID-19 Checklist for Students and Employees**

### **Know the Symptoms of COVID-19**

- Coughing, fever, shortness of breath, and difficulty breathing.
- Early symptoms may include chills, body aches, sore throat, headache, diarrhea, nausea/vomiting, and runny nose. If you develop a fever and symptoms of respiratory illness, **DO NOT GO TO WORK** and call your health-care provider immediately. Do the same thing if you come into close contact with someone showing these symptoms.

### **Employer Responsibilities**

- Develop a COVID-19 Exposure Action Plan.
- The district will provide reusable masks to all employees.
- Conduct large meetings by phone if possible. If not, instruct employees to maintain 6-feet between each other. The supervisor/director will track attendance verbally rather than having employees sign an attendance sheet.
- Access to the school will be limited to only those necessary for the school work.
- All visitors will be pre-screened to ensure they are not exhibiting symptoms.
- Employees, students, and visitors will be asked to leave the school and return home if they are showing symptoms.
- Provide hand sanitizer and disinfectants on site.
- Provide protective equipment (PPE) to any employees assigned cleaning/disinfecting tasks.
- Talk with community partners about your response plans. Share best practices with other businesses in your communities.

### **Employee Responsibilities**

- Become familiar with the Exposure Action Plan and follow all elements of the Plan.
- All teachers and staff in classroom setting are required to wear appropriate PPE (masks). Students are encouraged to also wear masks. PPE reusable masks will be provided to staff members by the district for this purpose.
- Practice good hygiene: wash hands with soap and water for at least 20 seconds. If these are not available, use alcohol-based hand rub with at least 60% alcohol. Avoid touching your face, eyes, food, etc. with unwashed hands.

### **Cleaning/Disinfecting Job Sites and Other Protective Measures**

- Clean and disinfect frequently used devices and equipment on a regular basis. This includes other elements of the school where possible. Employees should regularly do the same in their respective work areas.
- Clean shared spaces such as classrooms and break/lunchrooms at least once per day.
- Disinfect shared surfaces (door handles, copiers, light switches etc.) on a regular basis.
- Avoid sharing devices and equipment with others. If not, disinfect before and after each use.
- Trash collected from the school must be changed frequently by someone wearing gloves.

## **COVID-19 FAQ**

### **What is COVID-19?**

The novel coronavirus, COVID-19 is one of seven types of known human coronaviruses. COVID-19, like the MERS and SARS coronaviruses, likely evolved from a virus previously found in animals. The remaining known coronaviruses cause a significant percentage of colds in adults and children, and these are not a serious threat for otherwise healthy adults.

Patients with confirmed COVID-19 infection have reportedly had mild to severe respiratory illness with symptoms such as fever, cough, and shortness of breath.

According to the U.S. Department of Health and Human Services/Centers for Disease Control and Prevention (“CDC”), Chinese authorities identified an outbreak caused by a novel—or new—coronavirus. The virus can cause mild to severe respiratory illness. The outbreak began in Wuhan, Hubei Province, China, and has spread to a growing number of other countries—including the United States.

### **How is COVID-19 Spread?**

COVID-19, like other viruses, can spread between people. Infected people can spread COVID-19 through their respiratory secretions, especially when they cough or sneeze. According to the CDC, spread from person-to-person is most likely among close contacts (about 6 feet). Person-to-person spread is thought to occur mainly *via* respiratory droplets produced when an infected person coughs or sneezes, like how influenza and other respiratory pathogens spread. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It is currently unclear if a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

In assessing potential hazards, employers should consider whether their workers may encounter someone infected with COVID-19 in the course of their duties. Employers should also determine if workers could be exposed to environments (e.g., worksites) or materials (e.g., laboratory samples, waste) contaminated with the virus.

Depending on the setting, school officials may also rely on identification of sick individuals who have signs, symptoms, and/or a history of travel to COVID-19-affected areas that indicate potential infection with the virus, in order to help identify exposure risks for employees and students and implement appropriate control measures.

There is much more to learn about the transmissibility, severity, and other features associated with COVID-19, and investigations are ongoing.

## **The Families First Coronavirus Response Act (FFCRA)**

### **Does the Act cover public schools?**

Yes. Under the terms of the Act, “Covered Employer” includes any public agency that employs at least 1 person. Private businesses are exempt if they employ more than 500 people, but that rule does not apply to public school districts, who are considered “covered employers” and are bound by the Act.

### **When does the Act take effect? When does it expire?**

It became effective 15 days after signing, or April 1, 2020. It expires December 31, 2020.

### **What conditions make an employee qualified for leave?**

1. The employee is subject to 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 an order as described in subparagraph (1) or has been advised as described in paragraph (2).
5. The employee is caring for his or her son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of the 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 Secretary of Labor.

### **What employees are eligible?**

- Employees who meet one of the six conditions, above, are eligible for emergency paid sick leave (two weeks of paid leave) regardless of their tenure as an employee.
- Any employee who has been employed for 30 days is eligible for expanded FMLA leave (up to 12 weeks, total, of paid leave) under reason 5, above. The FMLA’s usual 12-month, 1,250-hours worked requirement does not apply to employees taking expanded family leave due to the virus emergency.

### **What rights apply to an employee on leave for COVID-19 reasons?**

1. The Emergency Paid Sick Leave Act requires employers to provide up to 80 hours of paid sick leave to an employee who is *unable* to work or telework for any of the reasons stated above.

2. The Act requires employers to provide part-time employees paid sick leave equal to the number of hours, on average, that they work over a two-week period if they are *unable to work or telework* for any of the reasons stated above.
3. If leave is solely due to the need to care for a son or daughter because a school or day care has closed, employees are entitled to take up to 12 weeks combined of Emergency Paid Sick Leave (2 weeks) and Expanded Family and Medical Leave (10 additional weeks). The employee may use the paid sick leave provided by the FFCRA or employer-provided leave for the first two weeks. If the employee opts to use neither the FFCRA-provided paid sick leave or employer-provided leave, the first two weeks of leave under justification number 5 may be unpaid leave.

**Does the amount of leave available to an employee depend on the reason for taking leave?**

Yes. The Emergency Paid Sick Leave and Expanded Family and Medical Leave are only available for the six reasons stated above. Employees are entitled to two weeks of paid leave under the Emergency Paid Sick Leave Act for conditions 1 through 4 and 6. Employees are entitled to up to 12 weeks of combined paid leave under the Emergency Paid Sick Leave Act and the Expanded Family and Medical Leave Act for leave taken under condition 5. Employees on leave under FMLA for other reasons are not entitled to convert their leave to FFCRA leave unless they qualify under one of the six definitions.

**If an employee is able to telework, can the employee take Emergency Paid Leave?**

To the extent the employer has duties for an employee, and the employee is able to complete those duties through work or telework, Emergency Paid Sick Leave and Expanded Family and Medical Leave are not available to the employee.

**Can an employer require that an employee find a replacement employee to cover his or her duties as a condition of granting leave?**

No. This is expressly prohibited under the Act.

**Is leave provided under the FFCRA in addition to leave already available under the Family Medical Leave Act? Or is it deducted from employee's FMLA allotment?**

- The two weeks paid leave available under the Emergency Paid Sick Leave Act must be provided even if the employee has exhausted FMLA leave for the year.
- Additional FMLA leave is NOT provided for those opting to take up to 10 additional weeks to care for children whose schools have closed or whose day care providers are unavailable due to the emergency (condition 5, above). Leave taken for this reason would be deducted from the employee's allotment of up to 12 workweeks of leave available under the FMLA during the current 12-month period. If an employee has already taken 12 workweeks of leave under FMLA,

the employee may take two weeks of emergency sick leave for reasons 1 through 3, but may not take additional expanded family and medical leave.

**Can employees be required to use accrued sick leave before taking the two weeks of paid leave under FFCRA?**

No. Employers must allow immediate use of the leave provided under FFCRA for any qualifying reason and may not require employees to exhaust other accrued leave before being entitled to leave under the Act.

**Do employees receive full pay when on leave due to the pandemic?**

The amount of pay employees on leave will receive depends upon the reason for taking leave.

- For reasons 1-3, employees receive their regular rate of pay, up to \$511 per day or \$5,110 aggregate over the two weeks.
- For reasons 4 and 6, employees receive two-thirds of their regular rate, up to \$200 per day or \$2,000 aggregate over the two weeks.
- For reason 5, employees may (but are not required to) take the emergency paid sick leave for the first two weeks at two-thirds of their regular rate of pay, not to exceed \$200 per day. Beginning with the third week, the employee would be on expanded family and medical leave for up to ten additional weeks. During this time, the employee is entitled to receive two-thirds of regular pay, up to \$200 per day. In no case is any employee taking leave under reason 5 entitled to more than \$12,000, in aggregate, if they take a full 12 weeks of leave.

**How is pay calculated for hourly employees who work varying schedules?**

Employers must calculate the average number of hours that the employee was scheduled over a 6-month period ending on the date paid sick leave is taken, including hours for which the employee took leave of any type.

**Do employees automatically qualify for leave if their children's school has been closed or daycare is unavailable due to the pandemic?**

Not necessarily. The Emergency Family and Medical Leave Expansion Act defines a "qualifying need related to a public health emergency" to mean "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 crisis." This definition gives employers some latitude to require employees to show that the leave is based on a "need for leave to care for a son or daughter." The age and maturity of the children, as well as whether the employee can reasonably be expected to complete assigned duties through telework, should be taken into consideration.



### **Can Employees use the expanded sick leave intermittently while teleworking?**

Yes. If an employee is able to telework, but unable to keep a normal schedule, then the employer and employee can agree to use leave granted under the FFCRA in intermittent increments.

### **Can Employees take paid sick leave intermittently while working at their usual worksite?**

Generally, no. For reasons 1 through 4 and 6, leave cannot be taken intermittently. This is because employees taking leave under those provisions are either sick, possibly sick, or possibly being exposed to others who are sick and would increase the risk of spreading the virus to others in the workplace. For reason 5, those who are taking leave solely for the purpose of caring for their child or children whose schools are closed or whose daycare is unavailable due to the emergency may take leave intermittently if the employer agrees.

### **Is an employee entitled to take expanded FMLA leave to care for grandchildren whose schools are closed or whose daycare is unavailable due to the COVID-19 emergency?**

No. Expanded FMLA is available only to those who need to take leave to care for a “son or daughter,” which the Act defines as the employee’s own child, including biological, adopted or foster children, stepchildren, legal wards or a child for whom the employee stands in loco parentis. “Son or daughter” is also an adult son or daughter who is 18 years of age or older who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

### **What notice is required of employees?**

FMLA requires employees to give as much notice to the employer “as is practicable.” Evidence of the need for leave may be required. After the first day of paid leave, an employer may require the employee to follow reasonable notice procedures in order to continue receiving the paid sick leave.

### **Are jobs protected for those taking leave under the Act?**

Yes. These are temporary amendments to the Family and Medical Leave Act, but the requirement that an employer make reasonable efforts to restore an employee returning from FMLA leave to the same or an equivalent position when he or she is able to return to work applies, as usual. Additionally, the Act prohibits disciplining or discharging any employee for taking leave under the Act.

### **Are employers obligated to continue providing health coverage to those who take paid sick leave or expanded family and medical leave?**

Employees on paid sick leave or expanded family medical leave are entitled to continued group health coverage on the same terms as if they continued to work.

**Can employees use employer-provided sick leave concurrently with leave provided under the FFCRA?**

Employees cannot take employer-provided leave simultaneously with leave provided under the FFCRA unless the employer agrees to permit it. Employers may (but are not required to) permit employees to expend accrued sick or vacation leave to supplement the two-thirds of regular wages allotment under the Act to allow employees to be paid their normal earnings.

**Are employers required to provide notice of these rights?**

Yes. Employers must post a notice of FFCRA rights in a conspicuous place on their premises. Since access to school facilities is limited, school employers must also make the information available through other means reasonably calculated to ensure that employees are informed of their rights under the Act. Employers should email employees with a copy of the notice or directions to locate it on district websites.

**Where can I get a copy of the required notice?**

The poster is available in English at

<https://governor.kansas.gov/wp-content/uploads/2020/03/EO-20-07-Executed.pdf>

and in Spanish at

<https://governor.kansas.gov/wp-content/uploads/2020/03/EO-20-07-Executed.pdf>.

The U.S. Department of Labor is expected to provide the notice in other languages, as well.

## COVID-19 Prevention and School Practice Controls:

### Student/Staff Responsibilities

- Frequently wash your hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol. Always wash hands that are visibly soiled.
- Cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Employees or Students who have symptoms (i.e., fever, cough, or shortness of breath) should notify their school and stay home—DO NOT GO TO SCHOOL.
- Sick employees should follow [CDC-recommended steps](#). (CDC, 2020a) Employees should not return to work until the criteria to [discontinue home isolation](#) (CDC, 2020b) are met, in consultation with healthcare providers and state and local health departments.

### General Site / Office Practices

- Clean AND disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection. To disinfect, use [products that meet EPA's criteria for use against SARS-CoV-2](#)[external icon](#), (US EPA, 2020)the cause of COVID-19, and are appropriate for the surface.
- Avoid using other employees', or students' phones, desks, offices, and equipment, when possible. If necessary, clean and disinfect them before and after use.
- Clean and disinfect frequently used equipment on a regular basis.
  - This includes other elements of the classroom where possible.
  - Employees should regularly do the same in their assigned learning spaces.
- Disinfect shared surfaces (door handles, devices, etc.) on a regular basis.
- Avoid sharing equipment with co-workers if it can be avoided. If not, disinfect before and after each use.
- Any trash collected from the classrooms must be changed frequently by someone wearing gloves.

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