



Guidelines for Requesting Leave and Work Accommodations During COVID-19 Pandemic

The following guidelines are based upon information distributed by the Centers for Disease Control, the Occupational Health and Safety Administration, draft regulations from its Virginia counterpart (VOSH), and the Equal Employment Opportunity Commission.

Newport News Public Schools responded to the Governor's closure of school buildings on March 13, 2020. In most cases this meant that our staff worked from home entirely or substantially through the end of the school year. As we approach the new school year and return to our work sites, our plans to return follows the implementation of extensive safety procedures recommended by the above-named agencies.

These guidelines are to assist the Division's Human Resources staff in responding to employee requests for leave and requests for work accommodations. Requests for leave and/or accommodations will be individually considered, will require effective, interactive communication with the employee in every instance, and will require current and detailed medical or other documentation as appropriate.

- 1. COVID-Related Leave Requests Due to the Employee's Own Medical Conditions.** An employee's leave request due to his or her own medical condition will be considered following submission of current and detailed medical information dated and signed by the employee's health care provider. In the event that a provider explains and substantiates that an employee's own medical condition would place the employee at increased risk if present at his or her Division worksite, and recommends leave, upon consideration leave will be granted for a period of time to be determined. All leave approvals will have a specific date for reevaluation. Specific guidelines for approval include, and are not necessarily limited to the following:

- The medical information must be based upon the employee having been evaluated for the purpose of returning to work at the Division, and such evaluation should have occurred within 30 days prior to the request for leave.
- The medical information must describe why the employee's medical condition(s) will place the employee at increased risk if he or she reports to his or her regular work site.
- If applicable, the medical information should consider mitigating conditions which could make it possible for the employee to return to work either full or part-time
- The medical information should specify how long the employee's medical condition is presently expected to continue to place the employee at increased risk if he or she reports to his or her regular work site.
- It may prove helpful for the provider to engage in discussion with a representative of the School Division if further explanation is needed.
- A brief note from a provider indicating that an employee is under the provider's care will not be sufficient.

The application link is

http://www.nnschools.org/hr/benefits/doc/coronavirus_response_leave.pdf.

- 2. COVID-Related Requests for Work Accommodation Due to the Employee's Own Medical Conditions.** An employee's request for work accommodations due to his or her own medical condition will be considered following the same criteria as set forth above for leave requests. In addition, the Division must also determine whether the requested accommodation is appropriate for that employee's own duties. This type of request will be considered under the Americans with Disabilities Act (ADA). The link to the forms is <http://www.nnschools.org/hr/forms.html>.
- 3. Requests for Leave or Work Accommodation Due to an Employee's Family Member's Susceptibility to COVID-19.** An employee who in good faith and is unwilling to return to work due to his or her belief that reporting to his or her worksite may endanger a family member at home may submit medical documentation similar to that in Number 1 above. If granted, such leave or accommodation will be reviewed periodically.
- 4. Requests for Leave or Work Accommodation Due to COVID related Child Care.** Some employees may experience difficulty in reporting to work due to COVID-caused unavailability of child care. Child care is the responsibility of each employee and, of course, is a matter which can be anticipated. In the event that child care problems impede an employee's ability to report to work at his or her Division worksite, a request for leave or a request for a work accommodation will be considered if feasible for the employee's duties. Employees must provide documentation that child care is no longer available through their provider. The request for work accommodations due to COVID-19 child care issues can be found at http://sbo.nn.k12.va.us/hr/benefits/doc/request_job_accommodations_COVID_child_care.pdf.

An employee who cannot report to work due to the unavailability of child care due to COVID-caused reductions in availability, and for whom a work accommodation is not an option due to the nature of his or her duties, may apply for Expanded Paid Family and Medical Leave (EPFML) as provided under the Families First Coronavirus Response Act (FFCRA). Employees must provide documentation that child care is no longer available through their provider. The link to the request form is http://www.nnschools.org/hr/benefits/doc/coronavirus_response_leave.pdf.