

## Employee Rights Under Coronavirus Response

The U.S. Department of Labor published an [Employee Rights guide](#) to paid sick leave and expanded Family and Medical Leave under the Families First Coronavirus Response Act. ISTA Legal Counsel Eric Hylton has provided additional information for ISTA members.

One of the main laws that was passed was the **Emergency Paid Sick Leave Act**. This act applies to all school employees.

It requires a school to pay up to 80 hours of leave to full-time employees who are unable to work or telework for the following reasons:

1. The employee is subject to a quarantine or isolation order related to COVID-19.
  - If telework is possible, not covered.
2. The employee has been self-quarantined by a health care provider related to COVID-19.
  - Includes employees in high risk groups who have been told to self-quarantine due to high risks.
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
  - Includes time for making and attending appointments.
4. The employee is caring for an individual who is subject to a quarantine or isolation order.
  - It can be more than a family member.
  - It can be someone who you normally provide care for such as a parent or partner.
5. The employee is caring for their child if the school or place of care of the child has been closed, or the child-care provider of such child is unavailable due to COVID-19 precautions.
  - It can be intermittent if school agrees.

The compensation for the first three reasons, mainly if you are affected, is your daily rate of pay capped at \$511 per day of the leave and can be no more than \$5,110 for the 80 hours of leave.

For reasons 4 and 5, caring for another individual, must be 2/3 of your daily rate but capped at \$200 per day and no more than \$2,000 for the 80 hours of leave.

*Schools cannot require employees to take any other paid leave before taking this 80 hours of leave.*



There are also additional leave provisions under the **Emergency Family and Medical Expansion Leave Act (FMLA)**.

1. The act amends the FMLA and applies to employees who have worked at least 30 calendar days.
2. This act provides benefits for an employee who is unable to work or telework due to the need for leave to care for their child under 18 years of age if the school or place of care for the child has been closed, or the child care provider is unavailable because of a public emergency.
  - This leave counts towards your 12 total weeks of FMLA leave.
3. For this leave, the first 10 days are unpaid, but an employee's sick days can be used to cover the first 10 days, or possibly benefits under the Emergency Paid Sick Leave Act can be used.
4. If an employee uses the remaining 10 weeks of leave for this specific reason, the leave must be paid at 2/3 the daily rate but not more than \$200/day and no more than \$10,000 for the 10 weeks of leave.
5. The school can agree to allow the employee to supplement the remaining 1/3 daily rate with leave days.
6. Leave can be taken intermittently such as if the employee is teleworking but needs time off to care for a child periodically.
  - Ex: If you work at School A, but your child goes to School B, and School B is closed related to COVID, you are eligible to take leave from School A to care for your child at home.

