Valued TUSD Employee,

As we prepare for employees to return to their positions within our schools, offices, and buildings district wide, we have reviewed the guidance from the Centers for Disease Control (CDC), the Arizona Department of Education (ADE), the Arizona Department of Health Services (ADHS), Pima County Health Services (PCHS), and the Occupational Safety and Health Administration (OSHA).

TUSD has adopted safeguards throughout the district to help keep employees safe from exposure to COVID-19 when they return to their workplace. Some of these measures include:

- Increased environmental cleaning
- Discouraging shared workspaces
- Requiring face coverings and other personal protective equipment as appropriate
- Providing additional options for worker hygiene such as encouraging hand washing, providing hand sanitizer in multiple locations, etc.

To that end, we have widespread workplace preparations occurring across our district to support our returning workforce and have created a path for employees to request leave or Americans with Disabilities Act (ADA) accommodations if they are unable to return to their duties or if they belong to a group that has been identified as being at risk of contracting COVID-19.

The recommendation from CDC, ADHS, and PCHS regarding people who are in a high-risk group is that they should remain at home. PCHS has identified the following groups as people at risk of contracting COVID-19:

A. Older adults and people with severe underlying medical conditions such as heart or lung disease or diabetes
B. People with moderate to severe asthma
C. People with HIV or who are immunocompromised
D. People with liver disease including those with Hepatitis B or Hepatitis C

The ADA prohibits us from excluding an employee from returning to work solely because the employee has a disability that the CDC identifies as potentially placing him at “higher risk for severe illness” if he gets COVID-19. TUSD has options available to employees who feel that they cannot return to work or who feel they need special accommodations to return to work.

RETURNING TO WORK

In areas where employees are not required to be onsite to support students, we will continue to support remote work options. For employees who are part of an at-risk population or who feel they cannot return to their workplace for other reasons, the following options will be provided.

**OPTION 1 – EMERGENCY PAID SICK LEAVE (EPSL)**

The Families First Coronavirus Response Act (FFCRA) is available from April 1, 2020 through December 31, 2020 and provides two weeks of EPSL, up to 80 hours (based on FTE), in two paid categories:

- **REGULAR RATE OF PAY**: If an employee is unable to work or telework due to a need for leave because the employee:
a) Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
b) Has been advised by a health care provider to self-quarantine related to COVID-19;
c) Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

- 2/3 OF REGULAR RATE OF PAY: If the employee is unable to work or telework due to a need for leave because the employee:
  a) Is caring for an individual subject to an order described in (a) above, or self-quarantine as described in (b) above;
  b) Is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

Employees can apply for EPSL using the online EPSL form and providing their supervisor with proof of qualification for the absence.

**OPTION 2 – EXTENDED LEAVE OPTIONS**

If an employee needs to be out for a longer period, TUSD has several options for both paid and unpaid extended leaves of absence.

- **Expanded Family Medical Leave**

  A TUSD employee who has been employed with the District for at least 30 days may qualify for Emergency Family Medical Leave Expansion (EFMLEA) if the employee is caring for a child whose school or place of care is closed for reasons related to COVID-19. The first two weeks for employees taking EFMLEA is unpaid, unless the employee has other leave balances or qualifies for EPSL leave. The remaining 10 weeks are paid at two-thirds of their regular rate of pay, up to $200 per day and $12,000 in the aggregate.

  Employees can apply for EFMLEA through the TUSD Benefits Department.

- **Traditional FMLA**

  Eligible employees who have worked 12 months, or 1,250 hours in 12 months can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: Birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within one year of the child’s birth or placement); Care for the employee’s spouse, child, or parent who has a qualifying serious health condition; Employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job; Qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent.

  Employees can apply for FMLA through the TUSD Benefits Department.

- **Medical Or Personal 30**

  **Medical 30:** Employees who are not eligible for FMLA or who have exhausted accumulated sick leave, personal leave, and vacation leave, yet are medically unable to return to work, can take up to thirty (30) days on unpaid medical leave.
**Personal 30:** A leave caused by urgent personal or family reasons may be granted upon written application by the employee and approval by the District. Such leaves are not to exceed thirty (30) days and shall be approved only in unusual situations clearly requiring the presence of the employee away from work. These short-term leaves for personal business are unpaid. At the end of this period employee may request a board-approved leave or return to work.

Employees can apply for a Medical or Personal 30 leave through the [TUSD Benefits Department](#).

- **Governing Board Leave**

Any regular employee who has completed the required probationary period in the District, typically one (1) year, may request a leave of absence without pay for any length of time up to one (1) year for reasons such as: their health, health of immediate family, new infant or child, course of study, education or training as approved by TUSD, military service, campaign/service in public or union business.

Employees can apply for a Governing Board Leave through the [TUSD Benefits Department](#).

**OPTION 3 – REQUEST FOR ACCOMMODATION**

It is district policy to comply with the Americans with Disabilities Act (ADA). Tucson Unified is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at Tucson Unified.

The ADA, which protects applicants and employees from disability discrimination, is relevant to the pandemic in at least three major ways.

- The ADA regulates employers’ disability-related inquiries and medical examinations for all applicants and employees, including those who do not have ADA disabilities.
- The ADA prohibits covered employers from excluding individuals with disabilities from the workplace for health or safety reasons unless they pose a "direct threat" (i.e. a significant risk of substantial harm even with reasonable accommodation).
- The ADA requires reasonable accommodations for individuals with disabilities (absent undue hardship) during a pandemic.

If you feel you are unable to return to work without a reasonable accommodation, you may can make a formal request for accommodation through the TUSD Risk Management Department. Applications and instructions for ADA accommodations can be found [here](#).

**OPTION 4 – SEPARATION OR RETIREMENT**

Employees who are considering separation or retirement rather than returning to work for the 2020-2021 school year are encouraged to submit their request prior to June 30, 2020. Some employees could be liable for liquidated damages if they do not submit a separation request prior to that date. Both forms can be found on the TUSD Website under [Intent to Separate Form](#) and [Retirement Information](#).