



COVID-19: Leaves and Laws for Educators

1. FFRCA - the new Families First Coronavirus Response Act, which requires certain employers like PPS to provide employees with paid sick leave or expanded family and medical leave for very specific reasons related to COVID-19
2. FMLA - Family Medical Leave Act, which allows certain employees to take up to 12 weeks of leave without losing their jobs for qualifying medical reasons (though it is unpaid and may require concurrent use of some other type of employees' banked paid time off.)
3. ADA - Americans with Disabilities Act, which requires employers make "reasonable accommodations" for employees with disabilities.
4. Workers' Compensation - Only applies to those who would get the virus (or otherwise sick or injured) at work, which may be challenging to prove.

See pages 2, 3 and 4 for expanded information and links.

PFT represented employees also have [collective bargaining agreements](#) that have more generous language than the FMLA itself. Because our contractual sick leave provisions are stronger than FMLA, the District essentially overlaps FMLA and paid sick leave (and unpaid leave.) PFT represented employees often get approved for leave well beyond 12 weeks without the threat of losing employment

Regarding overlap of these programs: FFCRA and FMLA can overlap for certain types of leave. Eligible employees can receive up to 80 hours of Emergency Paid Sick Leave. This type of leave is unrelated to employees' available FMLA leave. Certain employees may also be eligible for an additional ten weeks of paid Expanded FMLA after the 80 hours of Emergency Paid Sick Leave, so long as they have not already exhausted their 12 weeks of FMLA. Employees cannot be forced to use their banked sick leave provided under their CBA before using leave under FFCRA, but they may choose to do so or they may be required to use certain paid leave concurrently with their use of FMLA, including Expanded FMLA.

For example: if an employee had 20 sick days available, they could take 80 hours of Emergency Paid Sick Leave first, and then start using their 20 sick days (for their own illness) for a total of 30 paid days off. This leave could be extended further through the use of FMLA leave.

1. FFCRA:

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. *is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;*
2. *has been advised by a health care provider to self-quarantine related to COVID-19;*
3. *is experiencing COVID-19 symptoms and is seeking a medical diagnosis;*
4. *is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);*
5. *is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or*
6. *is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.*

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Details of this new law are summarized here:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

2. Family Medical Leave Act (FMLA):

FMLA, which covers employees at PPS who have worked at least 1250 hours over the previous 12 month period, provides up to 12 weeks of unpaid, job-protected leave for the following reasons:

- *For the birth and care of the newborn child of an employee;*
- *For placement with the employee of a child for adoption or foster care;*
- *To care for an immediate family member (i.e., spouse, child, or parent) with a serious health condition; or*
- *To take medical leave when the employee is unable to work because of a serious health condition.*

This is the general landing page of the FMLA: <https://www.dol.gov/general/topic/benefits-leave/fmla>

Family Medical Leave Act (FMLA) – continued

To apply for FMLA, including a typical medical leave of absence (LOA) using in sick days, the PFT-represented employee must:

1. Complete the short on-line [Leave of Absence Request Form](#) that is on the District's website.
2. Have their healthcare provider complete the [Certification of Health Care Provider for Employee's Serious Health Condition \(FMLA\)](#) form, or the [separate form if the leave is to care for a family member](#) . The employee's doctor then faxes the completed form to the District.
3. The employee must follow the return to work process, including having their healthcare provider submit the [Employee Reinstatement/Return to Work Form](#).

The District's contact person for Leaves of Absence is Ms. Jayme Berry.
(jberry1@pghschools.org, 412-529-3693)

3. Americans with Disabilities Act (ADA) :

The ADA requires employers provide “reasonable accommodations” (as defined by the law and its case history) to employees with a disability (“a physical or mental impairment that substantially limits one or more life activities”, or a person with a history with such an impairment or who is perceived by others to have such an impairment). Employees are entitled to reasonable accommodations only if they can still perform the essential functions of their jobs with the requested accommodations and if granting employees with the requested accommodations do not pose an undue hardship to the District. Here is the ADA landing page if you want to learn more about it: https://www.ada.gov/ada_intro.htm

Because COVID-19 is a new disease and different employers will interpret the ADA differently as cases are adjudicated, it is unclear for now what accommodations may or may not be made for employees with disabilities concerned about COVID-19. Regardless, the PFT encourages employees who may qualify to request an ADA accommodation packet by emailing Anne Reckhouse at areckhouse1@pghschools.org.

4. Pennsylvania Workers' Compensation Act:

Workers' Compensation is defined by our state law, which covers many employees who are injured or made ill due to occupational disease at work. This could include being made ill due to a coworker with COVID-19. The state of Pennsylvania has put together a FAQ on Workers Compensation and COVID-19 which is straightforward and worth reading on its own: <https://www.uc.pa.gov/COVID-19/Pages/WC-COVID-FAQs.aspx>

If you are hurt or get ill from work, please contact PFT staff at 412-431-5900 and we will talk to you about your next steps, including a legal referral to attorneys that we trust if needed.

Financial Resources for Those who are Struggling

Unemployment

(note: refusal to take work that is offered is typically disqualifying)

To file an initial unemployment claim in Pennsylvania:

<https://www.uc.pa.gov/unemployment-benefits/file/Pages/File%20an%20Initial%20Claim.aspx>

Food Assistance:

Supplemental Nutrition Assistance Program (SNAP) - Visit the Pennsylvania Department of Human Services' website at www.dhs.pa.gov , or call the Helpline, toll-free, at 1-800-692-7462 (1-800-451-5886 for individuals with hearing impairments) or your county assistance office.

Greater Pittsburgh Community Food Bank

<https://www.pittsburghfoodbank.org/> - 1 North Linden Street, Duquesne, PA 15110. 412-460-3663. The Food Bank has a list of partner food pantries/agencies around the county where you can get food if you are in need.

Emergency Housing and Utilities Assistance:

The Pittsburgh Housing Opportunity Fund has an emergency rental assistance program to help prevent homelessness - <https://www.ura.org/pages/HOF>

Legal aid on housing and evictions are available from [Neighborhood Legal Services](#) or [Regional Housing Services](#)

A large list of other programs from the URA: [Housing Resources in the City of Pittsburgh](#)

Utilities - Learn more about the services offered by the PUC at www.puc.state.pa.us or by calling 1-800-692-7380. For information from the federal government regarding help that may be available, please visit <http://www.usa.gov/help-with-bills> or call 1-844-USA-GOV1

Other:

Pittsburgh Public Schools' Employee Assistance Program (EAP) - <http://www.lifesolutionsforyou.com/>

AFT Member Benefits - <https://www.aft.org/member-benefits>

AFT/AFSCME website on Student Debt Forgiveness and COVID-19 - <http://www.forgivemystudentdebt.org/covid-19-student-borrower-resources/>

Find these resources on our website at:
<https://pft400.com/members/leaves-and-laws-for-educators/>

Questions or inquiries? Use our contact page at:
<https://pft400.com/contact/>