



Frequently Asked Questions Regarding Accommodations and Leaves

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Q1: What leaves are available if I have health concerns that require me to take leave?

A: You still have the leaves provided under the contract, as well as your sick leave provided by the state. For a full list of state and federal leaves, contact HR. The leave desk can provide information on these leaves and how to apply. A partial list includes the Federal Family Medical Leave Act (FMLA), Washington's Family Leave Act (FLA), and Washington's Paid Family Medical Leave (PFML). Job protection is not provided in all these leaves, but you may have protection from the contract provisions on medical leave.

You have the right to use federal form [WH-380-E Certification of Health Care Provider](#) provided by the US Department of Labor when requesting FMLA leave from your employer and when applying for Washington's PFML. The purpose of this form is to reduce the amount of paperwork you complete when requesting leave and ensures that you are only providing federally mandated information to your employer.

Last spring there were additional Covid-related leaves enacted that may still be available under state and federal law. HR can provide a list of those leaves that are still available.

You may also qualify for short- or long-term disability plans provided for employees by the district through third party vendors, like Standard Insurance. You can contact Sprague Israel Giles for information on these disability plans as well as other non-SEBB plans the district offers.

Q2: What are accommodations?

A: An accommodation is an intervention in your work plan that allows you to continue working safely and effectively. Some accommodations are provided by law and others may be provided by bargaining. Leaves are sometimes considered an accommodation. All accommodations are subject to approval by the employer.

Q3: What is an ADA/504 accommodation?

A: Under the American with Disabilities Act (ADA), any employee who has a diagnosis of a covered disability can seek accommodations to help the employee complete the essential functions of their position. The employee consults with their medical provider to create the request. The district then determines which requests are reasonable and can be met. This is an interactive process that goes back and forth until the plan is resolved. There are additional considerations if accommodations cannot be offered. An ADA/504 application can be made at any time the employee finds they are having or will have difficulty completing the essential functions of their position. These accommodations are processed by Human Resources (HR).

Example: Macular degeneration has made it difficult for you to read your computer screen and this is necessary to your work, so you ask for a larger screen to better be able to read email, etc.

Q4: What other accommodations are available?

A: The CBA offers limited accommodations such as flexibility in work schedule or flexibility in managing parent conferences. These limited accommodations are worked out between the employee and their supervisor.

The COVID pandemic gave rise to other accommodations as government programs were enacted to assist employees at risk in their work. These accommodations primarily included additional short-term leaves, but with these leaves came recognition of several categories of risk that do apply under the MOU. You can find these categories in the current MOU.

Accommodations offered in the MOU include alternative work sites, alternative positions, remote work, and limited timeframes for working in-person. The model in place is that any work that can be done remotely may be done remotely.

Example: You are a SEAOP who can answer phones and communicate with the employer, other employees, and parents electronically and complete most of your work, but you also need to access physical mail that arrives and complete reports on some systems not available from your home. An accommodation might be to work limited hours on site only to the extent necessary and you would work remotely the rest of your time.

Some members qualify for multiple risk categories. For example, they may be at high risk and do not have access to childcare. You may choose whatever risk categories apply to your situation. In this example, you could mark that you are at high risk and you don't have childcare for your child.

If you only checked one risk category and submitted your paperwork, but additional options apply to you, you may choose to submit any additional paperwork or information related to your accommodation request at any time.

Q5: The district sent me a letter that says I must apply for accommodations or I will have to return to in-person services. What does that mean?

A: The district has sent many letters and the message keeps changing, but it means that if and when an agreement to return to expanded in-person services is in place and you are directed to return to in-person services, you will have to assess your risk status and make a decision about working in-person with students again. If you do not believe you are able to work in-person, then you may need to apply for an accommodation.

You can notify the district of your need for accommodation by emailing 504ADA@seattleschools.org and let them know you are requesting accommodation paperwork. You do not need to provide information on your disability status when requesting accommodation paperwork. Once you've completed your paperwork, you may submit it to 504ADA@seattleschools.org.

If you have already obtained a doctor's note requesting accommodation, you may submit that to 504ADA@seattleschools.org. There is no clear guidance on whether completion of an employer's accommodation form is required per the ADA. Some members have reported the district accepted notes from doctors, others have reported being denied unless the district form was completed. It is best to submit whatever documentation you have and work from there.

Q6: I got a letter from the district that set a deadline(s) for submitting an application for accommodations. Do I need to apply right now to be considered?

A: The answer is no. The district is saying they cannot guarantee all accommodation requests will be processed in time for their stated date to begin in-person services. If your application is not approved by that date, the district is saying you will have to work as directed until it is processed or take available leave.

The district is still legally and contractually bound to honor and process accommodation requests as these requests come into HR. There is law and the current MOU that make these accommodations available and the district must act expeditiously and equitably to process and accommodate where they can.

For the ADA process, you absolutely can apply at any time that you become aware of the need and the district must work with you in good faith to resolve your request. For the additional Covid accommodation options (in both the current MOU and any bargained addendum), there may be a lag time involved in processing the applications, and, if you are directed to come back to in-person services, you may have to weigh your risk factors in managing that delay.

Q7: I still don't understand if I should apply for an accommodation now.

A: SEA is still in negotiations and holds that no in-person expansion can occur without a bargained agreement. SEA maintains that the MOU is still valid and remote is still the model in place for all SEA represented employees, except as the MOU provides. You may have difficulty in determining your risk if you do not know your new working conditions. There is no harm in making the application, but we have seen responses from HR that do not clearly provide a resolution since SPS does not know the working conditions either.

If you submitted an accommodation request at the beginning of the year and it has been approved, then you do not need to re-apply.

Q8: What medical information can the district request when processing an accommodation?

A: The district can only ask for verification of your disability status by your medical provider. The district may not ask for medical details about your risk condition. If your risk category involves caring for another person, you may be asked for a medical verification that that person needs your help. Again, the district cannot ask details regarding the condition of you or the other person for whom you care.

A medical provider must certify that you are eligible for an accommodation under the ADA, but they do not have to disclose the details of your disability. You do not have to provide information regarding your health condition(s) and/or disability. You do not have

to provide specifics on your treatments or medications to be considered for an accommodation.

Q9: How do I complete a medical accommodation as a caregiver or someone living with a high-risk individual?

A: Contact 504ADA@seattleschools.org to request the accommodation paperwork. There is a box you can check that states, "I care for a family member who has increased risk for severe illness from COVID-19." You will need to have a healthcare provider complete the medical certification form to certify your family member is at high risk.

Some members have indicated that they live with a high-risk individual that is not their biological family member. For example, they have roommates and share many communal spaces. You can submit an accommodation request and check "other" in the relationship box. You would then document who they are, for example, "housemate who shares communal spaces."

Q10: What do I do if my accommodation has been denied?

A: An accommodation request should not be denied outright. Requesting an ADA accommodation is supposed to be an interactive process. If you are missing paperwork, the district needs to give you an opportunity to complete the paperwork or provide any missing information. If they cannot provide a specific accommodation, they need to work with you on discussing options for other accommodations.

Some members have asked what they should do if they have their accommodation denied or are still waiting to hear back from the district. You can always contact your association representatives and UniServ Directors for additional guidance.

Q11: What happens if I no longer need a remote accommodation?

A: If you no longer need an accommodation, you may email 504ADA@seattleschools.org to inform HR that you no longer need an accommodation. You may also let your building or department administrator know that you no longer need accommodation. SPS is obligated to provide positions for each person they currently have a contract with.

Q12: I have children who need full daycare and my childcare provider is not able to take children.

A: This is a category of risk included in the MOU accommodations section. You may be asked to provide verification from the provider that care is not available. No other details need be provided.

Many members have asked about what they should do if their childcare situation is in flux or uncertain. It is best to submit your childcare accommodation based on your current circumstances. If you find stable or permanent care, and you are able to return to in-person, you can always do so.

If you had a private childcare provider or nanny that has left your employment you can describe your childcare situation on the Childcare Supplement in the section, "Are there additional factors you wish to have considered in this request? If so, please explain."

If you are being essentialized for in-person work and have a student in the upper grades that cannot be left on their own, you may request an accommodation. If your partner works outside of the home or cannot provide childcare due to remote work that does not allow for this, you may also request a childcare accommodation. If you are a contractor for an outside agency that serves students at SPS, we would recommend reaching out to your direct employer. At this time, we are unaware of any guidance put forward by SPS for contract workers.

Many SPS educators have children attending SPS, but do not want them to return to in-person learning. However, they have been essentialized for in-person learning. It is your choice as a parent to send your child back to in-person. If you are the primary caretaker of the child, you can fill out the Childcare Supplement form from SPS. They may choose to deny you if you list that you have childcare available for your child. You may also be able to request a remote accommodation if your child is high risk.

Q13: I've been essentialized for in-person work, but haven't requested an accommodation yet. What do I do now?

A: You can start the accommodation process by emailing 504ADA@seattleschools.org to request accommodation paperwork. Complete the paperwork as quickly as possible so that it can be processed.

If you submitted an accommodation request prior to becoming essentialized, you do not need to submit new paperwork now that you have been made essential. If your accommodation request has been approved, the district must notify you if there are any changes to your accommodation. If you need new accommodations based on becoming essentialized, you can email 504ADA@seattleschools.org to notify them of the changes you need to your accommodation.