

Accommodations, Leaves, and Benefits

SEA Proposal Dated February 22, 2021

SPS Proposals Dated February 18, 2021

Accommodations, Leaves, and Benefits

All provisions of the current August 2020-21 MOU remain in full force and effect, unless explicitly stated herein.

SEA and the District acknowledge that due to the unique challenges that come along with the COVID pandemic, not all staff, including those that are deemed with essential tasks, are able to work in an in-person model.

In order to acknowledge and address these challenges, accommodations for qualifying staff will be made through an interactive process, which includes an equity lens as outlined in the current MOU. All reasonable and available accommodations, including but not limited to enhanced PPE, modifying workspaces, establishing an isolated workspace, alternative work schedules, and alternative work options (e.g., remote work options and/or alternative work assignments with right to return), will be exhausted prior to an employee being required to access available leaves. When presented with multiple accommodations, the

Accommodations, Leaves, and Benefits

The provisions of this section replace the entirety of the “Accommodations, Benefits, and Leaves” section of the prior MOU. All other provisions of the current August 2020-21 MOU remain in full force and effect.

The District will follow all local, state and federal health and safety guidelines to ensure employees’ safety. The District will provide safety measures as outlined in this agreement. The District and Association recognize the need to provide clear guidance to employees impacted by COVID-19 regarding accommodations, leaves, and benefits.

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In order to acknowledge and address these challenges, accommodations for qualifying staff will be made through an interactive process. All reasonable and available accommodations, including but not limited to enhanced PPE, modifying workspaces, establishing an isolated workspace, alternative work schedules, and alternative work options (e.g., remote work options and/or alternative work assignments with right to return), will be exhausted prior to an employee being required to access available leaves. When presented with multiple accommodations, the employee may choose between the-alternative work

employee may choose between the alternative work options or choose to take leave (which includes, but is not limited to, unpaid leave or an employee's own accrued paid leave).

Accommodation requests will be prioritized as outlined in the Alternative Work Assignments section of the August 2020 MOU. All alternative work assignments or options outside the employee's normal job duties are subject to provisions in the 2020-2021 MOU outlining Alternative Work Assignments (pages 39-40).

Accommodations for Staff at High Risk

Staff who have conditions that put them at increased risk of severe illness from the virus that causes COVID as defined by the CDC or who are 65 or over, will be provided remote work upon request.

Staff Accommodations

Staff within the categories below will be provided accommodations, which may include but are not limited to remote work, alternative work options, or other options outlined in 7.0.

options or choose to take leave (which includes unpaid leave or an employee's own accrued paid leave).

Accommodations for Staff at Increased Risk as defined by the CDC and Staff who are 65 or older

We acknowledge that our communities of color are disproportionately impacted with underlying health conditions that exacerbate the impact of COVID. Staff who have conditions that put them at increased risk of severe illness from the virus that causes COVID-19 [as defined by the CDC](#) or who are 65 or over and who are unable to receive a full vaccine dose for COVID due to state distribution schedule and vaccine availability will be offered any and all feasible options for alternative work arrangements, including but not limited to remote work (documentation required).

Accommodations for All Other Staff

Staff described in Section 3.1 above will be given preference for remote work. Staff within the categories below will be offered reasonable and available accommodations, which may include but are not limited to remote work. The order in which the categories are listed

- a. Staff assigned or deployed to District buildings who are unable to attain full vaccine dose for COVID due to state distribution schedule and vaccine availability will be allowed to work remotely upon request. If remote work in their current assignment is not available, coverage will be provided for in-person work time. Staff will be provided an alternate, completely remote assignment to support their school community / site / program to complete until the employee is fully vaccinated.
- b. Staff who live in a multi-generational household, live with or are caretakers for, those at increased risk of severe illness from the virus that causes COVID, as defined by the CDC.
- c. Staff with children who lose childcare services due to a change in their work schedule or whose school or daycare provider is not offering in-person services due to COVID (documentation required).
- d. Staff who have a medical condition that does not allow them to receive a COVID vaccine, as directed by their health care provider (documentation required).
- e. Staff who cannot wear a mask or other required PPE, as determined by a health care provider (documentation required).
- f. Staff with (pre-existing or new) mental illness or disorder that has been exacerbated by the COVID pandemic, if it rises to the level of being a substantial impairment of a major life activity (documentation required).

below reflect how requests for remote work will be prioritized.

- a. Staff who live in a multi-generational household, with family members, including elders (not parent and child), who are at increased risk of severe illness from the virus that causes COVID, as defined by the CDC (documentation from a health care provider stating the need required).
- b. Staff with children whose school or daycare provider is not offering in-person services due to COVID (documentation required).
- c. Staff who have a medical condition that does not allow them to receive a COVID vaccine, as directed by their health care provider (documentation required).
- d. Staff who cannot wear a mask or other required PPE, as determined by a health care provider (documentation required).
- e. Staff with (pre-existing or new) mental illness or disorder that has been exacerbated by the COVID pandemic, if it rises to the level of being a substantial impairment of a major life activity (documentation required).

- g. Staff who continue to present symptoms or test positive and cannot come to work with the required attestation (documentation required).

Leaves

The following leave options enhance the current leave provisions outlined in the current CBA and the August 2020 MOU:

Extension of Expired Federal Leaves

The district will extend the Emergency Paid Sick Leave (EPSL) provisions established in the Federal Families First Coronavirus Act of 2020 (FFCRA) through the end of the 2020–2021 school year for all FTE SEA represented staff, substitutes in a long-term position, or substitutes who have worked more than 30 days in the school year. Daily substitutes are only eligible to use EPSL for days that they have a scheduled job. Staff who have not used any of the ten days provided, are eligible for up to ten days of extended EPSL as outlined in FFCRA. Staff who have used a portion of the ten days, are eligible for the remaining days as COVID leave up to the ten days as outlined in FFCRA. In any case where Emergency Paid Sick Leave (EPSL) is insufficient to cover the employee’s full wage, the employee will be allowed to use accrued leave hours to supplement their pay up to 100%.

The district will extend the provisions of the Expanded Family Medical Leave (EFML) as outlined in the federal Families First Coronavirus Response Act (FFCRA) (two-thirds pay up to \$200/day) for up to 10 weeks for all FTE

Leaves

All accommodations approved pursuant this section are effective through August 31, 2021. Employees seeking accommodations for the 2021-2022 school year must reapply.

Extension of Expired Federal Leaves

If and when the federal government passes legislation renewing the provisions of the Families First Coronavirus Response Act of 2020 (FFCRA), the district will follow all provisions of the law. In any case where Emergency Paid Sick Leave (EPSL) is insufficient to cover the employee’s full wage, the employee will be allowed to use accrued leave hours to supplement their pay up to 100%.

SEA represented staff, substitutes in a long-term position, or substitutes who have worked 30 days or more this school year. Daily substitutes are eligible to use EFML for any scheduled jobs that fall over the term of their approved EFML.

Using Leave

Staff not able to come to work because they cannot pass the required attestation, and who have accessed/exhausted the ten (10) days of EPSL leave, can choose to remain in remote work, utilize their accrued paid leave, or be granted a job protected unpaid leave.

Leave Sharing

As outlined in RCW 41.04.665, an employee may use shared leave if they, a relative, or a household member is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed exposure to COVID.

Benefits

Access to Vaccines/Vaccine Appointments

- a. SEA represented staff may secure COVID vaccine appointments during their regular workday.-Any time taken for a vaccine appointment shall be paid leave and not deducted from the employee’s general leave. If an appointment becomes available upon short notice, the district shall make every effort to release the employee from their duties to allow them access to such an appointment.

Using Leave

Staff not able to come to work because they have not passed the required attestation, and who have already accessed/used any applicable paid leave as referenced in 3.31 above, will be granted unpaid leave. Staff may use their own accrued paid leave during this time, if available.

Leave Sharing

Staff may use shared leave for COVID related situations, to the extent permissible under the current leave sharing guidelines, which are dictated by state law.

Benefits

Access to Vaccines/Vaccine Appointments

SEA represented staff may secure COVID vaccine appointments during their regular workday. Staff may utilize their own accrued paid leave or any available paid leave referenced in 3.31 above for vaccination appointments, to the extent permitted by law. If an appointment becomes available upon short notice, the district shall make every effort to release the employee from their duties to allow them access to such an appointment.

- b. SEA represented staff, and substitutes in long-term positions, or substitutes who are scheduled to work in-person, will be granted two (2) days of paid “vaccine leave” to use on the day of and the day after they receive each dose of the two dose COVID vaccine regiment.
- c. Vaccine leave cannot be saved or used on other days. Part-time staff shall be given vaccine leave on a pro-rata basis according to the average number daily hours worked during the preceding pay period, but in no event will receive less than four (4) total hours of paid leave for each dose.
- d. All SEA represented staff, including substitutes, will need to provide proof of receipt of a dose of the vaccine. Following the two (2) days of vaccine leave, the staff may use existing sick leave necessary in accordance with existing leave policies.

The health and safety of our students and staff is our top priority as we plan for a return to school buildings. The District will work with state officials and local public health staff to prioritize vaccinations for public educators and critical support staff.

Access to Vaccine/ Encouragement to Vaccinate

If an employee chooses not to use vaccination leave, and they have their vaccination receipt, the district will provide an incentive payment in the amount of \$100 once the employee provides written proof completing the full vaccination process. Staff that

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received the vaccine prior to this MOU will receive this benefit retroactively.

Non-Retaliation

All District staff are strongly encouraged to receive the Covid-19 vaccine when eligible under the “Washington State Covid-19 Vaccine Allocation Guidance.” The employer will not take retaliatory or punitive action against an employee if they choose not to receive the vaccine. Regardless of vaccination status, all staff will continue to follow all health and safety precautions.

Non-Retaliation

All District staff are strongly encouraged to receive the Covid-19 vaccine when eligible under the “Washington State Covid-19 Vaccine Allocation Guidance”. In December 2020, the Equal Employment Opportunity Commission (EEOC) provided guidance on vaccination policies in response to Covid-19. According to the EEOC, an employee may “not pose a direct threat to the health or safety of individuals in the workplace.” If an unvaccinated employee poses a direct threat at the worksite, the District agrees to evaluate whether a reasonable accommodation can be made without causing an “undue hardship.” This may include reassignment or leave (FMLA or other leave). Regardless of vaccination status, all staff will continue to follow all health and safety precautions.