



Frequently Asked Questions Regarding Accommodations and Leaves

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Q: 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.

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.

Q: 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.

Q: 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.

Q: 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.

Q: 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 fit one of the risk categories recognized in the MOU (or in the new agreement), and you do not believe you are able to work in-person, then you may need to apply for an accommodation.

Q: 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.

Q: 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. SEA has not determined a specific recommended response at this point. 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.

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

A: The district can only ask for verification of your risk 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.

Q: 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.