

## COVID-19 Leaves

### Know Your Rights

We feel it is important that you know your rights under our current contract, state, and federal law regarding taking a leave of absence or asserting other legal rights in order to protect you, your family, and our school community.

For specific legal citations and additional information, please review this [document](#) created by the California Teachers Association's Legal Department.

Click the situation that best describes your circumstance to determine which leaves or other protections may be available to you:

1. [I'm at increased risk of serious complications if I get COVID-19 because of an underlying medical condition.](#)
2. [I'm at increased risk of serious complications if I get COVID-19 because I'm over the age of 65.](#)
3. [I might have COVID-19 based on the symptoms I'm feeling.](#)
4. [I've tested positive for COVID-19.](#)
5. [I've been quarantined by my healthcare provider.](#)
6. [I've been quarantined due to being informed by a federal, state, or local official that I may have been exposed to COVID-19.](#)
7. [I put myself in quarantine because I have reason to believe that I have been exposed to COVID-19.](#)
8. [I'm caring for a family member who has tested positive for COVID-19.](#)
9. [My child's school has been closed due to COVID-19.](#)

**1. My rights if I'm worried that I'm at increased risk of serious complications if I get COVID-19 because of an underlying medical condition.**

**Americans with Disabilities Act (ADA) and California Fair Employment and Housing Act (FEHA)** - Requires the employer (including school districts, county offices of education, community colleges, and charter schools) to provide "reasonable accommodations" to persons with qualifying disabilities. If you believe your underlying medical condition may require a reasonable accommodation, start by informing your employer. Reasonable accommodations may include distance learning/working from home. Your employer cannot retaliate against you for making this request. You will likely go through an "interactive" process where you are allowed a union representative.

## 2. My rights if I'm worried that I'm at increased risk of serious complications if I get COVID-19 because I'm over the age of 65.

Please note that the **Californian Department of Public Health and Cal OSHA COVID-19 INDUSTRY GUIDANCE: Schools and School-Based Programs** states that school districts should “support staff who are at higher risk for severe illness...by providing options such as telework, where appropriate, or teaching in a virtual learning independent study context.” Though this is not specifically a leave entitlement under the law, you should raise this with the district when advocating for a more generous application of leave provisions or, if you have a disability, for better accommodations under ADA and FEHA. [Click here to read the latest guidance.](#)

- **ADA and FEHA** - Although age is **NOT** a qualifying disability under ADA or FEHA, you may still be eligible to request a “reasonable accommodation” if you have an underlying medical condition that does qualify as a disability (see above).
- **You may ask the district to exercise its discretion to provide you an unpaid leave of absence under the Education Code.**

## 3. My rights if I think I might have COVID-19 based on symptoms I'm feeling.

If you believe you may have COVID-19, you should contact your doctor and get tested immediately. Many counties are experiencing delays in testing and providing results. This answer is designed to advise you while you wait for your test results. If you test positive, click [here](#) to go to item 4 below.

- **Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is your full rate of pay, up to \$511 per day not to exceed \$5,110. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. Taking this leave may have an impact on your CalSTRS. To see how, [please click here.](#)
- **Sick Leave** - provides up to 10 days a year and is accumulated from year to year. Credit for sick leave need not be accrued by the employee prior to taking sick leave, so it may be taken anytime during the school year.
- **Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)** - if you have COVID-19 and it causes you serious health problems or symptoms, then you may also qualify for up to 12 weeks of unpaid leave (in a 12-month period) under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

## 4. My rights if I've tested positive for COVID-19.

Depending on how long you need to be out of work due to your illness, the leaves discussed below will generally be available. Leaves that “may” apply are noted.

- **FFCRA Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is your full rate of pay, up to \$511 per day not to exceed \$5,110. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. This leave may affect your CalSTRS credit, if it results in less than your usual pay. [Click here for a detailed explanation.](#)

- **Sick Leave** - provides up to 10 days a year and is accumulated from year to year. Credit for sick leave need not be accrued by the employee prior to taking sick leave, so it may be taken anytime during the school year.
- **Differential Pay** - provides up to five months of partial pay. Differential pay is usually regular salary MINUS the amount actually paid to a substitute OR, if no substitute is employed, the amount a substitute would have been paid.
- **Reemployment List** - if you use all available sick leave and differential leave you will be placed on a reemployment list:
  - 24 months, if probationary,
  - 39 months, if permanent.

When medically able during the 24 or 39-month period, the employee shall be returned to employment in a position for which they are credentialed.

- **Industrial Accident and Illness Leave (may apply)** - if you believe you contracted COVID at work, you may be eligible. To initiate this process, you will have to file a workers' compensation claim. If your claim is approved, you are entitled to at least 60 days of leave at full salary. This leave does not count against sick leave.
- **FMLA and CFRA** - provides up to 12 weeks of unpaid leave in a 12-month period. To qualify, you must have worked at least 1,250 hours in the preceding 12 months, so this is not available to most new and some part-time employees. This leave generally runs concurrently with sick leave and differential pay. The district must maintain your health insurance while you are on leave.

## 5. My rights if **I've been quarantined by my healthcare provider.**

Your healthcare provider will write a doctor's note for the period of quarantine. Submit that note to your employer. The leaves discussed below will generally be available. Leaves that "may" apply are noted.

- **FFCRA Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is full rate of your pay, up to \$511 per day not to exceed \$5,110. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. This leave may affect your STRS. [Click here for a detailed explanation.](#)
- **Sick Leave** - provides up to 10 days a year and is accumulated from year to year. Credit for sick leave need not be accrued by the employee prior to taking sick leave, so it may be taken anytime during the school year.
- **Differential Pay** - provides up to 5 months of partial pay. Differential pay is usually regular salary MINUS the amount actually paid to a substitute OR, if no substitute is employed, the amount a substitute would have been paid.
- **Reemployment List** - if you use all available sick leave and differential leave you will be placed on a reemployment list:
  - 24 months, if probationary,
  - 39 months, if permanent.

When medically able during the 24 or 39-month period, the employee shall be returned to employment in a position for which they are credentialed.

- **Quarantine Leave (may apply)** - the district *may* grant a leave of absence to any employee who is absent because of accident, illness, or quarantine which results from contact with other persons having a contagious disease while performing work.

- **Industrial Accident and Illness Leave** - if you believe you contracted COVID at work, you may be eligible. To initiate this process, you will have to file a workers' compensation claim. If your claim is approved, you are entitled to at least 60 days of leave at full salary. This leave does not count against sick leave.
- **FMLA and CFRA** - provides up to 12 weeks of unpaid leave in a 12-month period. To qualify you must have worked at least 1,250 hours in the preceding 12 months, so this is not available to most new employees. This leave generally runs concurrently with sick leave and differential pay. The district must maintain your health insurance while you are on leave.

## 6. My rights if **I've been quarantined by a federal, state, or local official.**

The leaves discussed below will generally be available. Leaves that "may" apply are noted.

- **FFCRA Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is full rate of your pay, up to \$511 per day not to exceed \$5,110. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. This leave may affect your STRS. [Click here for a detailed explanation.](#)
- **Sick Leave** - provides up to 10 days a year and is accumulated from year to year. Credit for sick leave need not be accrued by the employee prior to taking sick leave, so it may be taken anytime during the school year.
- **Differential Pay** - provides up to 5 months of partial pay. Differential pay is usually regular salary MINUS the amount actually paid to a substitute OR, if no substitute is employed, the amount a substitute would have been paid.
- **Reemployment List** - if you use all available sick leave and differential leave you will be placed on a reemployment list:
  - 24 months, if probationary,
  - 39 months, if permanent.

When medically able during the 24 or 39-month period, the employee shall be returned to employment in a position for which they are credentialed.

- **Quarantine Leave (may apply)** - the district *may* grant a leave of absence to any employee who is absent because of accident, illness, or quarantine which results from contact with other persons having a contagious disease while performing work.
- **Industrial Accident and Illness Leave (may apply)** - if you believe you contracted COVID at work, you may be eligible. To initiate this process, you will have to file a workers' compensation claim. If your claim is approved, you are entitled to at least 60 days of leave at full salary. This leave does not count against sick leave.
- **FMLA and CFRA** - provides up to 12 weeks of unpaid leave in a 12-month period. To qualify you must have worked at least 1,250 hours in the preceding 12 months, so this is not available to most new employees. This leave generally runs concurrently with sick leave and differential pay. The district must maintain your health insurance while you are on leave.

## 7. My rights if **I've put myself in quarantine because I may have been exposed to COVID-19.**

If you believe you may have COVID, you should contact your doctor and/or get tested immediately. Once under a doctor's care and your potential exposure has been verified, you will very likely be quarantined. Read [item 5 above](#) for available leave options.

If you can't get an appointment to see a doctor or get tested prior to reporting to work, call your site administrator to explain the situation. The district will likely require you to take sick leave until you have been tested or seen your doctor. If quarantined or positive, the leaves available in [item 4 above](#) will apply and you should ask that your sick leave be reinstated retroactively, if applicable.

## 8. My rights if **I'm caring for a family member who has tested positive for COVID.**

The leaves discussed below will generally be available. Leaves that "may" apply are noted.

- **FFCRA Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is 2/3rds of your pay up to \$200 per day not to exceed \$2,000. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. This leave may affect your STRS. [Click here for a detailed explanation.](#)
- **Personal Necessity Days** - up to 3 days of accumulated sick leave to care for a sick child or family member.
- **FMLA and CFRA** - provides up to 12 weeks of unpaid leave in a 12-month period. To qualify you must have worked at least 1,250 hours in the preceding 12 months, so this is not available to most new employees. This leave generally runs concurrently with sick leave and differential pay. The district must maintain your health insurance while you are on leave.

## 9. My rights if **my child's school or place of care has been closed due to COVID-19.**

The leaves discussed below will generally be available. Leaves that "may" apply are noted.

- **FFCRA Emergency Paid Sick Leave** - provides up to two weeks (80 hours) of paid sick leave to employees regardless of length of employment. The leave is 2/3rds of your pay up to \$200 per day not to exceed \$2,000. This leave does not count against any other leaves available to you in our contract or in the law, so you may want to consider using it first. This leave may affect your STRS. [Click here for a detailed explanation.](#)
- **Emergency Family and Medical Leave Expansion (expanded FMLA)** - provides up to 10 weeks of partial pay at 2/3rds of pay not to exceed \$200 dollars per day and \$10,000 in the aggregate. The first two weeks are unpaid, but you can take FFCRA emergency paid sick leave described above to avoid it not being paid. This leave may affect your STRS. [Click here for a detailed explanation.](#)