

Section 9.4.2 Contagious Disease Policy to Address 2020 COVID-19 Pandemic

In order to help protect the public health and safeguard the well-being public school employees, the North Carolina State Board of Education authorizes State of Emergency COVID-19 Sick Leave (“State of Emergency Leave”) in response to the pandemic.

State of Emergency Leave is available to employees in local education agencies, the Innovative School District, and regional schools for the period covering April 1 – April 30, 2020, and may be extended by the State Board of Education. Charter schools may adopt these leave provisions under the direction of their Boards of Directors; virtual charter schools are not covered by the provisions of this policy.

During the COVID-19 event, the SBE encourages all public schools to provide remote work opportunities for their employees that will limit the spread of COVID-19 infection as well as allow the continuation of salary and benefits. Where such accommodations are not practicable, the following State of Emergency Leave options are available.

A. Employee Designations and Work Assignments

1. Mandatory Employees – Employees who are directed by their supervisor to report to work at a designated worksite other than their personal residence at regular and specific dates and times.
 - a. The Centers for Disease Control’s and the NC Department of Health and Human Services’ guidance on maximizing social distancing, staggered scheduling and teleworking opportunities to reduce the spread of COVID-19 should be considered by employers and supervisors when determining which employees should be designated as mandatory for the purposes of this COVID-19 event. Employers have the authority to designate any employee as mandatory when he or she is needed to provide support to mandatory operations at an agency worksite.
 - b. In most circumstances mandatory employees are not eligible for telework or remote work options.
2. “High Risk” Employees – Employees over 65 years of age; have underlying health conditions; or a weakened immune system or as identified by state or federal health authorities as high risk. Employees providing care to someone at high risk are also considered high risk employees. Employers shall provide opportunities to telework to all high-risk employees where feasible. In the event that teleworking is not feasible, the leave provisions of this policy shall apply.
3. Non-Mandatory Employees – Employees who have not been directed by their supervisor to report to work onsite at any particular date and time. Non-mandatory employees will continue to be assigned work and will be expected to telework if feasible given the nature of their position's duties.

- a. Employers and supervisors may reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities. If employees are reassigned, the agency head may compensate them accordingly, for the duration of the emergency.
4. These designations may be changed at any time due to the operational needs of the employing agency and as COVID-19 conditions change.

B. Paid State of Emergency Leave

Consistent with usual work schedules, up to 168 hours of paid State of Emergency Leave may be granted by employers during the period of April 1 – April 30, 2020, after which time unused leave expires. The employee may use the leave for the following:

1. Mandatory or non-mandatory employees (including temporary and permanent employees) who cannot work because they have childcare or eldercare needs due to COVID-19-related facility closings may receive paid State of Emergency Leave up to the maximum hours allowed. Mandatory employees who cannot work because they are high risk and who have not been assigned alternate telework duties may receive paid State of Emergency Leave up to the maximum hours allowed.
2. Non-mandatory employees (including temporary and permanent employees, as well as employees who report to work for reduced hours) who are unable to telework who have not been authorized by their supervisor to continue to report to work will receive paid State of Emergency Leave up to the maximum hours allowed if they cannot telework because their position duties cannot be performed remotely and reasonable alternate remote work is not feasible or productive, as determined by the employer. Mandatory employees who have a reduced on-site schedule, at the discretion of the employer, may take paid State of Emergency Leave for the balance of hours where they have not been assigned on-site or remote duties.
3. For part-time employees with irregular schedules, paid State of Emergency Leave should be based upon the employee's average hours per week over the course of the previous month. In no case will paid State of Emergency Leave exceed 40 hours per week. Part-time employees shall receive a pro-rated share of the 168 State of Emergency Leave hours.
4. Any mandatory or non-mandatory employees (including temporary and permanent employees) who are sick due to symptoms consistent with COVID-19 or who are caring for a dependent with such symptoms, or a health care provider has advised the employee to self-quarantine due to concerns related to COVID-19 will receive State of Emergency Leave up to the maximum hours allowed. All other medically related absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if previously approved.

5. Non-mandatory employees who were on other pre-approved leave, choose not to work, or are unavailable for reasons other than provided for in this State of Emergency Leave provision must use available and applicable leave types, such as vacation/annual leave, paid parental leave, bonus leave, or compensatory time.
6. There are no special compensation provisions for mandatory employees to receive additional pay as of the date this State of Emergency Leave Policy is adopted.
7. Substitute employees are not entitled to leave under this provision.

C. Additional State of Emergency Leave

Up to ninety-six (96) hours of State of Emergency Leave are available for all employees who requested leave during the school closure period of March 16 - March 31, 2020, for those reasons set forth in Section B. This leave shall be pro-rated for part-time personnel and may be retroactively applied to employees who took leave during this closure period (paid or unpaid leave).

Note:

The Families First Coronavirus Response Act became law on March 18, 2020, and goes into effect on April 2, 2020. This legislation seeks to help workers, businesses, the healthcare sector, and government employers respond to the consequences of the coronavirus outbreak. The law provides Emergency Family and Medical Leave and Emergency Paid Sick Leave. School employers should consult with their counsel regarding FFCRA's requirements and implementing the Act.

Authority: N.C. Gen. Stat. § 115C-12(8); Chapter 166A.