INTERIM GUIDELINES FOR NAVIGATING COVID-19

Updated April 7, 2020

Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Colleagues,

We know these are difficult times navigating the many changes and procedures we are accustomed to working under. The Coronavirus (COVID-19) has upended our personal and professional lives, and created a whole new learning and work space. To help navigate this new work space, Montgomery County Public Schools (MCPS) has provided the guidance contained in this document. As local, state, and federal laws and guidance continue to shift daily, the guidance in this document may change. A forthcoming website of Frequently Asked Questions (FAQs) will be published on the MCPS web, and you will receive notification when it is ready. The FAQs will be updated as necessary in response to emergent conditions.

This document is not legal advice, but represents a snapshot in time of MCPS's understanding of the application of existing guidance in an emerging context. All Board of Education policies, MCPS regulations, procedures, and guidance documents (understood broadly as MCPS rules) remain in effect, except as these guidelines indicate.

Through coordinated effort, sensible application of MCPS rules will make this new virtual reality a bit easier on us all, and ensure that our leadership in these difficult times is built on accurate information, as well as empathy, compassion, and flexibility. Thank you for your leadership and for all of your work on behalf of staff, students, and families.

Contents

I.   Guiding Principles

- **<u>Safety</u>** and maintaining healthy working and learning conditions for our students and staff is our number one priority. During this pandemic, there is a universal effort to contain this virus. Let's remember this notion when working through employee issues and questions.

- Most employees are managing a new work-life balance. Rigid enforcement of every-day rules may not be beneficial to your short-term or long-term relationships with your employees, or their productivity. **<u>Flexibility</u>** is the only way to make our great effort to support our community work.

- We may need to rely on an honor-system more than ever before. If an employee says they are sick or is experiencing symptoms, requiring a doctor's visit or note may not be realistic. Doctor's offices and medical facilities are working on overdrive. **<u>Trust</u>** that your employees are making decisions in the best interest of health and safety, unless you have good reason to believe otherwise.

- Strive to keep your employees informed and mitigate their fears. We will not be able to allay all of our employees' fears, but we can mitigate them. Inform them of workplace protections and personal protective equipment (PPE) available to them. **<u>Support</u>** your employees if they desire to take additional measures, including taking leave, err on the side of accommodating their wishes.

II.   School System Operating Status

Permanent Employee Work Status

We are currently in an open operating status. To the extent possible, schools and offices will utilize telework as the default work model. No MCPS staff members may access facilities, including schools and offices, unless they have prior authorization (see below for authorization procedures). MCPS is working with each employee association, SEIU, MCEA, MCAAP/MCBOA, regarding this directive and the authorization of specific employees in the SEIU bargaining unit for on-site work, including impacts on compensation and working conditions.

- **Paraeducators (including permanent itinerant paraeducators)**
  o   All permanent itinerant staffing should continue working with their assigned students.
  o   The roles for all paraeducators will be sent out soon.

Substitute and Temporary Part-Time (TPT) Employee Work Status

- **Temporary Part-Time (TPT)**
  o   All Special Education temporary part-time itinerant staffing assigned to support individual students MCPS was pleased to be able to provide full pay for all temporary employees during the period of school closure between March 16, 2020 and March 27, 2020. We value every employee's contribution and know how difficult these times are. Unfortunately, we will not be able to continue to pay temporary employees who are not directly working to support remote student learning and

continuity of operations while we operate in this new, "open for remote learning" status and programs are to continue working supporting the assigned students and programs.

o TPT employees who are not directly working to support remote student learning and continuity of operations will not be compensated during the virtual learning period. TPT employees in this category should contact ERSC at 301-517-8100 for guidance in accessing unemployment benefits during this time.

- **Long-Term Substitutes**
  o Long-term substitutes will continue to work their designated assignments.
  o Long-term substitutes can continue to be secured for teachers who must go on long-term leave.
  o Long-term substitutes will be paid for their scheduled hours as per the negotiated agreement with MCEA.

- **Short-Term Substitute Teachers**
  o For the week of March 30- April 24, 2020, short term substitutes will not be able to accept positions.
  o Additional guidance will be provided about the use of short-term substitutes for teachers who are on approved leave.

What does the March 30, 2020, Gubernatorial Executive Order "requiring all persons to stay home," with certain exceptions, including "traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning" mean?

As a result of this March 30, 2020, executive order, no MCPS staff members may access MCPS facilities, including schools and offices, unless provided authorization in the following ways:

- You are authorized by the Associate Superintendent for Operations, Essie McGuire or the Chief Technology Officer, and have been notified, to work physically on-site beginning March 31, 2020, to support food distribution, facilities management, technology infrastructure, materials management, and systemwide safety and emergency management, continuity of learning, or other core operational functions.
- You are provided access by a principal, only under the express authorization of the Chief of Schools, Janet Wilson or Chief Technology Officer, to a school or facility for the sole purpose of receiving a mobile technology device or other materials needed for working remotely.
- Principals and school-based administrators are authorized to access their school facility as they determine necessary.

What does it mean for staff that schools are open for remote learning?
Schools and administrative offices are in open operating status for employees. However, only employees authorized by the Associate Superintendent for Operations or the Chief Technology Officer to work physically on site may do so in order to support food distribution, facilities management, technology infrastructure, materials management, systemwide safety and emergency management, continuity of learning, and other core operational functions. Other staff will work remotely to support student learning. Some staff will not be reporting physically to a work site or working remotely as we determine their work assignments. For employees who may not have sufficient work to do during this period of remote learning, MCPS may assign alternate work responsibilities, with accompanying professional development, that support school system needs. This will be done in collaboration and consultation with SEIU, MCEA, and MCAAP/MCBOA leadership, as we operate schools in this new normal.

III. Working Onsite at MCPS locations

Some essential functions must continue to be performed at physical worksites or other designated locations outside of the home to support the continuity of learning and meal preparation and distribution to students. Our open operating status, where we are utilizing telework to the extent possible and asking for MCPS staff to not access facilities, without prior authorization, greatly reduces the interaction of employees. For those authorized to provide on-site work for specific core operational functions such as food distribution, we have put the following social distancing strategies in place:

Social Distancing and Safety Guidelines for Essential Employees
- **Clean your hands often**
  - Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
  - If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.

- **Avoid contact**
  - Avoid close contact with people who are sick.
  - Avoid touching your eyes, nose, and mouth with unwashed hands.
  - Put distance between yourself and other people (i.e., within 6 feet) if COVID-19 is spreading in your community. This is especially important for **people who are at higher risk of getting very sick**.

- **Strategies for Social Distancing**
  - Allow yourself six feet of space from others, whenever possible.
  - Identify core functions and authorize staff who will accomplish those tasks, efficiently.
  - Limit the number of total staff members in the same workspace by assigning staff to multiple buildings to accomplish tasks.
  - Reduce the amount of staff in a confined work spaces by moving to a multi-shift model, whenever possible, in collaboration with employees.
  - Provide staff instructions and direction in writing or through technology (phone, email, etc.) so there is no need for additional meetings/gatherings in a MCPS facility.
  - Provide time separation in steps of a process when possible to limit the number of staff working in an area.
  - When using a MCPS vehicle, travel alone in basic passenger vehicles; on school buses or other large vehicles, limit the number of staff assigned to the vehicle so there is enough space for at least six feet of distance to be maintained.

Is there a document we can provide to employees to show law enforcement if stopped?
Yes. Law enforcement officers are charged with enforcing the Gubernatorial Executive Order. Employees, authorized to work on site, should travel with their MCPS identification and the letter from Chief Safety Officer, Ed Clarke that was distributed to supervisors on March 31, 2020. If asked, employees should inform police that they are an MCPS employee who has been directed to or volunteered to work on essential activities.

What if I have an employee who lives out-of-state who may be subject to their state's shelter-in-place order? If they cannot go to work, what type of leave would we provide them?
Employees living in Maryland, Washington, D.C., and Virginia are covered by the March 31, 2020, letter. If you have a specific question regarding an employee who may live in another state, please email your Director and Doug Hollis, Executive Director, OCOO.

IV. Employee Code of Conduct

All existing Board of Education policies, MCPS regulations, and MCPS guidelines and handbooks (together, MCPS rules) still apply while we are under a declared State of Emergency and when teleworking. Certain rules in the MCPS Employee Code of Conduct (ECoC) are especially relevant in the context of teleworking, but each of the following topics in the ECoC may be viewed differently through the particular lens of working in a private residence.

Expectations for Employees

- **Dress for work in a professionally appropriate manner**
  While employees may not necessarily be held to the same standard of clothing as may be required for the workplace, there should be a degree of professionalism in an employee's dress during online interactions with students, parents/guardians, and other employees (e.g., sleepwear or workout attire may not be appropriate for instruction, except in specific circumstances where they are relevant to an instructional activity or work event).

- **Conduct your private life activities … in a manner that is not prejudicial to your effectiveness as an MCPS employee**
  An employee's private life, including the members of their households, may come into view when teleworking. Where and with whom an employee lives is the employee's private information, and should be protected as much as possible. MCPS Regulation GEH-RA, *Teleworking*, frames how to approach working remotely. During this period of crisis, to the extent possible, we recommend that employees who work remotely set up a work space, and employees fshould take steps to establish a work space that reveals few details of an employee's private life, such as children or significant others with whom the employee lives or the employee's address. To the degree possible, consider who or what can be seen or heard (e.g., the lyrics from music played by a family member or a family photo in the background), and if necessary, consider using technology that allows for providing a virtual background for the employee so that details of the employee's home are not communicated to students and others in their households.

- **Conduct your private … social media activities in a manner that is not prejudicial to your effectiveness as an MCPS employee and recognize that criminal, dishonest, and other inappropriate activities may have an adverse impact on your employment with MCPS**
  With few exceptions, employees are not to record instruction with students, and individual exemptions will be communicated directly to staff. The MCPS Social Media Guidelines are especially relevant, and employees are reminded that they may not use photos, videos or any information about students on personal social media. The guidance in the following materials are in full effect: https://www.montgomeryschoolsmd.org/social-media-best-practices/; and Employee Best Practices for Email and Other Digital Communications

- **Maintain the confidentiality of information you obtain through your work, including employee and student records.**
  Every effort should be made to keep student information confidential and out of the hands of other household members. It is not advisable for members of the employee's family to observe online instruction of other students. Student records in the employee's home should be stored in such a manner as to limit access to them by the employee's family.

  School staff interacting with students online should review the student's profile in OASIS to see if the student's parent/guardian has requested that the student's directory information not be released, i.e.

student name, phone number, photograph, address, date of birth, email address, parent/guardian name, or grade level. To view the information on OASIS, click on student demographics, then directory withholding. This information is input to OASIS by school staff in the beginning of each school year and upon new enrollment from completed MCPS Form 281-13, *Annual Notice for Directory Information and Student Privacy*. If the parent/guardian has checked "photograph," images of such students may not be used online. Further, school staff are reminded that it is never appropriate for employees to share student photos, videos, or any information about students on their personal social media.

- **Immediately report abuse or neglect of children or vulnerable adults when observed or suspected and do not interfere with the making of reports of abuse or neglect.**
  MCPS maintains the Child Abuse and Neglect website and FAQs that remain in full effect. A mandated reporter with information must report suspected abuse and neglect. Should a question arise about the extent of a teacher's responsibility to report an incident or observation related to the student's home that might suggest abuse or neglect, advise your staff member that their obligations under the Employee Code of Conduct, and MCPS Regulation JHC, *Child Abuse and Neglect*, remain the same.

- **Exercise due care and prudence when incurring expenses on behalf of MCPS and comply with all requirements for submitting any requests for reimbursement. Exercise fiscal responsibility with and properly account for MCPS funds, safeguard MCPS property, and respect other people's property. Existing Regulation GEH-RA states the following:**

  o "Managers or their designees may authorize expenditures using established procedures and based on available funding for office equipment, software, communication devices, including long distance charges related to MCPS business and office supplies needed by teleworkers at their remote workplace."

  o "MCPS retains ownership of all equipment provided for telework. When MCPS equipment is used at a remote workplace, the employee is financially responsible for that equipment if it is lost, stolen, or damaged because of that employee's negligence, misuse, or abuse in accordance with Regulation IGT-RA. The use of any personal equipment by the employee for purposes of telework is done solely at the employee's risk."

  o These rules still apply.

V. Additional Guidelines for Employees Interacting with Students While Working Remotely

Employees previously approved for telework agreements are to be working their regular schedule. However, most employees shifting to telework will not have a telework agreement, and a telework agreement does not have to be in place for employees whose job tasks can be performed remotely, so long as the employee has the skills and ability to do the work and has, or has been provided appropriate equipment. Managers should determine if their employees have connectivity to their work and any limitations on their ability to perform work at home (understood broadly to be the place they are domiciled during the pandemic). Below is information regarding guidelines for virtual teaching and learning:

Student Learning
- Pre-recorded lessons:

o Pre-recorded lessons should not contain personally identifiable information (PII) of students to the extent possible. In the context of a virtual classroom where students will be interacting, PII includes, for example, an image or the name of the student. If pre-recorded lessons contain student's PII, they must be destroyed within 48 hours and will not be stored by MCPS.

o Pre-recorded lessons that do not include personally identifiable information are not educational records protected by FERPA's nondisclosure provisions and therefore, if someone other than the student views the lesson in order to assist a student, there will not be a violation of federal law (be mindful that if we are providing specially designed instruction, etc., that we do it in a way that does not single out the students receiving specialized instruction).

- Live Classroom Interaction:

Prior to beginning live classroom instruction, teachers must inform students if the interaction will be recorded. They should also:

o Give clarification to students that parents and guardians, siblings, and nonstudents should not be observing the live lesson in order to protect student's privacy rights, unless it is necessary for them to assist their student to enable them to participate in the lesson.
o Direct students to mute their microphone during instruction, remind students that they may not record the lesson;
o Remind guardians (for younger students) who are helping a student access their lesson, that they must refrain from participating in the lessons and that they may not disclose any protected student information in any manner.
o Remind guardians that they may not record the lesson without approval from the teacher, and may not screen shot, photograph, or copy in any way, or distribute any image depicting another student.

- **Getting started with Live Classroom Interaction (using Zoom):**

o **Acceptable Use**: Teachers should start each classroom session with the statement: *"Students are subject to the MCPS Student Code of Conduct. Student activity and behavior is recorded for the purposes of student and classroom safety. There is no anonymous usage of this platform and any inappropriate behavior will be quickly addressed. Students should not enable video or audio unless specifically directed by the teacher."*

o **Posting Meeting Links**: Teachers should **not** post their meeting invites on Twitter, Facebook, or other social media platforms. Although it is required for users to log in to their MCPS Zoom account before they can join a meeting, teachers should never share invites publicly.

o **Staff Accounts**: Staff should only be using Zoom accounts provided by MCPS. The use of a personal Zoom account is prohibited. Staff Zoom accounts are registered under their @mcpsmd.net Google account.

o **Student Accounts**: Students are required to log in to Zoom with their MCPS Google Apps account before they can join your meeting. This means that anyone who joins your session must be authenticated as themselves. This stops unwanted guests from joining your meeting for malicious intent.

o **Student Audio and Video**: When students join your meeting, their microphone and webcam is off by default. While students can enable their microphone and webcams at any point, they

should only do so when requested by the teacher. Teachers are able to identify which students have their microphone enabled by the grey or red microphone icon next to their name in the participant list. If grey, their microphone is active. If red, their microphone is muted.

- o **Recording**: While recording is enabled and available to staff, teachers should **not** record the faces or voices of students. Recordings should not be posted on open websites, including Twitter, Facebook, or other social media platforms.

- o **Waiting Room:** Waiting room has been enforced for all meetings. This feature prevents students from entering your meeting until you allow them in. If you see a student in the waiting room who you do not recognize, you should not let them into your meeting.

Session Management

- **Disabling a Student's Video**: If necessary, it is possible for a teacher to disable a student's video if they are disruptive. You can do this two ways:

  1. Click on the "Manage Participants" button at the bottom of your Zoom window.
     In the "Participants" tab on the right, highlight the disruptive student's name.
     Click on the "More" button and select "Stop Video".

  2. Alternatively, you can disable video for a student by highlighting their video:
     Hover over the student's video in the main Zoom interface.
     Click on the three dots that appear on the top right of their image.
     Click "Stop Video".

- **Remove a Disruptive Student**: To remove a student who is being disruptive:

  - o Click on the "Manage Participants" button at the bottom of your Zoom window.
    In the "Participants" tab on the right, highlight the disruptive student's name.
    Click on the "More" button and select either "Remove" or "Put in Waiting Room". For either option, the student will be removed from the session and will not be allowed to re-join until you accept them from the waiting room.

- **Muting Students**: Students join your meeting muted. However, they may unmute themselves at any point. You can mute students individually, or you can mute all students at one time. To individually mute a student:

  - o Click on the "Manage Participants" button at the bottom of your Zoom window.
    In the "Participants" tab on the right, highlight the disruptive student's name.
    Click on "Mute" next to their name.

- **To mute the whole classroom**:

  - o Click on the "Manage Participants" button at the bottom of your Zoom window.
    In the "Participants" tab on the right, click on the "Mute All" button at the bottom.

- To lock the mute controls for students so that they cannot unmute themselves:

  - o Click on the "Manage Participants" button at the bottom of your Zoom window.
    In the "Participants" tab on the right, click on "More" at the bottom.
    Uncheck "Allow Participants to Unmute Themselves".

- **Locking Your Room After Starting Your Class**: Once all of your students are in your meeting room, you should lock your room. This feature prevents anyone else from trying to enter your meeting room. To lock your meeting room:

  o Click on the "Manage Participants" button at the bottom of your Zoom window.
  In the "Participants" tab on the right, click on "More" at the bottom.
  Check "Lock Meeting"

- **Disabling Rename**: By default, students can rename themselves in Zoom. This may create confusion when attempting to identify who is speaking. You can disable this:

  o Click on the "Manage Participants" button at the bottom of your Zoom window.
  In the "Participants" tab on the right, click on "More" at the bottom.
  Uncheck "Allow Participants to Rename Themselves"

- **When setting up their virtual classroom, teachers should also copy the below message to their classroom homepage or slides**
  o *MCPS provides computer equipment, computer services, and network access to schools and offices for purposes consistent with the mission of MCPS. The wide array of information technology available to MCPS users introduces new risks and opportunities. The responsibility for appropriate behavior rests with all individuals who use MCPS information technology resources and computing facilities. Users must protect information and resources against theft, malicious damage, unauthorized access, tampering, unauthorized duplication, and loss. Guardians and students accessing MCPS distance learning, must not record, duplicate, or share/post any portion of their online learning classes or lessons in any way and must avoid disclosure of otherwise protected student information.*
  o *Any material or information purposefully posted or linked from an MCPS system or Internet site must be consistent with the educational purpose, as defined in Regulation IGT-RA. All users are prohibited from knowingly participating in the unauthorized disclosure, use, and dissemination of personal information about minors.*

- Generally, live lessons should occur during typical school hours and teachers should aim to keep similar work hours. We recognize there will need to be flexibility as our employees balance their work and home responsibilities. However, live student interactions should not be taking place outside of normal school hours.

Student Behavioral Expectations
- The MCPS Student Code of Conduct, A Student's Guide to Rights and Responsibilities, and all existing Board of Education policies, MCPS regulations, and all other MCPS guidelines and handbooks (referred to hereinafter as MCPS rules) continued to apply to MCPS students attending distance learning.
- Students (and guardians?) are responsible for ensuring that, prior to joining a virtual classroom lesson, students are:
  o dressed appropriately as defined by MCPS Regulation JFA-RA, *Student Rights and Responsibilities,*
  o are using a location where the background is appropriate (i.e. without other family members in view, and without posters or other items that could be offensive),
  o Are in a quiet location, or have muted their microphone to avoid disturbing the lesson in progress; and
  o Act in a manner consistent with classroom expectations.

Disciplinary actions for students may include, but not be limited to, a telephone call to parents or guardians; loss of privileges, restitution, suspension, and/or expulsion; and/or criminal prosecution. (See MCPS Regulation JFA-RA, *Student Rights and Responsibilities*, and school discipline policies and IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*).

Additional Tips for Supporting Employees
There are numerous ways principals, supervisors and other staff can support employees during this transition to a new teaching and learning experience:

- Be clear with your staff about the online technologies they are to be using, particularly for connecting with students. School staff working with students online have been provided extensive guidance about using tools licensed for their use through MCPS, and not personal accounts on such applications as Zoom.
- Continue regular check-ins with staff members individually, and perhaps even increase their frequency. They will help keep you and your team on the same page.
- Leverage tools for managing staff members that make things clear and simple. These resources may be especially helpful when you are managing staff remotely.
- Maintain your expectations while offering appropriate flexibility. You should still expect that staff are available during work hours, or other hours you mutually agreed to by email, telephone, and other avenues (e.g., WebEx or Google Meet/Team/Hangouts). That said, some team members may need you to adjust their schedule.
- Create virtual touchpoints for team members to continue engaging in group activities. Use platforms like WebEx or Google Team/Hangouts, and host meetings with video whenever you can.
- Ask for feedback from team members so you can understand their experiences working from home, which may help you manage staff now and over the longer term.

VI. Employee Illness, Leave and Benefits

During this unprecedented time, we are aware that there are many issues and questions related to employee use of leave. As executive orders, legal guidance and best practices are evolving, we will continue to keep you updated on any changes to leave guidance. Essential to this section is keeping our guiding principles in mind to ensure the physical and emotional safety and well-being of staff.

Employees in high-risk categories
Be mindful that employees in high-risk categories are entitled to reasonable accommodations, including leave as an accommodation, to reduce their risk of exposure to COVID-19. While it should be the rare emergency circumstance that an employee is directed to work outside of their home, should you find yourself in that situation, if the employee falls into one of the below categories identified by the CDC as high-risk for severe illness from COVID-19, during the declared pandemic, MCPS is permitted to inquire about an employee's high-risk status, if necessary, to determine how to best support their health and safety. Inquiries of this nature should be equitable and should be asked in the least invasive way possible.

- People aged 65 years and older
- People who live in a nursing home or long-term care facility
- People with chronic lung disease or moderate to severe asthma
- People who have heart disease with complications
- People who are immunocompromised, including cancer treatment, bone marrow or organ transplantation, poorly controlled HIV or AIDS, or prolonged use of corticosteroids and other immune weakening medications

People of any age with severe obesity (body mass index [(BM]I)≥40) or certain underlying medical conditions, particularly if not well controlled, such as those with diabetes, renal failure, or liver disease might also be at risk
- People who are pregnant should be monitored since they are known to be at risk with severe viral illness, however, to date data on COVID-19 has not shown increased risk

Please contact Heather Dublinske for consultation about inquiring about an employee's high risk status. MCPS may, for example, present all employees directed to report to work with a list of the high-risk factors and ask if they meet any of those factors, without asking them to identify which factor applies to them. Any information provided by the employee must be kept confidential.

- If an employee in a high-risk category is in a position where the work they perform is on-site and they are unable to perform duties through telework, their payroll time should be reported as available sick leave, personal leave, annual leave, or approved unpaid leave.

Employees requesting preventative sick leave
Employees who do not fall into a high-risk category, but may care for a child or family member that is high-risk, or may have other concerns about their health and safety during the COVID-19 pandemic, may request to take leave as a preventative measure. Employees may use annual, personal, or approved unpaid leave. They are not required to provide a doctor's note or a return to work form, even if the leave exceeds 5 or more days.

Employees required to self-quarantine per medical directive
Employees who are subject to a Federal, State, or local quarantine or isolation order related to COVID-19, or have been advised by a health care provider to self-quarantine, are eligible for leave under the Families First Coronavirus Response Act. Please see the section on the Families First Coronavirus Response Act for more information

Employees who have tested positive for COVID-19
If you, or an employee at your work location, tests positive for COVID-19, please follow the below process for notification and support
- Report the case to your director/supervisor, or ERSC if employees prefer
- Director/Supervisor or ERSC will report case to Heather Dublinske in the Office of Employee Engagement and Labor Relations (OEELR)
- OEELR will work with supervisor to establish timelines and if any employees were potentially exposed.
- Employees potentially exposed will be directed to self-quarantine (and will be paid according to the Family First Coronavirus Response Act)
- OEELR will work with supervisors on HIPAA protected communication to work site.

What if an employee teleworking at home is sick and unable to work, what type of leave are they permitted to take?
If an employee, or employee's family member, is experiencing COVID-19 symptoms, they should immediately contact their medical provider. If their medical provider advises them to self-quarantine, the employee may be eligible for leave under the Families First Coronavirus Response Act.
An employee, or employee's family member, who is sick or has an injury and is unable to work due to a medical condition other than COVID-19, or related symptoms, is permitted to take sick leave or illness in family leave.

What if an employee was previously given a directive to provide a doctor's note for each absence, are they still required to provide a doctor's note if they are absent?

At this time, we are asking principals and supervisors to be understanding and flexible with absences during this difficult time. Doctors and medical providers are inundated with patients who require immediate medical attention due to COVID-19. If an employee provides a doctor's note please accept the document for their absence, but failure to provide a doctor's note should not result in disciplinary action. If you have specific leave abuse concerns regarding an employee, please contact Heather Dublinske for assistance.

What are the health plans doing to help employees during the crisis?
Medical plans are eliminating financial barriers for members to ensure they receive the medically necessary services to detect and treat COVID-19:
CareFirst will waive copays and out of pocket expenses (for out of network visits) for testing, diagnosis, and treatment of COVID-19 (out of network providers can balance bill amounts over allowable charges).
Kaiser Permanente of the Mid-Atlantic States will waive cost sharing for testing, diagnosis, and treatment of COVID-19. CareMark Prescription plan has relaxed refill limit restrictions on 30-day maintenance medications

Are there changes to Flexible Spending Account Plans (FSA)?
Under the guidelines of Coronavirus Aide, Relief, Economic Securities (CARES) Act, there are two permanent changes to Medical FSA plan. Over the Counter (OTC) drugs and medicines no longer require a prescription to be eligible. This includes products such as cough syrup, allergy medicine and pain relievers. Menstrual care products (i.e. tampons, liners, pads, cups, etc.) are now eligible. Employees cannot change their annual contribution amounts to take advantage of the changes unless there is another qualifying life or work event. Employees who do not currently participate in the plan are not eligible to enroll unless there another qualifying life or work event.

Is an employee eligible for COVID family leave if they have used all of the 12 weeks of FMLA eligible leave in the previous 12 months?
No. Individuals who have used all of their FMLA eligible leave will not receive COVID Family leave. They may receive COVID Sick leave.

Is an employee eligible for COVID family leave if they have used a part of their 12 weeks of FMLA eligible leave in the previous 12 months?
Yes. Individuals are eligible for additional COVID Family leave for the remaining FMLA eligible duration.

Can the COVID paid leave be taken intermittently?
Generally no, but MCPS will review intermittent request on a case by case basis.

What are the requirements for providing documentation for paid leave?
Employees must provide their employer documentation in support of paid sick leave or expanded family and medical leave. Documentation must include a signed statement containing the following information: (1) the employee's name; (2) the date(s) for which leave is requested; (3) the COVID-19 qualifying reason for leave; and (4) a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason. An employee must provide additional documentation depending on the COVID-19 reason such as:

       i.   The name of the government entity that issued the quarantine or isolation order to which the employee is subject.

      ii.   The name of the health care provider who advised him or her to self-quarantine for COVID-19 related reasons.

iii. An employee requesting leave to care for someone else needs to provide: (1) the government entity that issued the quarantine or isolation order to which the individual is subject or (2) the name of the health care provider who advised the individual to self-quarantine, depending on the precise reason for the request.

iv. An employee requesting leave to care for a child must provide: (1) the name of the child being care for; (2) the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; and (3) a statement representing that no other suitable person is available to care for the child during the period of requested leave.

v. For leave taken under the FMLA for an employee's own serious health condition related to COVID-19, or to care for the employee's spouse, son, daughter, or parent with a serious health condition related to COVID-19, the normal FMLA certification requirements still apply.

VII.   Families First Coronavirus Response Act

Beginning April 1, 2020, and through December 31, 2020, additional leave may be available to your employees under the Families First Coronavirus Response Act (the Act). The Act provides eligible employees with paid short-term sick leave (which, we will call "COVID Sick Leave") and/or paid emergency family leave ("COVID Family Leave") if they cannot work *or telework* in certain circumstances. Specifically:

Emergency paid leave now offered under the Families First Coronavirus Response Act
▪ Two Types:
  o COVID Sick Leave - up to 80 hours (10 days, prorated by FTE) at either full pay or two-thirds pay depending on the situation
  o COVID Family Leave - up to 10 weeks at two-thirds pay

Qualifying Reasons for COVID Sick Leave and/or COVID Family Leave
▪ An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to *telework*, for the following reasons:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (COVID Sick Leave eligible at full pay for up to 10 days);

2. has been advised by a health care provider to self-quarantine related to COVID-19 (COVID Sick Leave eligible at full pay for up to 10 days);

3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis (COVID Sick Leave eligible at full pay for up to 10 days);

4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2) (COVID Sick Leave eligible at two-thirds pay for up to 10 days)

5. is caring for their child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons (COVID Family Leave for up to 12 weeks at two-thirds pay); or

6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services (COVID Sick Leave eligible at two-thirds pay for up to 10 days).

Employee Eligibility for COVID Sick and COVID Family Leave
- All employees (full-time and part-time) are eligible for COVID Sick Leave for the reasons outlined above.
- All employees (full-time and part-time) are eligible for COVID Family Leave if they have been employed by MCPS **for at least 30 days**.
- There is currently no guidance as to whether substitutes or temporary part-time employees are eligible. Until we receive further guidance, we should err on the side of including them as eligible employees under the Act.

Do these news types of "COVID" leave cancel the sick leave your employees already have through MCPS and/or my union?
No. COVID leave supplements an employee's existing leave benefits.

For employees who are not sick and do not have children, are they eligible for COVID Sick or Family leave?
No. Only employees who have COVID-19 symptoms, are self-quarantining or seeking a diagnosis, or are caring for family members or children whose schools or day cares are closed due to COVID-19 are eligible for COVID Sick Leave. Only employees who have children at home, either sick or because their school or daycare is shut down, are eligible for COVID Family Leave.

For employees who are not sick but have to care for a sick child, are they eligible for COVID Sick or Family leave?
Yes. Employees who need to take leave, from on-site work or telework, to care for a sick child are eligible for COVID Family leave and leave under the family medical leave act (FMLA). Employees are eligible for up to 80 hours of sick leave, paid at two-thirds of their normal salary rate, up to $200 per day. Employees who have been employed with MCPS for more than 30 days are then eligible for up to 10 weeks of family leave, paid at two thirds of their normal salary rate.

For employees who are not sick, and their children are not sick but are home due to school and daycare closures, are they eligible for COVID sick or family leave?
Yes. Employees who need to take leave, from on-site work or telework, to care for a child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons is eligible for up to 12 weeks of leave; paid at two thirds of their normal rate.

Are Part-Time employees eligible for COVID Family or Sick leave?
Yes. Part-time employees are eligible for COVID family and sick leave.

Where can I get more information, or direct employees to get additional information, regarding the Families First Coronavirus Response Act?
Please refer to the attached flyer from the Department of Labor for employee rights under the Families First Coronavirus Response Act:
https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

VIII. Employee Accommodations and Legal requirements under the ADA

As an employer subject to the Americans with Disabilities Act (ADA), the mandates of this federal law continue to apply, but they do not prevent MCPS from taking necessary steps to address the COVID-19 pandemic. This section provides guidance and information to comply with the ADA while ensuring safe workplaces for staff and productive online learning platforms for students.

Providing accommodations
If an employee is requesting accommodations, you should engage with individual employees to determine reasonable options for them and their position. Note, for most employees a flexible telework schedule is a reasonable accommodation. Accessible technology for telework, provision of gloves and masks, and allowing frequent breaks for handwashing or sanitizing are other examples of reasonable accommodations.

Keeping our guiding principles in mind, if an employee requests an accommodation that is easy to implement, please provide the necessary accommodation for the employee. Be sure to document in a memo or email that you are approving the accommodation for the duration of the COVID-19 pandemic. In an effort to be supportive and make navigating the many workplace changes easier for employees, please do not request medical documentation to support a request for accommodations during the COVID-19 pandemic. If accommodations are needed once we return to normal operations, the interactive process to determine reasonable accommodations can resume.
If you need assistance with employees requesting accommodations, please contact Heather Dublinske via email (Heather_Dublinske@mcpsmd.org) or at 240-328-8116 for guidance and support.

Retaliation
It is unlawful and illegal to retaliate against employees for requesting accommodations, taking FMLA or leave covered under the Families First Coronavirus Response Act. In addition, we cannot retaliate against workers raising concerns about safety and health conditions.

Are managers allowed to make medical related inquiries?
This guidance is evolving as the crisis continues, but ADA rules do not prevent you from following CDC's recommendations for employers or other recommendations made by state or local public health authorities. You may ask employees if they are experiencing symptoms of COVID-19, including fever, chills, cough, shortness of breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA. **Medical notes or documents should be kept in a file separate from the employees' local school or office file.**

During a pandemic, must an employer continue to provide reasonable accommodations for employees with known disabilities that are unrelated to the pandemic, barring undue hardship?
Yes. An employer's ADA responsibilities to individuals with disabilities continue during an influenza pandemic. Only when an employer can demonstrate that a person with a disability poses a direct threat, even after reasonable accommodation, can it lawfully exclude him from employment or employment-related activities.

If an employee with a disability needs the same reasonable accommodation at a telework site that they had at the workplace, the employer should provide that accommodation, absent undue hardship. In the event of undue hardship, the employer and employee should cooperate to identify an alternative reasonable accommodation.

May an ADA-covered employer send employees home if they display influenza-like symptoms during a pandemic?
Yes. The CDC states that employees who become ill with symptoms of influenza-like illness at work during a pandemic should leave the workplace. Advising such workers to go home is not a disability-related action if the illness is akin to seasonal influenza or the 2009 spring/summer H1N1 virus. Additionally, the action would be permitted under the ADA if the illness were serious enough to pose a direct threat. Applying this principle to current CDC guidance on COVID-19, this means an employer can send home an employee with COVID-19 or symptoms associated with it.

What do I do about employees who are well but who have a sick family member at home with COVID-19? Same question for symptoms of COVID-19?
Employees who are well but who have a sick family member at home with COVID-19 should notify their director. MCPS will coordinate with the Montgomery County Health Department to determine if an employee should self-quarantine and for how long. Please refer to the section on the Families First Coronavirus Response Act for additional information regarding employee leave eligibility.

IX.   Support and Employee Resources

MCPS in-house and external Employee Assistance Program (EAP) continue to provide services and support to employees during this difficult time. Telephone counseling, email communication with counselors, and relevant webinars and resources are available to employees.

- *In-House MCPS EAP*
  Hours: 8:30-5pm year-round
  Website: www.montgomeryschoolsmd.org/departments/eap
  Call: 240-314-1040. Please leave a confidential voicemail message, and provide your telephone number for a returned call. Please be advised that the caller ID may indicate "Unknown Caller" when the counselor returns your call.
  To email the counselors directly:
  Jeffrey Becker, LCSW-C, CEAP Jeffrey_Becker@mcpsmd.org or
  Robyn Rosenbauer, LCSW-C, CEAP Robyn_I_Rosenbauer@mcpsmd.org

- *External EAP (KEPRO)*
  Hours: Available 24 hours per day, 7 days per week, year-round (including weekends and holidays)
  Website: EAPhelplink.com (enter company code: mcps)
  Call: 866-496-9599 (toll-free)

Who to Contact
As the current COVID-19 situation continues to evolve in Maryland, and nation and world-wide, we understand that additional questions will arise. We are here to support and work together to navigate this uncharted territory.

For questions related to:
- Operational questions (food distribution, building access, etc.) should be directed to Doug Hollis via email at c_douglas_hollis@mcpsmd.org
- Employees who test positive for COVID-19, Employee Accommodations, The Family First Coronavirus Response Act or Employee Leave Use contact Heather Dublinske via email Heather_Dublinske@mcpsmd.org or phone 240-328-8116

- Payroll, Time Reporting, Employee Benefits or Leave Administration contact Krishna Tallur via email ersc@mcpsmd.org or phone 301-517-8100

X. Additional References

MCPS Links and Resources

MCPS Coronavirus Webpage

MCPS Employee Coronavirus FAQ's

MCSP COVID-19 School System and Community Resources

MCPS Digital Citizenship Guidelines

MCPS Policies and Regulations

MCPS Regulation COG-RA, Personal Mobile Devices

MCPS Regulation GEH-RA, Teleworking

MCPS Regulation IGT-RA, User Responsibilities for Computer Systems, Electronic Information and Network Security

MCPS Regulation JFA-RA, Student Rights and Responsibilities

MCPS Regulation JOA-RA, Student Records

Outside Links and Resources

CDC Coronavirus Safety Tips

Families First Coronavirus Response Act

EEOC Coronavirus Guidance for the ADA