

NDSBA Lunch & Learn: **Returning Employees to Work During COVID-19**

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NDSBA

**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**



- ❑ Employee medical screening
- ❑ Employees with health conditions
- ❑ Older employees
- ❑ Employees with general concerns

Employee Medical Screening

- Can districts require employees to get tested for COVID-19 with or without symptoms?
- Can we do temperature screening?
- Can we inquire about symptoms or diagnosis?
- What if employee refuses to provide information?
- If employee calls in sick, can we inquire as to why?
- What if employee tests positive?
- What if employee has had close contact with positive case?
- What obligations do districts have to keep information confidential?

Employees with Health Conditions

- What if an employee has an underlying health condition and claims to be at higher risk?
- What if employee provides doctor's note stating employee must telework or stay home due to high risk?
- What do you do if an employees requests an accommodation (e.g., mask mandate, telework, reduced schedule, transfer to different position)?
- What information can we gather from employee and how can we go about doing that?
- What if employee has immediate family member in same household with underlying health condition?

Older Employees

- May an employer exclude such an employee from workplace because of higher risk of severe illness if they contract COVID-19? Force them to telework?
- What if older employee (over 65) is concerned about risk of COVID-19 and requests leave or to telework?
- What if also has an underlying health condition?
- Can we provide early retirement/resignation as an option?

Employees with General Concerns

- What if employee does not want to return to work because of COVID-19?
- Why does employee not want to return to work?
- Is an employee entitled to leave or other accommodation due to general concerns?
- What if employee refuses to come to work due to general concerns?
- How do we deal with workplace safety concerns or complaints from employees?

Other employee-related concerns

- May an employer lay off or place on furlough a woman who is pregnant but does not have COVID-19 or symptoms associated with disease?
- What if pregnant employee requests to telework in light of higher risk of COVID-19?
- Can we instruct staff members not to travel to certain locations?
- Can we inquire about employee travel?
- Can we instruct employees to not attend large gatherings?
- If a principal learns that a staff member tests positive or has symptoms of COVID-19, can principal report this information to others?
- If a staff member tests positive for COVID-19, may district tell other staff or students who may have had close contact with the positive case the identity of the individual?
- Can district inform public health officials of positive cases in staff or students?

Available Resources

- ▶ Federal DOL and EEOC websites
- ▶ NDSBA COVID-19 Resources
- ▶ NDSBA Available Policies
 - ▶ Nondiscrimination & Anti-Harassment Policy, AAC
 - ▶ Discrimination and Harassment Grievance Procedure, AAC-BR1
 - ▶ Telework Procedure, ACAA-AR
 - ▶ Significant Contagious Diseases, ACBB
 - ▶ Responding to Potential Health Threats, ACBB-AR1
 - ▶ Laws on Immunization, Contagious Disease, Reportable Disease, & Significant Contagious Disease, ACBB-E
- ▶ Sick Leave, DDA
- ▶ Sick Leave Requests, DDA-AR
- ▶ Family and Medical Leave Act, DDAA
- ▶ Family and Medical Leave Act Regulations, DDAA-BR
- ▶ Vacation Leave, DDBA
- ▶ Families First Coronavirus Response Act Leave, DDBE
- ▶ Families First Coronavirus Response Act Leave Request Form, DDBE-E
- ▶ Complaints About Personnel, KACB
- ▶ Personnel Complaint Form, KACB-E1
- ▶ Responding to Personnel Complaints, KACB-E3

Next NDSBA Lunch & Learn

When: September 16, 2020 at 12 p.m. CT

What: School Liability and Insurance Overview

Who: NDIRF CEO Brennan Quintus

More info/
register: www.ndsba.org/resources/lunchlearn

ND School Boards Association

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