**Memorandum of Understanding**

By and Between

TACOMA PUBLIC SCHOOLS

and

TACOMA FEDERATION OF PARAEDUCATORS #461

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**Leaves**

COVID-19 presents unique health, family, disability and staffing challenges for the District and its employees. The following provisions are included to provide clear, objective, and practical options for the District and the employees facing those challenges, in accordance with applicable law.

The terms of this MOU are for the period of September 2020-June 2021 and covers only current employees.

1. **Employees with COVID-19/Suspected COVID-19**: Employees who have been
diagnosed with COVID-19, or are experiencing symptoms of COVID-19 and are
seeking a medical diagnosis, may not come to work at a District work site and may
access any or all of the following benefits as legally applicable under the terms of
the collective bargaining agreement (CBA) or law:
2. Emergency Paid Sick Leave (EPSL) under the federal Families First
Coronavirus Response Act (FFCRA), with supplementation up to the
employee's regular daily salary if the employee's salary exceeds the
statutory EPSL cap by other paid leaves identified below;
3. Washington Paid Family Medical Leave (PFML);
4. Worker's compensation (Under certain circumstances, claims from health
care providers and first responders involving COVID-19 may be allowed.
Other claims that meet certain criteria for exposure will be considered on
a case-by-case basis.)
5. Family Medical Leave Act (unpaid leave except for continued health
insurance benefits);
6. Long-term disability benefits; and
7. Unemployment benefits.

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in
partnership to ensure members are using appropriate leave as necessary.

1. **Employees Quarantined Due to Possible Exposure to COVID-19**: Employees
who have been advised by a public health agency to quarantine at home due to
possible exposure to COVID-19 may not come to work at a District work site and
may as legally applicable under the terms of the collective bargaining agreement
(CBA) or law:
2. If you were exposed on a district site, access to the benefits will be in the order listed below:
3. An accommodation to work remotely shall be provided if the
essential functions in the job description for the employee are able
to be performed remotely. HR in consultation with building/program administrators shall make the determination.
4. Paid Pandemic leave will be provided for the number of days the
public health agency identifies to quarantine per occurrence; or
5. Worker's compensation (Under certain circumstances, claims from
health care providers and first responders involving COVID-19 may
be allowed). Other claims that meet certain criteria for exposure will
be considered on a case-by-case basis.
6. If you were exposed away from a district site:
7. Emergency Paid Sick Leave (EPSL) with supplementation up to the
employee's regular daily salary if the employee's salary exceeds the
statutory EPSL cap;
8. Washington Paid Family Medical Leave (PFML); or
9. Family Medical Leave Act (unpaid leave except for continued
health insurance benefits);
10. Any accrued leave including sick leave, personal leave and/or family leave.

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in partnership to ensure members are using appropriate leave as necessary.

1. **Employees Caring for Someone with COVID-19/Suspected COVID-19**:

Employees who are caring for an individual who is subject to quarantine because
that individual has been diagnosed with COVID-19, or is experiencing symptoms
of COVID-19 and is seeking a medical diagnosis, may not come to work at a
District work site and may access any or all of the following benefits as legally
applicable under the terms of the applicable collective bargaining agreement (CBA)
or law:

1. An accommodation to work remotely shall be provided if the essential
functions in the job description for the employee are able to be performed
remotely. HR in consultation with building/program administrators shall make the determination.
2. EPSL with supplementation up to the employee's regular daily salary if
the employee's salary exceeds the statutory EPSL cap ($200/day) by other
paid leaves identified below;
3. Washington Paid Family Medical Leave (PFML);
4. Any accrued leave including sick leave, personal leave and/or family leave;
5. Family Medical Leave Act (unpaid leave except for continued health
insurance benefits);

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in partnership to ensure members are using appropriate leave as necessary.

1. **Higher Risk Employees:** Employees who are at higher risk of severe illness or death from COVID-19 as that term is defined by the Governor's proclamation may choose to come to work at a District work site when required by the employee's assignment or may choose to access any or all of the following benefits as legally applicable under the terms of the collective bargaining agreement (CBA) or law:
2. An accommodation to work remotely shall be provided if the essential
functions in the job description for the employee are able to be performed
remotely. HR in consultation with building/program administrators shall make the determination.
3. EPSL with supplementation up to the employee's regular daily salary if
the employee's salary exceeds the statutory EPSL cap;
4. Any accrued leave including sick leave, personal leave and/or family leave.
5. Unemployment benefits.

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in partnership to ensure members are using appropriate leave as necessary.

1. **Higher Risk Individual in the Employee's Household:** Employees who
themselves are not at higher risk but have someone in the household who is at
higher risk of severe illness or death from COVID-19 as that term is defined by the
Governor's proclamation may choose to come to work at a District work site when
required by the employee's assignment or may choose to apply for any or all of the
following benefits as legally applicable under the terms of the applicable collective
bargaining agreement (CBA) or law:
2. An accommodation to work remotely shall be provided if the essential
functions in the job description for the employee are able to be performed
remotely. HR in consultation with building/program administrators shall make the determination.
3. EPSL with supplementation up to the employee's regular daily salary if
the employee's salary exceeds the statutory EPSL cap by other
paid leaves identified below;
4. Any accrued leave including sick leave, personal leave and/or family leave.

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in partnership to ensure members are using appropriate leave as necessary.

1. **Employees with Children Impacted by School Closure:** An employee who must
care for the employee's child(ren) because of a school closure or unavailability of the
care provider due to COVID-19 precautions may choose to come to work at a
District work site when required by the employee's assignment or may choose to
access any or all of the following benefits as legally applicable under the terms of
the collective bargaining agreement (CBA) or law:
2. An accommodation to work remotely shall be provided if the essential
functions in the job description for the employee are able to be performed
remotely. HR in consultation with building/program administrators shall make the determination.
3. EPSL with possible supplementation up to the employee's regular daily
salary if the employee's salary exceeds the statutory EPSL cap ($200/day)
by other paid leaves identified below;
4. Any accrued leave including sick leave, personal leave and/or family leave.
5. Emergency Family and Medical Leave (EFML) under the FFCRA
(partially unpaid, and partially paid at 2/3 regular wages up to a maximum

of $200/day) with possible supplementation up to the employee's regular
daily salary by other paid leaves.

Human Resources will provide a weekly update of members who are on leave that includes a reduction in pay. The District and the Federation will work in partnership to ensure members are using appropriate leave as necessary.

1. **Employees Who Cannot Wear a Face Covering or Other Required PPE:** An
employee whose assignment requires work at a District work site and who cannot
wear personal protective equipment (PPE) required for the employee's assignment,
including but not limited to a face covering, may choose to apply for any or all of
the following benefits upon presentation of appropriate medical documentation
from the employee's health care provider and under the terms of the collective
bargaining agreement (CBA) or law:
2. An accommodation to work remotely shall be provided if the essential
functions in the job description for the employee are able to be performed
remotely. HR in consultation with building/program administrators shall make the determination.
3. Other accommodations identified through the interactive process of the
Americans with Disabilities Act (ADA) and the Washington Law Against
Discrimination (WLAD).
4. **Employees Who Otherwise Choose to Not Work at a District Work Site Due
to Concern for Safety**: An employee whose assignment requires work at a District
work site and who does not fit within the conditions of paragraphs 1-7 above, may
choose to access any or all of the following benefits under the terms of the
applicable collective bargaining agreement (CBA) or law:
5. Any accrued leave including sick leave, personal leave and/or family leave.
6. Unpaid leave of absence for the 2020-21 school year.

Employees who allege their workplace is unsafe are encouraged to immediately report their concerns to their supervisor and/or the COVID site manager. Such employees may also have recourse through the Department of Labor & Industries under WAC 296-360-150.

Some of the leave entitlements may require documentation from a health care provider. The leave entitlements within the FFCRA (both EPSLA and EFMLA) currently expire December 31, 2020. The parties agree to meet prior to that date to update the leave provisions.

This agreement is nonprecedential and will remain in effect until June 21, 2021. This agreement may also be extended or terminated upon mutual agreement between the parties hereto and pursuant to the terms and conditions to this agreement.

TACOMA FEDERATION OF TACOMA PUBLIC SCHOOLS NO. 10

PARAEDUCATORS #461

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Glory Tichy, President

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_