**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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_