

PERSONNEL

Public Health Emergencies

This Regulation establishes basic employee work expectations and provides certain leave provisions to eligible employees for illnesses of public health significance, as determined by the Virginia Health Commissioner or the Governor.

A. Definitions

1. Communicable Disease of Public Health Threat: An illness of public health significance as determined by the Virginia Health Commissioner in accordance with regulations of the Virginia Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment.
2. Health Care Provider: Doctors of Medicine and Surgery, Hospital Interns and Residents, Physician Assistants, and Nurse Practitioners licensed to practice in Virginia by the State Boards of Medicine or Nursing.
3. Public Health Official: Public Health physicians under the supervision and management of the Virginia Health Commissioner who are licensed to practice medicine in the Commonwealth of Virginia and have expertise in public health duties, epidemiology, sanitary science, or environmental health, including

public health physicians at all clinical sites administered by local health departments.

4. Order (Isolation or Quarantine): A federal, state, or local quarantine or isolation order includes shelter-in-place or stay-at-home orders issued by any federal, state, or local government authority that causes an employee to be unable to work. It is a mandate enforced by the authority which issued it and is different from public health guidance, advice, or a recommendation. The School Division does not serve as a government authority under this standard.

B. Expectations During Public Health Emergencies

If the Virginia Health Commissioner determines that exceptional circumstances exist relating to persons known to have been exposed to or infected with or reasonably suspected to have been exposed to or infected with a communicable disease of public health threat, then the following provisions apply:

1. All employees are expected to report to work unless ill or otherwise directed, including reporting to a physical location. Failure to report to work or to perform assigned duties may result in disciplinary action.
2. The School Division will communicate with employees in a clear and timely manner to ensure employees are aware of the status of public health concerns, the School Division's work expectations, safety protocols to reduce the spread of or exposure to infection, and applicable policies and regulations.
3. Employees are required to follow all safety protocols established to address the specific health

emergency. These protocols may include, but are not limited to, social distancing, increased sanitizing of work areas, wearing protective equipment including face coverings, and daily symptom or temperature checks.

4. Employees will be compensated according to established compensation policies and overtime regulations and under guidelines established for the public health emergency.
5. Remote work agreements should be reviewed for employees who can work at alternative locations to promote social distancing. Those employees with approved remote work agreements may be encouraged to work offsite to reduce the risk of exposure. Permission to work remotely is at the discretion of the School Division.
6. The School Division may consider expanding the use of remote work and alternate or rotating work schedules to reduce employee contact.
7. Employees who believe they need to work remotely, request leave, or who require accommodations for well-documented health conditions must speak with their administrators. The employee's administrator will work with the Department of Human Resources to review requests on a case-by-case basis. However, absent a health condition that renders them unable to work, fear alone, is not a valid reason for employees to not report to work. In addition, having or living with a person with a higher risk of illness from the communicable disease does not qualify an employee for any special leave or accommodation.

8. The School Division will provide training specific to the health emergency, and employees are required to complete any training mandated.
9. The School Division may temporarily reassign employees to minimize critical staffing deficiencies or to meet the needs of the School Division.

C. Absences

During a public health emergency, procedures for leave do not change. If an employee is not available to perform work, either in a building or remotely, the employee must use sick/annual/personal reasons leave. Employees on approved Family and Medical Leave Act (FMLA) leave will continue with such leave unless they are released to return to work by their treatment provider. Return to work notes may continue to be required.

D. Absences Related to the Public Health Emergency

1. An employee who has either tested positive for the identified communicable disease or is displaying symptoms of the disease may not report to the worksite, must notify the supervisor of the condition, request leave, and contact the health care professional for guidance.
2. Staff who become sick at the worksite or who arrive to work sick will be sent home as soon as possible. The employee must notify the supervisor immediately if the employee becomes ill while at work. Anyone suspected of being sick will be separated from students and staff until the sick person can be sent home. Health professionals or school administrators will inform anyone considered at risk after having been in close contact with the sick

person or suspected sick person of the recommended precautions. An employee's refusal to leave the workplace under these circumstances may result in disciplinary action.

3. An employee ordered to quarantine or isolate by a health care provider must remain out of the worksite until released to return to work under directives from designated federal, state, or local health officials, and the individual's health care provider. A return to work note may be required.
4. Unless the employee qualifies for Division Paid Leave (DPL) or a federal or state mandate addressing employee leave is enacted, employees displaying symptoms of illness must use their own leave. Leave under the FMLA runs concurrently anytime absences exceed ten days. If the employee is a member of the sick leave bank, they may access the bank when eligibility requirements are met. Leave donations for eligible employees may apply. Employees in the VRS Hybrid plan may file a claim for short-term disability. The third-party administrator determines eligibility.
5. Employees eligible and authorized to work remotely, are well enough to do so, and can work without interference or distractions, may not have to submit leave. Employees are to follow School Division guidance given to address conditions related the specific health emergency.

E. Division Paid Leave

1. Employees who become ill before a formal declaration of a communicable disease of public health threat are subject to existing sick leave policies. Administrators should encourage these

employees to use existing leave to address their medical needs.

2. Upon a formal declaration of a communicable disease of public health threat, as determined by the Virginia Health Commissioner or the Governor, and with approval by the Superintendent or designee, all employees are eligible for one-time paid leave, up to the hourly equivalent of two weeks (a maximum of 80 hours) if the employee is unable to work (or unable to work remotely) under fact-specific circumstances:
 - a. The employee has been ordered by the local health department to quarantine and remain out of work due to a recent work-related public health threat exposure; or
 - b. Following a recent work-related exposure, the employee has been ordered by a local, state, or federal public health official or by a health care provider to self-isolate due to either a positive virus test or because the employee is exhibiting symptoms of the communicable disease.
3. Leave for part-time and substitute employees will be prorated. Leave payments for these employees will be based on the employee's average hours worked during the four workweeks before the leave initiation.
4. To qualify for Division Paid Leave (DPL), an employee must follow all School Division procedures or directions put in place to address the specific health emergency.

5. The Superintendent or designee will determine a starting date and establish an anticipated expiration date for Division Paid Leave and will communicate this to employees.
6. The timeframe and conditions for paid leave can be modified by the Superintendent or designee at any time to meet School Division needs. Furthermore, DPL is dependent upon available School Board funding.
7. If a federal or state order, policy, law, or regulation mandating paid employee leave is enacted while Division Paid Leave is in effect, then the School Division may alter the terms or discontinue the provision of DPL.

F. Emergency School or School Division Closing

If the public health emergency requires the closing of a school, building, or the School Division, employees will be compensated in accordance with School Board Regulation 4-96.1, *Closures and Emergency Conditions* and other applicable policies or regulations.

Legal Authority

Code of Virginia § 32.1-48, *et seq.*, as amended. Quarantine and isolation of persons with communicable diseases of public health threat.

Code of Virginia § 32.1-48.05, as amended. Application of article; determination of exceptional circumstances; regulations; duties of the State Health Commissioner not be delegated.

Code of Virginia § 32.1-48.06, as amended. Definitions.

Related Links

Regulation 4-31.2, Remote Work and Remote Working Agreements

Regulation 4-44.1, Reporting Absences

Regulation 4-45.1, Sick Leave

Regulation 4-45.4, Disability Programs for Employees in the VRS Hybrid Plan

Regulation 4-96.1, Closures and Emergency Conditions

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Scrivener's Changes: February 12, 2024