COVID-19 LEAVE GUIDELINES AND PROCEDURES

Memorandum of Agreement
Zuni Public School District and Zuni Federation of United School Employees

PURPOSE

Zuni Public School District (ZPSD) intends to maintain a safe and productive educational environment for its students, employees, community members, and assets in support of its mission.

On December 31, 2020, the Families First Coronavirus Response Act (FFCRA) expired. ZPSD recognizes that an employee may have a need to be absent from work in order to isolate or quarantine to comply with state mandated public health orders.

Beginning on February 24, 2021, under this temporary District COVID-19 leave guideline and procedures (also known as the “COVID-19 Leave Policy”) which will be effective until June 30, 2021 (or until a state or federal mandated COVID-19 leave act comes into effect, ZPSD employees may be approved for paid administrative leave under the following conditions:

- Employees who have been identified by NM Department of Health (NM DOH) or ZPSD Administration as being in close contact with a COVID-19 positive person, as defined by the NMPED toolkit guidelines which state in close contact with one another within 6 feet for 3 minutes or more. **
- An employee who has tested positive for COVID-19 by laboratory testing (proof must be given).

(** Per February 2021 CDC guidelines, an individual who has been fully vaccinated, is within 3 months following receipt of the last dose in the series and has remained asymptomatic since the current COVID-19 exposure, are not required to quarantine.)

APPLICABILITY

This procedure applies to all paid positions/employees regardless of how the employee is employed: regular, temporary* (including substitute and interns), part-time*, seasonal*, or emergency prior to any final appointment or hiring decisions that are job related and consistent with business necessity. *These employees are not covered under the ZFUSE Collective Bargaining Agreement.

The COVID-19 administrative leave with pay will only apply for employees that are actively working by providing online services or by physically working at the employer’s work site and who are unable to telework.

The leave for this policy is different from leave that may be available under applicable laws such as the Family and Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment
Rights Act (USERRA). Absences that are covered by other District leave provisions, the FMLA, or USERRA are not covered by this Human Resource guideline. Under the COVID-19 Administrative leave with pay guideline, this leave shall be subject to the approval of Human Resources taking into account individualized circumstances of the employee.

**PROCESS**

1. A request for COVID-19 administrative leave must be made in writing, for a specified period of time, and directed to the immediate supervisor. Any documentation to support individual needs is required, *except where this would cause an undue hardship on the employee*, in which case documentation must be provided within a reasonable time period as determined by Human Resources. Example: A doctor’s note or confirmed COVID positive lab result.

2. Leave Duration: COVID-19 paid administrative leave will only be paid for the regular workdays occurring during the 10 day period for COVID-19 isolation or the 14 day period of COVID-19 quarantine. Under no circumstances will leave be approved in advance for continuous periods beyond 14 days. However, the Superintendent or Superintendent’s designee may request additional documentation for continuation of leave when necessary.

3. Employees will need to meet virtually with HR prior to the commencement of leave (if possible), or in the event of emergency leave as soon as practicable, to:
   - Confirm approved leave dates;
   - Ensure that required verification is on file; and
   - Acknowledge the applicable insurance payment schedule and reconcile advance payment requirements for insurance continuation during unpaid leave.

4. The Employee or the employee’s designated caregiver must keep continuous communication with Human Resources regarding the status of return to work.
   - An Employee who has tested positive for COVID-19 and has been out of work must provide medical documentation from a healthcare provider that they are medically cleared (healthy) to return to work. This documentation must be provided to HR in hard copy or electronic format.

5. Employees are only eligible to receive District approved COVID-19 Administrative Leave once during the time period in which this policy is in effect.
   - After an Employee has been granted and has already used the District approved COVID-19 Administrative Leave once, they must use their own personal sick or annual leave if they need additional time to recover from COVID-19.

6. If an Employee has a prolonged and catastrophic illness or injury as result of COVID-19 and does not have sufficient personal sick or annual leave time, then they may request Sick Bank Leave. Sick Bank Leave requests are made through HR.

7. An Employee needs additional time off from work due to COVID-19 related illness or injury, they may request leave without pay (LWOP) under the Family and Medical Leave Act (FMLA). One of the qualifying reasons for FMLA is “because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.” FMLA requests are made through HR.
CONFIDENTIALITY:

A request for COVID-19 leave by an employee will be kept confidential, and information related to the reason for the leave will be restricted to those with a need to know, such as department supervisors/managers, Principals, Superintendent, HR, and NM DOH.

IN WITNESS HEREOF, the Parties affix their signature below:

The Union (ZFUSE)
By: CLEOFE D. APURA
Its: CLEOFE D. APURA
Dated: March 01, 2021

By: Marise Poleniyona
Its: 
Dated: 3-1-2021

The District (ZPSD)
By: Randy Ann Stickney
Its: Randy Ann Stickney
Dated: 3-1-2021