Personnel and Risk Management

FOCUS AREA 1
Wages, Hours, Terms, and Conditions
Under the Educational Employment Relations Act (EERA) of 1976, specific areas of employment were designated to fall within the scope of collective bargaining with employee associations. The areas under the scope of collective bargaining include wages, hours, and terms and conditions of employment. As local educational agencies develop practices to respond to COVID-19, collaboration, consultation and negotiation with employee associations will be a key component to the success of practices moving forward.

1. ESSENTIAL QUESTION: What considerations need to be made in regards to employee wages?

Implementation, Recommendations, and Considerations

Health Screenings
Implement a process regarding "wait time" if the organization implements health screenings for employees. The plan will need to include where, when, and by whom temperatures will be taken, whether or not health screening information will be recorded, and a clear procedure for next steps if an individual does not "pass" the health screening. The process will also need to provide compensation if it occurs prior to the start of the workday. LEAs may want to consider having staff and students answer yes or no to predetermined questions without recording answers. LEAs could consider using an electronic survey to acquire the responses to health screening questions. Additionally, LEAs will need to consider the impact on any extra duties that receive a stipend such as walk-on coaching and other negotiated stipends. If the screening occurs prior to the work shift, then employees must be compensated. The impacts and effects are negotiable. If health screening information is recorded, procedures must be compliant with HIPAA regulations, including how the information will be stored.

Extra Duty Stipends
LEAs will need to consider the impact on any extra duties that receive a stipend such as walk-on coaching and other negotiated stipends. If specific extra-duty positions are not essential, this is a valuable opportunity to review the necessity of stipend positions.

Considerations for Negotiations
Due to the fact that wages, hours, and terms and conditions fall under the scope of bargaining, it may be helpful at the beginning of the process to meet with the employee associations to:

- Clarify what needs to be/doesn't need to be bargained under the scope of bargaining requirements of the EERA
- Differentiate between: Meet/Confirm/Collaborate/ Bargain

Resources
- ACSA Re-opening Schools Guidelines
- Collective Bargaining Agreements (CBA)
  - » *Henceforth, CBA will refer to the collective bargaining agreements for all associations in the district/county office.*
- Adhere to provisions of Senate Bill 117
- Resource for working with Associations - California Labor Management Initiative:
- AALRR Alert
- California Interscholastic Federation
- Board Policies
- Memoranda of Understanding (MOUs)

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2. ESSENTIAL QUESTION: What considerations need to be made in regards to work hours and schedules for students and staff?

Implementation, Recommendations, and Considerations

Work Year Calendar
LEAs will need to determine if adjustments need to be made to the school calendar. Consideration needs to be given to determine if there is a need for additional school or workdays, and/or any possible reduction in the school year. The plan also needs to take into account the required instructional minutes for students. The plan needs to address alternate work hours and length of the workday depending on the model used for the delivery of instruction.

Instructional Delivery Models and Prep Time

Determine the need for rolling start times or a hybrid model consisting of on-site and remote work. The plan for a hybrid model or remote work should clearly identify what work must take place on-site and what work may take place remotely. The topic of class size will need to be addressed. In addition to class size, a schedule needs to be developed for on-site attendance if a hybrid model is selected. The plan should include how special education mainstreaming might occur and the responsibilities of special education teachers and related service providers in the on-site delivery model. The plan should also consider any new or different instructional delivery models that all teachers would provide to students. Appropriate training for the new responsibilities needs to be addressed in the plan. The plan should also address any modifications to prep time and how prep time is most effectively addressed in a remote work environment. Additionally, LEAs will need to develop a plan for recess, breaks, and lunch periods that address student supervision as well as contractual obligations for duty-free periods for teachers. The plan should clearly indicate where staff may eat their lunch and how to accommodate for physical distancing.

Remote Work

LEAs will need to determine which positions perform the work that can continue to be done remotely. Consideration should be given to identify the priority for employees being provided the opportunity for remote work in the identified positions. Employees who are in high-risk categories should be given priority for remote work as appropriate. The plan should also address the process for recording employee attendance for the employees working remotely all or part of the time. The plan should determine whether or not there are requirements for employees to record their work time when working remotely. If there are rolling school closures, and a school reverts to a distance learning model, the plan should include the responsibilities for staff such as physical education teachers that may not be able to provide distance learning. The plan should consider how staff could be used in alternate ways such as substituting for core subject teachers.

If an employee is unable or unwilling to return to work, the plan should address next steps including, but not limited to, leaves, interactive process, unpaid leaves, and possible disciplinary action for job abandonment. If an employee refuses to return to work due to fear, work to identify the concern, and review the safety procedures in place. The LEA should request the employee to return to work and engage in the interactive process if necessary.

Work hours, schedules, and remote work will fall under the scope of bargaining. An LEA will need to make appropriate plans related to hours and schedules to discuss with associations which include, but are not limited to:

- Changes in work hours, days, or calendar year.
- If school year calendars are adjusted, then account for the appropriate number of instructional minutes.
- If rolling start times, staggered schedules, or hybrid models are implemented, then make necessary plans to appropriately implement:
  - » Food services for students on and off-campus
  - » Delivery model of related services
- If the plan requires different class size numbers, this may implicate the CBA and require bargaining. Also, determine if there needs to be advocacy work done in relation to CSR language.
- If employees are working remotely, then implement procedures for electronic attendance recording. Coordinate the procedures with the payroll department.
- If there are requirements for employees recording their work time or "clocking in" then these processes would need to be negotiated.
- If employees work remotely or in a hybrid model, then develop a written policy for working remotely. Policies should be provided to employees and they should indicate receipt of said policies.
- If employees are allowed to work remotely, then determine if employees in high-risk groups will have priority for remote assignments.
- If employees are unable to return to work, follow guidelines in relation to leaves and/or interactive processes.
- If students are required to eat in the classroom, provide alternative staff to supervise students to afford the certificated teacher a duty-free lunch period per the collective bargaining agreement. Alternative lunch schedules may need to be created. Provide specified areas for staff to eat lunch, which allows for social distancing.

Resources
- CBA
- CDC's Guidance for Re-opening Schools
- California Department of Education (CDE) guidance regarding COVID-19
- ACSA Re-opening Schools Guidelines
- USDA guidance for child nutrition services related to COVID-19
- Education Code regarding duty-free lunch
- Telecommuting Agreement Template
- EEOC Guidance
- Disability Discrimination

3. ESSENTIAL QUESTION: What procedures need to be developed to promote a safe working environment?

Implementation, Recommendations, and Considerations

Health Screenings
LEAs will need to develop a plan to create a safe environment for employees and students. Consider using a document like the CDC Schools Decision Tool in the process for developing a re-opening plan. LEAs will need to develop a plan for health screenings of employees, students, and volunteers when entering the campus. The plan will need to identify the positions that will be conducting the screenings and provide them with training and appropriate PPE. Contactless thermometers should be used during the screenings. Create a list of questions to be asked during the health screening and determine ahead of time if the answers will be recorded or not. If the answers are recorded, implement HIPAA compliant procedures to ensure privacy, including, but not limited to, how and where the records will be stored and who will have access to them. If screenings are being done on individual school sites and recorded, determine if the records should be brought to a central location each day for secure storage, or if the responses will be recorded electronically. Be aware of changing guidance from CDC and the California Department of Public Health and update postings and processes as appropriate. If health screening information is recorded, then HIPAA guidelines will need to be followed. Develop a plan for the central storage of the information obtained. If health screenings are conducted with students, then determine if the teacher or another individual will be conducting the screenings. Identify resources to pay for training and necessary equipment of health screenings.

Procedures for Non-Passing Health Screenings
Clearly outline the process for when an individual does not pass the screening. Work with risk management regarding the plan for temporary isolation, pending removal from site. Provide training on safety protocols to staff, substitutes, students, and volunteers. The protocols for when an individual may need to be isolated and subsequently required to leave the facility need to be provided in writing prior to the return to the site. Clearly outlining the protocols ahead of time will mitigate the risk of subsequent discrimination claims.

Training and Resources
Staff should also be provided access to training videos related to safety procedures and COVID-19. The re-opening plan should also include protocols for supporting coping and resilience among employees and students. The plan should also provide ways to inform employees how they can access mental health services through their health provider or the Employee Assistance Program (EAP). Be sure to provide mental health resource information to association partners so they can also assist employees.

Cleaning Schedule
LEAs should develop a plan and schedule for cleaning of workspaces. The plan should include frequency and be aligned to the schedule of usage for space. Additionally, the plan should determine the staffing needs required to meet the cleaning schedule. The staff should be provided the cleaning schedule.

Postings and Notifications
Comply with all required postings related to COVID-19 which include social distancing protocols, county required posters, entrance screening checklist, workplace safety social distancing information, CDC materials. Also, post information related to protective measures which may be found on the CDC website.

Facial Coverings
If students are required to wear masks, determine accommodations that may need to be made for young students, medically fragile students, and/or students with disabilities. LEAs will need to determine the process for providing masks to students to ensure all students have access to a free education.

If employees are provided reusable masks, then determine the requirements and process for laundering masks. Additionally, determine which employees may need clear masks or clear face shields, rather than cloth face masks, in order to provide appropriate instruction to students.

A clear process for the notification of safety protocols should be established including:

- If safety protocols are provided in writing, then provide them through InformedK12 or another tool that allows for tracking of delivery and a signature that the information has been reviewed.
- If Keenan training videos are provided, determine a required completion date.
- If an employee has a confirmed case of COVID-19 establish a protocol similar to:
  » Employee notifies supervisor
  » Supervisor notifies lead nurse or risk management
  » Nurse or risk management will get a list of individuals the employee was in contact with
  » Nurse or risk management will contact riverside county public health
  » Nurse or risk management will contact assistant superintendent personnel for Cabinet notification
  » Other employees or individuals will be notified as necessary
  » Custodial crew will be notified for deep cleaning of the work area
  » All employees will be reminded of the confidential nature of the information

- If a plan for cleaning is developed, then it should include members from risk management, maintenance and operations, and personnel in the development.
- Regardless of whether schools are re-opened fully or there is a hybrid model, assess facilities, equipment, etc. for compliance with Williams Act.

Resources
- Refer to Guidance from Public Health Official on PPE
- Keenan COVID-19 Training Videos, including trainings on coping strategies
- CDC Schools Decision Tool
- CDC Guidelines for Opening Schools
- CDC Guidelines 6-8-2020
- CDC Guidelines for Supporting Coping And Resilience
- CDC/EPA Cleaning & Disinfecting Guidance
- CASBO Guidance on Postings
- CDC Sign Resources
- CDC Resources for Protective Measures
- CDC Resources for Hand Washing
- CDC Resources for Face Coverings

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4. ESSENTIAL QUESTION: What are the procedures that need to be in place for remote work?

Implementation, Recommendations, and Considerations
Develop written policies for remote work. The policy should reference existing policies and/or CBA language regarding stipends for items such as cell phones, internet, equipment, etc. Determine if there is a need to revise any existing policies in relation to the hybrid model and complete the revisions. The plan should outline what type of equipment will be provided for remote work and the process for checking out and returning equipment. The process should clearly reference policies and CBA language related to overtime procedures and reiterate the process for overtime in relation to remote work. Develop a plan with the necessary equipment for individuals working remotely that may have limited access to the internet. Provide employees with information regarding setting up an ergonomically correct workstation at home. Provide the remote work plan to all employees who are working from home.

If items in the remote work plan fall under the scope of bargaining, then meet with the associations and review the plan. Associations may demand to bargain. If employees are working from home, then consider providing them the remote work plan through a tool like InformedK12 so there is documentation and acknowledgment that they received the plan.

Resources
- CA Division of Industrial Relations' overview of Overtime laws
- Expenses and Reimbursement pursuant to Education Code Section 87032
- Working Remotely Series Link
- Setting Up Your Laptop in Your Home Office

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5. ESSENTIAL QUESTION: What are the procedures needed specifically in relation to classroom teachers?

Implementation, Recommendations, and Considerations

Substitute Teachers
Principals and teachers should develop detailed plans for substitute teachers. The plans should include a notebook with the detailed safety procedures in place at the site. There should also be a clear process for who will provide and review the plan with the substitutes before they start the day. The plan should also include the minimum required components for the lesson plans including, but not limited to schedules, materials for the day, which students would be present if there is a rotating schedule, lesson plans for the day, and where to access any needed equipment. If the schedule for the day requires distance learning, appropriate access to codes and online curriculum will need to be provided.

Distance Learning
In working with the curriculum and instruction and/or educational services divisions, a plan for appropriate training for teachers to effectively work in the new environment needs to be developed. The plan should include, but not be limited to, items such as digital learning, communicating effectively with students and families in a digital learning environment, how to develop a schedule for a hybrid or total online delivery model, how to start a new school year, and how to provide social-emotional wellbeing opportunities for students.

6. ESSENTIAL QUESTION: What procedures need to be put in place for substitutes, mobile employees, parents, visitors, and volunteers?

Implementation, Recommendations, and Considerations
Develop a plan for the presence of substitutes, mobile employees, parents, visitors, and volunteers on campuses. The plan should include the health screening requirements for these individuals, including whether or not mobile employees are screened once a day or each time they arrive at a different site. Also, determine if substitutes will be assigned particular schools rather than be allowed to substitute across the district in order to limit the potential for exposure. The plan should clearly outline how these individuals will be informed of the safety protocols on site. Volunteers on sites should be limited or consider a temporary moratorium on volunteers. The plan should determine whether volunteers and/or mentors will be allowed to participate in the digital learning environment. "If so, ensure that they are participating only with the presence of a certificated staff member in the digital platform. The plan should also outline the required process for these individuals to sign in and out of campus each day with a contactless method. Central entrances should also be identified and used to control the flow of individuals accessing the facility. Districts may want to consider a system like Raptor.

If volunteers are used online, how do we ensure a safe online environment for volunteers and students? Are there liability issues that would need to be considered before determining to use volunteers in a digital environment?

Resources
• Keenan Safe Schools Trainings Related To COVID-19

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7. ESSENTIAL QUESTION: What procedures need to be in place to anticipate possible intermittent or rolling school closures?

Implementation, Recommendations, and Considerations

Implementing Remote Work
LEAs will need to develop the process for intermittent or rolling school closures. The process needs to include procedures for notifying employees, employees from other agencies, the county office, substitutes, associations, families, students, and the community of intermittent or rolling school closures. Consideration needs to be given for multiple methods of distributing information including, but not limited to, letters, website, videos, InformedK12, media, etc. The plan should also consider whether or not there needs to be collaboration with the Riverside County Public Health Officer. The process should refer back to previous procedures developed in earlier sections regarding which positions continue to work on-site and which positions work remotely. Procedures for distribution of equipment will need to be implemented. Additionally, LEAs will need to provide employees with information regarding remote working procedures and ergonomic workstations. Finally, LEAs will need to implement necessary cleaning protocols to disinfect the site.

Employee Leaves
LEAs will need to establish procedures for employees that are unable, or refuse, to come to work. The procedures need to clearly establish that all leave or accommodations requests are submitted to personnel services. Immediate supervisors should not be making determinations regarding leave requests. The procedures need to be provided to employees and they need to understand where and how to submit requests. LEAs may want to consider sending out a survey to employees prior to them returning to work regarding any leave or accommodation needs they may have. Procedures need to be in place for processing leaves such as FFCRA (HR6201), FMLA, CFRA, unpaid leave, etc. Procedures also need to be clearly established regarding the interactive process and accommodations.

If employees need a form of leave, then consider routing leave forms through InformedK12. If there is a consistent process for requesting leaves throughout Riverside County LEAs, then determine if there could be an employee information video put together to describe available leaves and the process for requesting the leaves.

Resources
• ACSA Re-opening Schools Guidelines
• COVID-19 Leave Chart
• Sample Informed K-12 Leave Report
• Interactive Process and Accommodations Guidance: EEOC Guidance
• Disability Discrimination
• AALRR Alert - HR6201

8. ESSENTIAL QUESTION: What considerations need to be made for supervision and evaluation of employees?

Implementation, Recommendations, and Considerations
Develop a plan for the supervision of employees in a remote work environment. The plan should include how to observe digital learning environments, how to monitor the work of certificated and classified employees working remotely, how to provide effective feedback in a remote work environment, and effective communication skills. The plan should provide specific training opportunities including, but not limited to how to effectively use technology, effective communication, and how to observe digital lessons. The plan will need to consider the ramifications to probation periods for classified employees and consider whether there is a need to extend probation in order to effectively evaluate.

If there are changes to the evaluation procedures, consult with association, and determine if there is a need for an MOU. If there are proposed changes to classified probationary periods, then negotiate the process with the association.

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9. ESSENTIAL QUESTION: What are the budget implications as they relate to wages, hours, terms, and conditions?

Implementation, Recommendations, and Considerations
Develop a plan across the organization to address the budgetary shortfalls. The plan may require a reduction in force or salary rollbacks/furlough days. The plan should appropriately address all steps in the two processes, with sample outlines included below. The plan should also allow time to meet requirements to negotiate the associations.

Potential reduction in force:
- Update seniority lists for classified and certificated
- Hold any necessary tie-breakers
- Identify if reduction is for lack of work or lack of funds
- Identify positions to be eliminated
- Board resolution
- Identify individuals to receive layoff notices
- Notify associations

Plan for salary rollbacks/furlough days:
- Negotiate with associations
- Use tools from district fiscal services
- Calculate negative salary schedule percentages for furlough days
- Refer to STRS/PERS circulars

- Update salary schedules
- Update information in Galaxy
- AB 1200 documents will be required
- Review temporary changes for retired annuitants

If layoffs are necessary, then comply with all timelines and Education Codes. If furloughs are required, then appropriately follow STRS/PERS regulations.

Resources
- Ed Codes governing Reduction in Force
  *Be sure to use ed codes applicable to either merit or non-merit districts.
- Ed Codes pertaining to Classified
  » EC 45308
  » EC 45114
  » EC 45298
  » EC 45117
- Ed Codes pertaining to Certificated
  » EC 44949
  » EC 44918
- Summer certificated layoffs:
  » EC 44955
- STRS Circulars for Furloughs
  » Employer Information Circular: Effects of Reduction of Funds to Schools (2008)
  » Employer Information Circular: Effects of Reduction of Funds to Schools (2019)
  » CalSTRS: How might district-required furlough days affect someone's retirement?
- PERS Circulars for Furloughs
  » CalPERS: Information on Furloughs
  » CalPERS: Information on AB 1651 and Impacts of Mandatory Furlough for Schools and Local Safety Employees
  » CalPERS: Implementation
- Retired Annuitant Temporary Changes - AALRR Alert

Risk Management

Risk management will play a critical role in the successful return to work and school. Employees will rely on information and guidance from risk management related to safety protocols, interactive processes, worker's compensation, and unemployment claims. It is imperative that the risk management department works closely with personnel services to ensure the smooth implementation of all processes and to seek guidance on items that may fall under the scope of bargaining.

1. ESSENTIAL QUESTION: What are the considerations and procedures needed to provide a safe work environment?

Implementation, Recommendations, and Considerations
LEAs will need to develop a plan to provide for the safe re-opening of schools. The plan must include a detailed risk assessment and implementation of a site-specific protection plan, training for employees on how to limit the spread of COVID-19, including screening for symptoms, implementation of individual control measures and screenings, disinfecting protocols, and physical distancing guidelines per the governor's directives.

The plan should include guidelines for the appropriate use of PPE including face coverings for staff, students, visitors, and volunteers. Outline any exceptions to individuals being required to wear face covering, including children younger than two, individuals with breathing difficulties, individuals who are incapacitated or unable to remove face covering independently, etc. Provide a plan for the use of, and proper training for, all PPE including, but not limited to, face coverings, gloves, goggles, clear face shields, plexiglass, hand sanitizers, wipes, smocks, shoe coverings, etc. Information should also be provided to staff, students, and students' families on proper use, removal, and washing of cloth face coverings.

The plan should also address the process for use of shared areas and objects. Desks and workspaces should be at least 6 feet apart. Additionally, desks should face in the same direction and/or have students sit on only one side of a table and spaced apart. Space should be created on buses to allow for 6 feet of separation. Install physical barriers where physical distancing cannot be maintained and/or where considered appropriate. Consider guidelines for movement throughout the facility including directional markings on sidewalks or in hallways and markings for six feet distancing where lines might occur. The use of shared objects such as electronic devices, toys, books and other learning items or games should be eliminated. When objects have to be shared, a process for disinfecting must be in place. Processes for separating student items such as individual supplies, jackets, backpacks, etc. will need to be established.

Additionally, LEAs should provide sufficient supplies of paper, pencils, art supplies, playground equipment, etc., to avoid sharing of items.

Additionally, the injury and illness prevention program must be updated to protect employees from workplace hazards, including assessing if COVID-19 is a hazard in their workplace.

Share the plan with the entire staff prior to re-opening.

Isolation/Quarantine
LEAs will need to develop a procedure for isolation/quarantine in the event that it is determined that an individual is on-site with symptoms of COVID-19. This may include, but is not limited to, a room for isolation that maintains 6 feet separation until the individual can be picked up from site, process for handling calls from the community, appropriate PPE for staff monitoring the quarantine area, schedule for cleaning the quarantine area, etc.

The process should include such items as:
- If it is an employee, notify personnel so they can provide the employee information regarding available leaves.
- Implement privacy and HIPAA considerations. Disburse reminders regarding employee and student privacy requirements.
- Have a specified person that receives reports of individuals that test positive. This person should coordinate the response effort.
- Notify individuals that may have had contact with the person that tested positive.
- Appropriately address additional cleaning.
- Identify ahead of time, which employees will respond to the media and/or concerned calls from the community. Make sure that staff is aware of who the points of contact are and have their contact information readily available.
- Be prepared with all necessary PPE and cleaning supplies.
- Adhere to physical distancing protocols.
- Preparation for potential outbreaks.
- Disinfecting standards for workspaces.

- Office workspace requirements/expectations.
- Cleaning supplies for individual work stations for use throughout the day.
- Hand sanitizer available at all entrances.
- Employee and student health screenings.
- Site audits of cleaning frequency.
- Training and materials for custodial staff.
- If someone reports being positive for COVID-19 or is being quarantined for exposure, review the CDC & Riverside County Department of Public Health guidelines. Also, prepare for possible media responses and calls from concerned parents, staff, and/or community members.

If the supply chain continues to be challenging for PPE and cleaning supplies, consider a bulk purchasing agreement with neighboring districts.

If schools re-open, then post a re-opening plan that lists the safety precautions in place. Also consider providing additional training regarding integrated pest management, cleaning & disinfecting.

Resources
- State Guidance for Re-opening
- CDC/EPA Cleaning & Disinfecting Guidance
- EPA Disinfecting Guidance
- CDC Checklist for Cleaning and Disinfecting
- California Department of Public Health COVID-19 Industry Guidance - Office Workspaces
- Responding to a Known Case of COVID-19
- Sample Re-opening Plan provided by San Diego County for business which could be used for ideas for a school template
- CARES Act - AALRR Alert
- CDE Guidelines 6-8-2020
- Injury and Illness Prevention Program 8 CCR § 3203

Keenan SafeSchools Training New Courses:
  » Integrated Pest Management Training
  » Coronavirus: Cleaning & Disinfecting your Workplace

2. ESSENTIAL QUESTION: What are the considerations as related to unemployment claims?

Implementation, Recommendations, and Considerations

Unemployment Claims
LEAs will need to develop a plan to process a potentially higher than usual volume of unemployment insurance (UI) claims. Implement training to determine which claims need additional supporting documentation for EDD to reject, including appeal process. Anticipate UI claims for summer recess, winter recess, spring break, extra duty, overtime, stipend, potential lay-offs, and additional closures. Consider training additional staff to assist with handling unemployment claims and/or unemployment insurance audits as the timelines are typically very short. LEAs should establish a process to notify EDD when employees who have been awarded unemployment benefits and have now been offered work, but have rejected/declined to return to work. Clearly document which employees have been offered employment (contracts, offer of work, etc.) Document why an employee was unable and/or unavailable to work. Have this documentation readily available to include in the unemployment insurance claim response. Remind supervisors that when an employee inquires whether or not they can apply for unemployment insurance, that they inform the staff that anyone can apply for unemployment insurance in California at any time and the determination for claims is handled by the EDD Office.

Reasonable Assurance Notifications
LEAs should be diligent in providing reasonable assurance notifications to reduce the potential increase in claims over recess periods. Continue to implement timely reasonable assurance notices to less than 12-month employees and substitutes. Consider providing reasonable assurance notices through InformedK12 or a similar electronic data management tool to easily track delivery and receipt of notification. At minimum, require the employee to sign for receipt of reasonable assurance notification. Include a copy of the reasonable assurance letter with the unemployment claim response.

Resources
- Coronavirus 2019 (COVID-19)
- Unemployment Insurance (UI) Information for COVID-19 Claims Equifax Insights Blog

3. ESSENTIAL QUESTION: What are the considerations as related to workers' compensation?

Implementation, Recommendations, and Considerations
Establish a plan to handle potential workers' compensation claims. Based on an Executive Order (N-62-60), if an employee tests positive for COVID-19, it is presumed to be work-related. The current presumptive period of these claims are from 3/19/20 - 7/4/20 (and may be extended). In California, a Claim Form (DWC-1) must be provided to an employee within 24 hours of when the employer received notice of the potential injury or illness. Identify who will submit the workers' compensation claims to the Workers' Compensation Carrier and/or Claims Administrator.

Identify which employee(s) will be responsible for providing the claim form employees who have tested positive for COVID-19, employees who allege work-related stress, and any other alleged work-related injury and/or illness. Identify which employee will be responsible for submitting the appropriate notifications (phone call and written report) to OSHA for any reportable injury/illness.

Be aware that if an employee contracts COVID-19 and they pass it to other people in their home and/or community, it opens up the employer to third party claims. Consider limiting the number of visitors, as they can also file third party claims.

Consider limiting the number of employees who will physically report to the worksites during the presumptive period, to reduce potential workers' compensation and third party claims. Identify who will file the third party claims with the liability carrier and/or claims administrator.

Reduce the number of volunteers when possible, as volunteers are also eligible for workers' compensation benefits through the district's coverage.

Identify what steps will be taken if an employee is positive for COVID-19 and other employees that may have interacted with them. Notify employees impacted by COVID-19 about the various leaves available, coordinate efforts with personnel services. Consider providing reminders to supervisors about privacy as it pertains to HIPAA in order to avoid potential liability.

Coordinate communication with facilities to sanitize and disinfect the site when there is confirmation of an employee with COVID-19; handle with discretion as to not disclose personal employee medical information.

Presumptive claims are rebuttable. Therefore, it will be important for employers to conduct discovery in order to demonstrate that the employee's positive COVID-19 was not caused by work. Record keeping of which employees were at work by date and location may serve as documentation to demonstrate that COVID-19 was caused by something else other than work. For example, to confirm that certain individuals were either not at work during the alleged time COVID-19 was contracted or that there was no interaction between certain employees because they were working at different locations.

Resources
- Division of Industrial Relations - Workers' Compensation, COVID-19 Resources:
- DWC Workers' Compensation Benefits for Essential Workers
- Executive Order (N-62-60)

4. ESSENTIAL QUESTION: What are the considerations related to the interactive process?

Implementation, Recommendations, and Considerations
Develop a plan to handle reasonable accommodation requests due to a medical disability. Consider training additional staff to facilitate the interactive process because there will be numerous requests for accommodations. Consider inviting employees who may already be on an approved FMLA to contact risk management/personnel if they are requesting a reasonable accommodation.

Pre-existing conditions and high-risk individuals may require additional considerations. Consider utilizing a consultant and/or attorney on potential challenging accommodation requests to ensure you are in compliance with ADA & FEHA.

Identify, in advance when feasible, which positions may be accommodated to work remotely. Allow at-risk such as over 65, pregnant, chronic lung disease, serious heart condition, obesity, chronic kidney or liver disease, diabetes, populations to approach you in the event they believe they need to work remotely. Encourage video conferencing for those employees who are working remotely as a way to accommodate their participation in meetings and training opportunities.

Provide mental health resources to employees.

Resources
- Job Accommodation Network (JAN) - Office of Disability Employment Policy (ODEP)
- Rachel Shaw Consulting
- Interactive Process Coordination & Facilitation
- Keenan SafeSchools Training Course:
  - » Coronavirus: Managing Stress and Anxiety
- Employee Assistance Program - District specific

Communication Protocols

Effective communication will be an essential element of a successful return to work/school plan. Personnel services and risk management will need to consider the various stakeholders, including employee associations, required for decision making as well as the appropriate audiences to disseminate decisions and information. Personnel services and risk management need to communicate across the organization. These units within the districts and county office will also need to make a concerted effort to communicate with each other as decisions may impact other agencies.

1. ESSENTIAL QUESTION: What elements are necessary for an effective communication plan in responding to COVID-19?

Implementation, Recommendations, and Considerations

Communication will be a key element in the success of re-opening schools. The communication plan should focus on including information to help employees, students, and families feel safe and comfortable when returning to school. A communication plan needs to include required postings and/or notifications by the state or CDC.

Effectively communicating across the organization before decisions are made will be a critical component of effectively managing the response to the changing dynamics. The communication plan should list which units need to be involved in different decisions so that all stakeholders are included. The communication plan may also establish timelines for re-opening phases and the type of communication necessary for each phase. The plan should also include district created communications and those communiques that might be appropriately delivered as a joint communique between the district and associations. The plan should clearly identify which audiences need what information so that all stakeholders receive the necessary information in a timely manner.

Additionally, there needs to be consideration given to incoming information. Perhaps designate a central person or unit to receive all incoming information and inquiries related to COVID-19 in order to effectively triage the communication. Consider developing talking points for the various levels of communication whether at the school site or the district level.

The plan should include how to communicate intermittent or rolling closures when necessary. Protocols for distance learning and remote work should be clearly communicated. Establish guidelines and talking points in advance.

Finally, the communication plan should effectively explain the complaint process should anyone have concerns so they can effectively access assistance and resolve the issues.

Each district should communicate plans with RCOE so that RCOE employees on district sites can follow the district guidelines. Additionally, if there is a school closure, please notify RCOE so RCOE can notify their employees that are impacted.

In the communication plan, be sure to provide appropriate accommodations for different languages and and formats. Also, consider various forms of communication such as letters, websites, emails, posters, phone blasts, videos, etc. On-going, clear communication with the associations will be a critical component of the communication plan.

Resources

- ACSA Re-opening Schools Guidelines
- AALRR Alerts