



COVID-19 RETURN TO WORK Q&A

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HEALTH SCREENING

Will staff be required to undergo routine COVID-19 virus testing, and if so, how often?

Schools in the Archdiocese are not requiring staff to undergo routine COVID-19 testing at this time.

Can I ask an employee if they have the coronavirus?

Managers may ask employees if they are experiencing symptoms of COVID-19. All information about employee illness must be maintained as confidential, and any written records must be treated as confidential medical records in compliance with the Americans with Disabilities Act (ADA). This means that the manager should not discuss or share the information provided by the employee with anyone other than Human Resources.

Can a school require an employee to undergo testing for COVID-19?

A school may require employees to get a viral test (i.e. nasal swab test), which is a test to determine if someone has an active case of COVID-19. Viral tests are permissible under the ADA. All medical information, including test results, must be kept confidential. However, as a matter of course, schools in the Archdiocese will not require employees to get an antibody test, but rather this is an assessment that will be case by case, based on the circumstances.

An antibody test constitutes a medical examination under the ADA, which limits the circumstances when it can be used. The CDC has issued interim guidance that antibody tests “should not be used to make decisions about returning persons to the workplace,” and thus, an antibody test at this time does not meet the ADA’s “job related and consistent with business necessity” standard for medical examinations or inquiries for current employees to determine if someone has an active case of COVID-19 (i.e., a viral test).

Can a school take an employee’s temperature before they report to work?

Yes. Under normal circumstances, taking an employee’s body temperature would be considered a medical examination and would not be permitted by the ADA. However, because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions, employers are permitted to take employees’ body temperatures. In fact, PA requires temperature screening of staff after a probable or confirmed case of COVID-19. All

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temperature screening data will be kept confidential. For more information, please refer to the Archdiocese's Temperature & Screening Policy.

All school employees should take their temperature daily at home. Some schools may routinely screen employees' temperatures and staff are required to comply with that screening.

Administrators who experience issues with temperature screening of staff should contact Human Resources.

[What precautions are in place for individuals who are conducting employee temperature checks?](#)

The School will provide a face covering and other protective equipment (e.g., face shields, masks, gloves, eyewear, gowns and other CDC-recommended equipment) to employees conducting temperature screenings.

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ADDRESSING WORKPLACE AND COMMUNITY EXPOSURE

Are staff required to notify the School if they have been exposed to COVID-19, have symptoms of COVID-19, or test positive for COVID-19?

Yes, individuals are required to report this information, whether they learn of the exposure or symptoms at work or outside of work, including notification of potential exposure through Department of Health contact tracing procedures. If staff experience symptoms or learn of exposure while at work/school, they should notify their principal who will direct them to the isolation area or direct them to leave school. If they learn outside of work/school, they should *not* report to the school premises, but should alert the school by email or phone.

What if a staff member reports a COVID-19 positive diagnosis but is asymptomatic (has no symptoms)?

Per Pennsylvania Department of Health and CDC guidance, the individual must stay home and self-isolate, but may discontinue isolation 10 days after the date of their first positive test if they continue to be symptom free.

What if a staff member reports a COVID-19 positive diagnosis and has mild symptoms of COVID-19?

Per Pennsylvania Department of Health and CDC guidance, the person must isolate at home until:

- (1) at least 10 days have passed since symptom onset; and
- (2) at least 24 hours have passed since resolution of fever without the use of fever-reducing medications; and
- (3) other symptoms have improved.

What if a staff member reports a COVID-19 positive diagnosis and has severe symptoms of COVID-19?

Per Pennsylvania Department of Health and CDC guidance, individuals with severe illness or those who are severely immunocompromised may remain infectious longer than others, and may need to extend isolation for up to 20 days after symptom onset. Therefore, home isolation should continue until:

- (1) at least 20 days have passed since symptom onset; and
- (2) at least 24 hours have passed since resolution of fever without the use of fever-reducing medications; and

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(3) other symptoms have improved.

What if a staff member reports a possible exposure to COVID-19, but has not been diagnosed?

Per Pennsylvania Department of Health and CDC guidance, they should quarantine for 14 days after exposure based on the time it takes to develop the illness. It is possible that a person known to have been infected with COVID-19 may leave isolation earlier than a person who is quarantined because of the *possibility* they are infected.

New 8/12/20 – When can you or when can an individual be around others after the person had or likely had COVID-19. The CDC again has updated its symptoms-based approach to ending home isolation if you think or know you had symptomatic COVID-19?

- (1) 10 days since symptoms first appeared and
- (2) 24 hours with no fever without the use of fever-reducing medications and
- (3) Other symptoms of COVID-19 are improving (Loss of taste and smell may persist for weeks or month after recovery and need not delay the end of isolation)

What if a staff member reports a possible exposure to COVID-19, but has not been diagnosed?

Per Pennsylvania Department of Health and CDC guidance, they should quarantine for 14 days after exposure based on the time it takes to develop the illness. It is possible that a person known to have been infected with COVID-19 may leave isolation earlier than a person who is quarantined because of the *possibility* they are infected.

What if someone is experiencing symptoms of COVID-19 at work?

The individual should notify the principal and go to the quarantine area or they may be directed to go home immediately and monitor their symptoms. If self-monitoring gives rise to a “probable or confirmed case,” follow the steps required by the PA Health Order. A person is considered to have a “probable” case of COVID-19 if that person has symptoms (i.e., fever or chills, cough, shortness of breath or difficulty breathing, fatigue, sore throat, muscle aches, headaches, new loss of taste or smell, tiredness, or nausea, vomiting and diarrhea) and exposure to a high-risk situation, or if the person has a positive antibody test and either symptoms or high-risk exposure.

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When should we alert other employees if someone else in the workplace has or may have COVID-19?

Ask the affected employee to monitor their symptoms, inform you if their symptoms progress, and seek a diagnosis if possible. Your obligations to inform other employees do not arise until the employee has a “probable or confirmed” case of COVID-19 (as defined above).

Consistent with applicable confidentiality laws, the school will promptly notify other employees who had “close contact” with any probable or confirmed COVID-19 case. The school will notify any employee in close contact with the affected individual while the individual was infectious (48 hours before the onset of their symptoms until the end of their isolation period). ***PA Dept. of Health Order requires employers to “Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality law.”***

What does “close contact” mean?

The CDC defines “close contact” as being within six feet of a person with a probable or confirmed case of COVID-19 for a prolonged period – 15 minutes. Under the PA Health Order covering staff, at present this period is 10 minutes.

The CDC recommends that anyone who has had close contact with someone with COVID-19 stay home for 14 days after their last exposure.

However, anyone who has had close contact with someone with COVID-19 does not need to stay home if that person also:

- developed COVID-19 illness within the previous 3 months, and
- has recovered, and remains without COVID-19 symptoms (for example, cough, shortness of breath)

What if an employee generally appears ill at work?

Administrators may inquire as to whether the employee is experiencing any symptoms of COVID-19. If they are, the employee should be sent home immediately. If they are not exhibiting COVID-19 symptoms, but the employee reports feeling ill, the school should suggest that the employee leave the premises and/or seek medical attention.

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How is contact tracing handled?

Contact tracing is performed by professional health employees after the case is reported to the PA Department of Health.

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WORKPLACE SAFETY

Updated 8/14/20 - What protective equipment will be required of staff?

The Pennsylvania Department of Health Order requires that all students, staff, and visitors age two and older wear face coverings while in school, with limited exceptions. This order was effective July 1, 2020, and will remain in effect until the Secretary of Health determines face coverings are no longer necessary. See PA Order Requiring Universal Face Coverings.

“Face covering” is defined as a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is wrapped around the lower face. A “face covering” can be made of a variety of synthetic or natural fabrics, including cotton, silk, or linen, and, for the purposes of the PA Health Order, can include a plastic face shield that covers the nose and mouth. “Face coverings” may be factory-made, sewn by hand, or improvised from household items, including but not limited to, scarves, bandanas, t-shirts, sweatshirts, or towels. While procedural and surgical masks intended for health care providers and first responders, such as N95 respirators, would meet these requirements, these specialized masks should be reserved for appropriate occupational and health care settings. **Masks with vents or valves allow air to be exhaled through a hole in the materials, which can result in expelled respiratory droplets that can reach others. This type of mask does not prevent the person wearing the mask from transmitting COVID-19 to others.**

Who is exempt from wearing a face covering?

Anyone refusing to wear a face covering due to a medical condition is excepted from the Order. In accordance with the Order, the school will not require documentation of the medical condition. The school may inquire whether the individual can wear a face shield instead of a face mask.

Employees are not required to wear face coverings while isolated from others in a private office or while eating or drinking. If alone in a room, a face covering must be used if leaving the room or someone is entering the room. While eating and drinking, social distance must be maintained.

What if someone refuses to wear a face covering?

Face coverings at work are required for everyone two years and older, unless they have a medical condition precluding the use of the covering, pursuant to Order of Pennsylvania Department of Health. In compliance with this Order, the school will refuse to allow entry to, or send home, employees, students, or visitors who refuse

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to comply with the Order. Employees may also be disciplined in accordance with disciplinary procedures.

What protocols are in place if the school learns of a probable or confirmed case of COVID-19 in the workplace?

The PA Department of Health requires employers to establish the following protocols upon the discovery that the business has been exposed to person who has a probable or confirmed case of COVID-19:

1. Close off areas visited by such person, open outside doors and windows and use ventilation fans to increase air circulation in such areas, and wait a minimum of twenty four hours or as long as practicable before beginning cleaning and disinfecting such areas;
2. Cleaning staff should clean and disinfect all areas and shared electronic equipment used by the person, focusing especially on frequently touched items;
3. Identify employees that were in close contact (within about 6 feet for about 10 minutes) with such person from 48 hours before the symptoms showed to the time which the person isolated;
 - a. If such employee remains asymptomatic, the employer should adhere to the practices articulated by the CDC;
 - b. If such employee becomes sick during the work day, then the employer should send the employee home immediately, and clean and disinfect surfaces in the employee's workplace;
 - c. Promptly notify employees who were in close contact with any known exposure at the business premises, without violating any confidentiality laws; and
4. Implement temperature screening before employees enter the premises and send any employee home who has an elevated temperature (100.4° F).

What measures will be put in place in the classrooms to ensure social distancing?

All schools have health & safety plans that comply with federal, state, and local law and guidance.

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What if an employee believes the school or a student is not following public health orders or established health and safety protocols, or otherwise has questions or concerns about health and safety in the workplace?

The Archdiocese takes seriously its obligation to ensure a safe working environment. Employees are encouraged to report any concerns about workplace safety to their administrators and/or Human Resources so their concerns may be addressed immediately. Unresolved issues may be reported to EthicsPoint at 1-844-840-6662.

What if an employee refuses to work because they are concerned that the workplace is not safe?

The Archdiocese is complying with all federal, state and local requirements for cleanliness and workplace safety. Please direct any employee with a concern about health and safety to Human Resources.

The Archdiocese encourages employees to report concerns about workplace safety immediately to their administrators and/or Human Resources so that the issues may be addressed.

Is a doctor's note required to return to work?

An employee with COVID-19 symptoms is required to be tested and is required to provide a negative viral test result to return to work. Employees who test positive should notify the school immediately upon receiving their results and will need to remain out of school until medically cleared. Normal policies for doctor's notes apply.

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EMPLOYEE REFUSAL OR HESITATION TO COME TO WORK

Note that the following issues may implicate the Americans with Disabilities Act (ADA). Please contact Human Resources for assistance.

Employee has an underlying health condition and does not want to come to work.

If the health condition is not obvious or already known, the school may ask questions and request medical documentation to determine whether the employee has a disability within the meaning of the ADA (a physical or mental impairment that substantially limits a major life activity or a history of a substantially limiting impairment). If the employee is a qualified individual with a disability, the school will engage in an interactive process to determine whether a reasonable accommodation can effectively mitigate the employee's risk of exposure without imposing undue hardship on the school.

Employee lives with someone who is high-risk for contracting COVID-19.

The ADA does not require that an employer accommodate an employee without a disability based on the disability-related needs of a family member or other person with whom he/she is associated. Employees may be eligible to take paid or unpaid leave and should consult their administrators and Human Resources.

What if an employee over age 65 does not want to come to work?

CDC has removed the specific age-65 threshold from the older adult classification for higher risk related to COVID-19. CDC now warns that among adults, risk increases steadily as you age, and it is not just those over the age of 65 who are at increased risk for severe illness. In other words, age is an independent risk factor for severe illness, but risk in older adults is also in part related to the increased likelihood that older adults also have underlying medical conditions.

Unlike the ADA, the Age Discrimination in Employment Act (ADEA) does not include a right to reasonable accommodation for older workers due to age. The school may provide flexibility to older workers, even if it results in younger workers being treated less favorably based on age in comparison (even if the younger workers are over 40). Older workers with underlying medical conditions also may come under the ADA and may request reasonable accommodation for their disability as opposed to their age.

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What if a pregnant employee does not want to come to work?

A pregnant employee may be entitled to reasonable accommodation under two circumstances:

1. Pregnancy-related medical conditions may themselves be disabilities under the ADA, even though pregnancy itself is not an ADA disability. If an employee makes a request for a reasonable accommodation due to a pregnancy-related medical condition, the Archdiocese will treat it as an ADA accommodation request and address it accordingly.

2. Title VII as amended by the Pregnancy Discrimination Act specifically requires that women affected by pregnancy, childbirth, and related medical conditions be treated the same as others who are similar in their ability or inability to work. This means that a pregnant employee may be entitled to job modifications, including telework, changes to work schedules or assignments, and leave to the extent provided for other employees who are similar in their ability or inability to work.

If an employee requests accommodation for her pregnancy, please contact Human Resources.

What if an employee expresses anxiety about returning to work?

If the condition is a diagnosed “anxiety disorder” or other recognized mental health condition, it may qualify as a disability under the ADA, triggering the interactive process. However, as a general matter, feeling stressed or anxious about working during COVID-19 does not entitle the employee to refuse to work; nor does it entitle an employee to alternate arrangements. The school will engage in the interactive process with employees to determine if the anxiety qualifies as a disability and requires accommodation that would not pose an undue hardship.

What if an employee is afraid to return to work?

General concerns or anxieties about returning to work, if not an “anxiety disorder” under the ADA, does not entitle an employee to refuse to come to work. Employees can be assured that the school is following all federal, state, and local guidance and orders surrounding COVID-19 workplace safety.

What if an employee doesn't want to come to work because they have to take public transit and are concerned that they risk infection on public transit?

Employees may not refuse to stay home from work because they are concerned about commuting.

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For those with disabilities who express concerns about commuting, accommodations may include temporary modification of work schedules, if that decreases contact with the public when commuting. For some employees, it may not be possible to make such accommodations. The school will engage in the interactive process with such individuals.

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EMPLOYEE LEAVE AND PAY RELATED TO COVID-19

Employee needs caregiver leave (childcare, eldercare, or disabled adult).

Caregiver responsibilities (unrelated to an employee's own medical condition) do not entitle an employee to an accommodation under the ADA. However, caregiver responsibilities related to caring for a parent, child, or spouse with a serious health condition may qualify as FMLA, which provides up to 12 weeks of unpaid leave. The Archdiocese is not subject to the Families First Coronavirus Response Act (FFCRA) so employees will not receive paid caregiver leave. Employees may take available sick time or vacation to cover time out of work for caregiver responsibilities.

The Archdiocese will ensure that employees are not treated differently based on sex or other EEO-protected characteristics. For example, under Title VII, female employees cannot be given more favorable treatment than male employees because of a gender-based assumption about who may have caretaking responsibilities for children.

Is the school required to compensate employees if it requires them to go home and/or quarantine?

Schools are not required by law to compensate employees who are required to quarantine. However, schools within the Archdiocese will continue to pay and will not charge employees sick leave for any school-imposed quarantine due to a known exposure to a COVID-positive student or staff member in the workplace. Employees will also be required to work from home during this time, where possible, except if they develop symptoms.

If the employee is quarantined for other reasons, e.g., because of a community exposure, the employee may be eligible to use accrued sick and vacation in order to be paid for the leave. Employees may also be entitled to unpaid leave under the FMLA if the illness qualifies as a "serious health condition" (which will depend on the extent of the incapacity and symptoms).

In accordance with federal and state law, schools in the Archdiocese only pay non-exempt employees for hours worked.

Is the Archdiocese required to compensate an employee who is subject to a government-imposed quarantine?

The Archdiocese will make every effort to accommodate and be flexible with employees impacted by government-imposed quarantine, but is not required to

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compensate the employee for the leave beyond the amount of vacation or sick time provided to employees by policy.

.What if an employee refuses to report a probable or confirmed case of COVID-19 because they do not have enough leave to cover the absence?

Employees are required to report a probable or confirmed case of COVID-19. Failure to do so may result in discipline, up to and including termination.

What if an employee believes they contracted COVID-19 at work and that they should be entitled to workers' compensation?

Employees who believe they became infected with COVID-19 in the workplace may be eligible for Workers' Compensation. Under the PA Workers' Compensation Law, an illness caused by work exposures can be considered a compensable injury (or, depending on the type of work, an occupational disease). The employee will need to show that work was the cause of the infection and not some other exposure. (Typically, healthcare workers are covered under workers' compensation)

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TRAVEL

Should staff returning from travel be required to stay away from the school for a certain period of time?

The Archdiocese of Philadelphia has suspended all non-essential (business and school related) travel, both domestic and international.

Individuals that travel to Coronavirus “hot spots” for personal reasons should quarantine for 14 days.

Can I tell employees not to travel for personal reasons?

No. You cannot bar an employee from traveling for personal reasons or dictate to what location they travel. However, you should remind them that the CDC and Pennsylvania recommend travelers avoid all nonessential travel to countries with a level 3 travel advisory at this time and that travel to Pennsylvania from the “hot spot” states will trigger the 14-day quarantine period. For more travel information visit the PA Department of Health Traveler Page. If you have reason to believe an employee is not being truthful about travel, you should contact Human Resources to discuss the situation, as this may trigger disciplinary action.

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REMOTE WORK

What if an employee requests to telework?

If the school is holding in-person classes, employees may not telework. However, if the employee requesting telework is doing so for a reason that may be related to a disability under the ADA, then you should engage in the interactive process. If the employee is disabled within the meaning of the ADA, the employee may be entitled to telework as a reasonable accommodation, if this would not pose an undue hardship on the school.

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