

Four Answers to Questions about returning to school during Covid-19

Many certified AFTCT members are experiencing anxiety about the return to school this fall. They are asking important questions and considering life-changing actions like retirement. Each member faces individual circumstances and not all are covered below, but these may provide a starting point to thinking about options, rights, and next steps.

1. [I want to go back to work, but I have health condition that makes me a high-risk person for Covid-19. What do I do?](#)
2. [I want to go back to work, but a family member has a health condition that makes me a high-risk person for Covid-19. What do I do?](#)
3. [I have no particular health condition. I don't want to take risks with my health at work.](#)
4. [I do not want to go back to work. What are my options?](#)

I want to go back to work, but I have health condition that makes me a high-risk person for Covid-19. What do I do?

You cannot refuse to report to work. If you are actually ill with a health condition, you may qualify for an FMLA-protected sick leave of up to 12 weeks. FMLA is paid leave in some circumstances. If you have a health condition or disability that would require an accommodation, you can engage in the interactive process of Americans with Disabilities Act (ADA) with the employer to find an accommodation. See guidance from the CDC as to what may constitute a qualifying disability due to being at high risk for COVID. https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html

Teachers can ask for ADA accommodations leading to no-mask assignments, plexiglass barriers, and remote assignments. The employer will likely require medical documentation that outlines the restrictions and/or recommendations.

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Employers must engage in the interactive process to find a reasonable accommodation; however, they need not accommodate every request if it would cause an undue hardship on the employer. An undue hardship means significant difficulty or expense. Even with an accommodation, the employee must still be able to do the essential job functions of their position.

An employer can ask for medical documentation to determine whether the employer has a disability under the ADA and to learn what accommodations are required. Employers may offer temporary accommodations that expire after a certain date.

While an employer can start the interactive process for an accommodation, the employer does not have to seek out vulnerable employees and offer them accommodations. Employees who are seeking an accommodation based on an eligible disability should, in writing, request an ADA accommodation and outline the underlying condition and the recommended accommodations.

Employees should start the interactive process as soon as possible. Waiting until the school year starts could result in the employer not being able to accommodate the teacher. In addition, review the [answer to question three](#).

I want to go back to work, but a family member has a health condition that makes me a high-risk person for Covid-19. What do I do?

You cannot refuse to report to work. If your family member has a health condition or disability that requires extra care to reduce exposure, you can request a transfer to a position that has less risk such as a remote teaching assignment. You may qualify for FMLA-protected leave of absence for up to twelve weeks. FMLA is paid leave in some circumstances. In addition, review the [answer to question three](#).

The Americans with Disabilities Act (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 she is associated. (example: Employee has mother or child with auto immune disorder at home; employer does not have to accommodate employee)

I have no particular health condition. I don't want to take risks with my health at work.

You cannot refuse to report to work. There may be steps available to you that will give you more confidence and reduce your risk. Discuss your concerns with

your medical provider. Think about your work environment and what specific elements you might be able to adjust depending on your assignment. The most effective adjustment to reduce risk seems to be to open windows, wash your hands frequently, and use a mask.

You can purchase medical-quality masks and a face shield and learn to use them the way health professionals do, with limited touching and limited adjustments once on.

You can purchase for yourself a lab coat or disposable gowns to reduce exposure to people at home.

You may be able to request plexiglass around your teacher desk or station.

You may be able to request a transfer to another room with operable windows.

You may be able to interview and land a position in another room that has operable windows, or arrange to meet with your students outside in a courtyard.

I do not want to go back to work. What are my options?

You can request a leave of absence. The terms of a leave of absence are bargained locally and can be found in your local Collective Bargaining Agreement. You have the option of contributing to the [Teacher's Retirement Account](#) during a leave of absence and this must be arranged in advance.

You can resign. Resignation may include the option of retirement, or a deferred retirement through [Teacher's Retirement Board](#), depending on your age, years of service, and other factors. The terms of severance or other payout for sick days are bargained locally and can be found in your local Collective Bargaining Agreement. Please note that generally, a 30-day notice to your district is required for resignation and 60 days or more is often required for the state to process your first pension check. If you resign due to Covid-19 risk concerns, you may be eligible for unemployment benefits if you or a close family member have a pre-existing condition that would make you eligible for unemployment. The link attached outlines the new standards.

<https://www.ctdol.state.ct.us/returntowork.pdf> Each case is unique and determined on a case by case basis.