

Lackawanna City School District

Public Employer Health Emergency Plan

Date of Approved Plan: March 24, 2021

This plan has been developed in accordance with NYS legislation S8617B/A10832.

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Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraph m of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed with the input of the Lackawanna Administrative Council, CSEA Lackawanna CSD Unit 6747, The Lackawanna Competitive Education Secretaries Association, The Lackawanna Teachers Federation, and The New York State Nurses Association, unions, as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of **Lackawanna City School District**, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraph m of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: **date**

Signature:

By: Mr. Keith Lewis

Title: Superintendent

Record of Changes

Date of Change	Description of Changes	Implemented By
03/1/21	Updated NYS COVID Leave Information for Employees	Kiel Illg

Purpose, Scope, Situation Overview, and Assumptions

Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraph m of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

Scope

This plan was developed exclusively for and is applicable to **Lackawanna City School District**. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
 - After using the restroom
 - After returning from a public outing
 - After touching/disposing of garbage
 - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect workstations as needed
- Other guidance which may be published by the CDC, the State Department of Health, or County health officials

Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance
- The circumstances of a public health emergency may directly impact our own operations
- Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety
- The public and our constituency expects us to maintain a level of mission essential operations
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the governor
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a work site to perform their job
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job

Concept of Operations

The Superintendent of **The Lackawanna City School District**, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Superintendent.

Upon the determination of implementing this plan, all employees and contractors of **Lackawanna City School District** shall be notified by the Email and District Messaging System with details provided as possible and necessary, with additional information and updates provided on a regular basis. All district employees, parents and guardians, and the Board of Education will be notified of pertinent operational changes by way of the Email and District Messaging System. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Superintendent or his designee will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Superintendent of **The Lackawanna City School District**, their designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Superintendent of **The Lackawanna City School District**, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

Mission Essential Functions

When confronting events that disrupt normal operations, **Lackawanna City School District** is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency
2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of **The Lackawanna City School District**

The **Lackawanna City School District** has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for **The Lackawanna City School District** have been identified as:

Essential Function	Description	Priority
Superintendent of Schools	Oversees and plans. Assigns critical functions assuring compliance with all CDC, DOH and NYSED requirements. Establishes communication with staff and parents to execute and standardize district goals. Establishes contacts to provide outside organizations with information relative to District plans to procedures. Communicates with the Board of Education directly.	1

Assistant Superintendent Administrative Services	Liaison for the Superintendent of Schools. Coordinates and supports the goals of the District with the Superintendent of Schools and Assistant Superintendent. Oversees the functions of the Business Office. Communicates directly with administration to assist with planning and daily functions to achieve District goals and maintain safety equipment and supplies.	1
Assistant Superintendent	Liaison for the Superintendent of Schools. Coordinates and supports the goals of the district with the Superintendent of Schools and Assistant Superintendent of Administrative Services. Communicates directly with the administration to assist with planning and functions, ensuring that the needs of the district are being met. Reports to the Superintendent of Schools and Assistant Superintendent of Administrative Services directly. Assists with CDC, DOH and NYSED regulations including oversight of NYS recording requirements and Nursing Staff.	1
Administration	Coordinates functions delegated by the Superintendent of Schools. Assigns tasks to facilitate and accomplish district goals. Communicates regularly with the Assistant Superintendent. Oversees personnel assigned to tasks. Ensures critical functions are being performed as necessary. Provides regular progress reports on daily activities necessary to accomplish district goals. When directed by the Superintendent of Schools, the administration is responsible for communicating and updating employees in district policy. This includes cleaning regime, scheduling and any changes to these duties. Monitors and requests building safety equipment and supplies as needed.	1
Director of Facilities	Coordinates functions with the Superintendent of Schools, Assistant Superintendent and Assistant Superintendent of Administrative Services, Administration and Staff. Responsible for staffing, maintenance activities, custodial duties including ordering supplies, training, scheduling to meet the needs of the district. Instructs and informs staff of district policy and procedures including personal protection, cleaning procedures and methods of reporting and receiving issues and concerns that may	1

	<p>affect or enhance safety procedures. Responsible for communication and updating employees in district policy, cleaning regime, schedules and constant changes to these duties. Maintains a current inventory of supplies and safety equipment and provides staff and services as needed. Inventory includes maintaining a cache of necessary supplies and equipment through reordering and replenishing stock so as not to fall short of critical supplies. Adjusts schedules to meet current needs, updates and trains staff on proper handling and use of tools and chemicals as per the manufacturer, CDC, DOL and DOH requirements. Coordinate's deliveries and ensures delivery agents know and follow district policy when on site. Schedules outside maintenance activities. Ensures third party contractors know and follow all school, CCD, DOL and DOH policies while on school district property.</p>	
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Business Office	Assists the Superintendent of Schools with maintaining critical functions and Administration oversight. Provides needed guidance and advice with logistical and financial obligation; as well as record keeping. Provides purchasing support to ensure that necessary safety equipment and supply inventory can be maintained for education, maintenance, nursing, and custodial functions.	1
Technology Department	Provides support to ensure critical infrastructure is in place to provide effective building support and educational support securely. Works directly with the Superintendent of Schools and Administration staff to ensure communication and internet stability. Provides the necessary equipment and approved software to staff and students to perform the functions of each necessary school sector to maintain building maintenance, day to day operations, and educational needs.	1
Nurses	Assists with the goals of the district. Provide medical insight and support to help maintain a healthy school population. Assists with planning and achieving district goals. Provides support and assistance to carry out orders from the Medical Director, CDC, DOH and NYSED regulations. Maintains a sanitary environment. Monitors quarantine area. Keeps accurate records. Makes immediate and necessary notifications to building administrators when necessary. Coordinates activities with parents. Offers guidance to building occupants and parents. Communicates regularly with the building administration and the Superintendent.	1
Building Secretaries	Staff will continue to perform vital services as directed by the Superintendent of Schools and directed by their school administrator. The District will determine need based on individual circumstances and can be utilized in school or remotely. Administration will provide services necessary for staff to operate in a safe and clean environment on site. Administration will ensure all staff will be informed of and are required adhere to district safety policy while onsite. Administration will provide the necessary means and materials to safely and effectively work in a remote setting as well.	1
Maintenance Staff	Maintenance staff will perform vital services to keep and maintain essential equipment for onsite and remote learning. Maintenance staff and work will be overseen by the Director of Facilities and Operations. Staff will be informed of school procedures and adhere to all personal safety protocols required by the CDC, DOL (PESH), and DOH at all times. The Director of Facilities will supervise and schedule maintenance personnel for	1

	the purpose of keeping vital services operating and functional.	
Custodial Staff	Custodial staff will work as directed by the Director of Facilities and Operations. The Director of Facilities will oversee and ensure school buildings are being cleaned properly. Building Administration will also assist with notification and information about building conditions and issues that need to be discussed or addressed. Custodial staff has received pandemic awareness training. Training provided essential information about communicable diseases. Training also included information about personal protective equipment, cleaning products, proper disinfection and sanitization and product use, product labels, Safety Data Sheets, and manufacturers' requirements for use. The district will provide custodial staff with the required personal protective equipment and cleaning supplies to maintain a safe working environment. Staff shifts and personnel will be scheduled accordingly based on the needs of the district. As with all staff, custodial personnel will follow district protocols required by the CDC, DOL (PESH), DOH and the district while providing services and on breaks.	1
Educational	The Assistant Superintendent will work with the Superintendent and Administration to determine the level of on-site education and or implement the District Remote Learning Plan.	1
Outside Contractors	Outside contractors will be scheduled and work will be performed with the oversight of the Director of Facilities and Operations. All outside contractors will notify the Director of Facilities when they arrive on-site. Outside contractors will be informed of district procedures and policy before they are allowed to work on the premises. Companies performing work on site will provide their employees with the proper PPE to comply with District policy. Outside contractors who do not or cannot work safely will not be allowed on district property.	1
Food Service	All Food Service operations will be determined by the Assistant Superintendent of Administrative Services. All District protocols will be initiated by the District Food Service contractor.	1
Transportation	Transportation will provide services directed by the Assistant Superintendent of Administrative Services. The Transportation Coordinator will supervise operations. The District will provide safe and secure transportation based on the needs of the District and learning environment. Protocols will be established, and the Transportation Contractor has received proper training for cleaning and sanitizing buses. The Transportation Contractor will provide their employees	1

	with the training and proper PPE and disinfection equipment to effectively maintain the transportation fleet. Records will be maintained accurately to ensure bus safety procedures are being followed. The Transportation Coordinator will schedule staff and bussing pickup and drop off according to the needs of district. The District will continually inform staff and parents of changes to procedures as necessary.	
B.O.E	The Board of Education and Superintendent of Schools will dictate school policy and procedures.	1
Outside Deliveries	Deliveries will be coordinated with the Director of Facilities and Building Custodians. The Director of Facilities will inform companies of District Policy and procedures in advance. All delivery agents will be required to notify the district prior to arrival on District and strictly adhere to district policy while on site. Employers will be required to provide their employees with the proper PPE to work safely while on site.	1

Essential Positions

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

Essential Function	Essential Positions/Titles	Justification for Each
Information Technology	Principal of Technology/CIO	The employee establishes all priorities for IT task and organizes staff. IT staff members provide support in setting up hardware and software, network management, and help desk support.
Administration and Oversight	Superintendent of Schools	The Superintendent is the decision-maker for the entire district.
Operations	Assistant Superintendent of Administrative Services	Ensures all essential functions are maintained.
Education & Operations	Assistant Superintendent	The Assistant Superintendent determines the educational plan.
Facilities	Director of Facilities	Maintains the necessary level of cleaning and sanitizing.

Administration	Principals, Assistant Principals,	The Principals & Assistant Principals, are the liaisons between students, families, and employees in the building and help determine the educational plan.
Cleaning and Sanitizing	Buildings and Grounds Staff, Custodial Maintenance, and Laborers and Grounds man	Performs all cleaning and sanitization and necessary upkeep of the buildings.
Support	District Clerical Staff	Provides necessary support for all Administrators.
Health Services	Nursing	Directs all Health Services.

Reducing Risk Through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation.

Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
 - a. Internet capable laptop
 - b. Necessary peripherals
 - c. Access to VPN and/or secure network drives
 - d. Access to software and databases necessary to perform their duties
 - e. A solution for telephone communications
 - i. Note that phone lines may need to be forwarded to off-site staff

The Superintendent of Schools and the District Administrative Staff will determine the level of remote working for all district employees in conjunction with all NYSDOH guidelines.

Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, **The Lackawanna City School District** will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
2. Approval and assignment of changed work hours

The Director of Facilities will work with the Superintendent of Schools or a designee to formulate a calendar that schedules employees based on the needs of the District.

Personal Protective Equipment

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Face shields
- Gloves
- Disposable gowns or aprons

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location
2. Procurement of PPE
 - a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee during any given work shift for at least six months
 - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
3. Storage of, access to, and monitoring of PPE stock
 - a. PPE must be stored in a manner which will prevent degradation
 - b. Employees and contractors must have immediate access to PPE in the event of an emergency
 - c. The supply of PPE must be monitored to ensure integrity and to track usage rates

The Director of Facilities will be responsible for ensuring the proper PPE is available at all buildings for required applications. The District will work to ensure we maintain a six-month supply of PPE as directed above for all faculty, students. An extra supply of PPE will be available in all buildings with the Principals, Nurses or Custodial staff. The **Lackawanna City School District** participates in competitive Purchasing Agreements. They provide a comprehensive list of suppliers and products used for maintaining employee safety, disinfecting and sanitization protocols.

Surplus PPE will be stored in a dry, secured central location. Access to the surplus PPE can only be made by the Director of Facilities or the Custodial staff as this will ensure the accurate accountability of all supplies on hand. The Director of Facilities will be responsible for keeping accurate records and reporting.

Staff Exposures, Cleaning, and Disinfection

Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person):
 - 1. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 10 days or other current CDC/public health guidance for the communicable disease in question.
 - a. As possible, these employees will be permitted to work remotely during this period if they are not ill.
 - b. All necessary parties will be notified of staff exposure through contact tracing.
 - c. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing.
 - 2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
 - a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
 - b. In-person interactions with the subject employee or contractor will be limited as much as possible.
 - c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the section on Cleaning and Disinfection for additional information on that subject.
 - d. If at any time they exhibit symptoms, refer to item B below.
 - e. The Superintendent of School, or his designee, in the organization is the decision-maker in these circumstances and who is responsible for ensuring these protocols are followed.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:

1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
 2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
 3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
 4. **The Lackawanna City School District** will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work unless there is a recommendation from the CDC/public health or department of labor officials to do so.
 5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
 6. The Assistant Superintendent in the organization must be informed in these circumstances and who is responsible for ensuring these protocols are followed.
- C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
1. Apply the steps identified in item B, above, as applicable.
 2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
 - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
 - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
 - c. See the section on Cleaning and Disinfection for additional information on that subject.
 3. Identification of potential employee and contractor exposures will be conducted
 - a. If an employee or contractor is confirmed to have the disease in question, the Superintendent or his designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
 - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health

recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum, in conjunction with District custodial staff.
 - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least hourly.
 - b. The Director of Facilities and Operations will coordinate and establish cleaning guidelines and schedules for all cleaners to cover the common areas listed above.
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
5. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.

Employee and Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which **The Lackawanna City School District** is committed to reducing the burden on our employees and contractors. The Families First Coronavirus Response Act provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of **The Lackawanna City School District** will not be charged with leave time for testing. Employees will be provided with up to two weeks (80 hours) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Further, **The Lackawanna City School District** will provide up to two weeks (80 hours) of paid sick leave at two-thirds the employee's regular rate of pay if the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local orders or advice of a healthcare provider), or to care for a child (under 18 years of

age) whose school or child care provider is closed or unavailable for reasons related to the public health emergency, and/or the employee is experiencing a substantially similar condition as specified by the CDC/public health officials. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additionally, **The Lackawanna City School District** will provide up to an additional 10 weeks of paid expanded family and medical leave at two-thirds of the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days by **The Lackawanna City School District**, is unable to work due to a bona fide need for leave to care for a child whose school or childcare provider is closed or unavailable for reasons related to the public health emergency. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

GUIDANCE ON USE OF NYS COVID-19 SICK LEAVE

On March 18, 2020, New York State enacted legislation authorizing sick leave for employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. The law provides paid and unpaid sick leave with access to expanded paid family leave and temporary disability depending on the size of the employer. All employees, regardless of the size of their employer, are entitled to job protection upon return from leave.

This document provided by the department of labor supplements prior guidance on the application of COVID-19 sick leave. All prior guidance remains in effect.

1. An employee who returns to work following a period of mandatory quarantine or isolation does not need to be tested before returning to work, except for nursing home staff. However, an employee who subsequently receives a positive diagnostic test result for COVID-19 must not report to work. The employee shall be deemed to be subject to a mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law, whether or not the employee already has received sick leave as required by the law for the first period of quarantine or isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has tested positive for COVID-19. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result.

2. An employee who is subject to an order of quarantine or isolation but continues to test positive for COVID-19 after the end of such quarantine or isolation period must not report to work. Please note that an employee is not recommended to be tested to discontinue isolation or quarantine. The employee shall be deemed to be subject to a second mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law for the second period of isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has received a positive diagnostic test for COVID-19 after completing the initial period of isolation. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result. Andrew M. Cuomo, Governor Roberta Reardon, Commissioner

3. If an employer mandates that an employee who is not otherwise subject to a mandatory or precautionary order of quarantine or isolation to remain out of work due to exposure or potential exposure to COVID-19, regardless of whether such exposure or potential exposure was in the

workplace, the employer shall continue to pay the employee at the employee's regular rate of pay until such time as the employer permits the employee to return to work or the employee becomes subject to a mandatory or precautionary order of quarantine or isolation, at which time the employee shall receive sick leave as required by New York's COVID-19 sick leave law, in accordance with this guidance, for the period of time the employee is subject to such mandatory or precautionary order of quarantine or isolation.

4. In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be based on a positive COVID-19 test in accordance with paragraphs 1 and 2. For additional information about COVID-19, please visit the New York State Department of Health's coronavirus website at coronavirus.health.ny.gov home. For additional information about New York's COVID-19 sick leave law, please visit ny.gov/COVIDpaysicksickleave

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of **The Lackawanna City School District**, and as such are not provided with paid leave time by **The Lackawanna City School District**, unless required by law.

Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits.

This information may be used by **The Lackawanna City School District** to support contact tracing within the organization and may be shared with local public health officials.