

The Louisiana Department of Education understands employees may be faced with issues of having to care for their children or provide support to their children for educational activities related to COVID-19. LDOE supervisors will work with employees as issues arise to determine if an alternate work arrangement or FFCRA leave is needed. The following information provides employees, supervisors and appointing authorities with the appropriate steps to take when an alternate work arrangement or FFCRA leave may be needed.

1. The employee must notify his/her immediate supervisor of the need for an alternate work arrangement or FFCRA leave due to having to care for his/her child or provide support to his/her child for educational activities as a result of the impact of COVID-19 on schools. The employee and supervisor will work together to determine a work arrangement or FFCRA leave that is agreeable to both.
2. Depending on the employee's situation and nature of work, the following options may be available to the employee:
  - a. Alternative work schedule (requires a Request for Flexible Work Schedule)
  - b. Telecommuting (requires an approved Telecommuting Work Agreement)
  - c. Paid leave under the Families First Coronavirus Response Act (FFCRA)
  - d. Combination(s) of the above
3. The employee must complete the Request for Alternate Work Arrangement/FFCRA Leave for School Reopening form and officially submit the alternate work arrangement/leave request to his/her supervisor.
4. The employee must list all children who will be included in the alternate work arrangement/FFCRA request and provide the following information for each child:
  - a. A list of all reopening options offered by the child's school and the option that was selected for that child.
  - b. If the child is attending school via a hybrid model (mixture of in-person and virtual learning days), documentation may be required from the school indicating that child's school schedule.
5. Alternate schedules within the workweek must fall between the hours of 6:00 am – 8:00 p.m.
  - a. An example of a split shift in an 8-hour workday as part of a flexible or alternate work schedule would be: 6:30 a.m. – 10:30 a.m. (4 hours) & 2:30 p.m. – 6:30 p.m. (4 hours) for an 8-hour work day.
  - b. Employees approved to work a split shift need to indicate the hours they will be working each work day and provide that documentation to their time administrator.
6. The employee's immediate supervisor must determine if it is feasible for the employee to complete his/her duties and responsibilities through telecommuting and/or an alternate work schedule. Due to the nature of the work, some employees may not be eligible to telecommute and/or for an alternate work schedule.
7. The appointing authority must review the request and if the alternate work arrangement is approved, sign the form and submit it to Human Resources.
8. Employees must recertify (in writing) their work arrangement request every nine weeks (60 days) during the school year, if the employee's child(ren)'s attendance selection changes, and if regular in-person school attendance resumes.

9. Employees approved to telecommute as part of their alternate work arrangement must follow the standard procedure for requesting to telecommute. The employee may not begin telecommuting based on an alternate work arrangement until a Telecommuting Work Agreement has completed the approval process and been signed by the appointing authority.
10. Employees approved for an alternative work schedule as part of their alternate work arrangement must submit a Request for Flexible Work Schedule form to Human Resources to officially update their work schedule. The employee must submit another request once the alternate work arrangement is no longer needed and the employee returns to a regular schedule.
11. Employees may be asked to provide documentation from their child(ren)'s school for the time they will be unable to perform their duties due to providing care for a child(ren) or providing support to a child(ren) for educational activities related to COVID-19.
12. Alternate work arrangements are not available for days on which the employee's child(ren) attend class in person.
13. In certain situations, employees are eligible for paid leave under FFCRA when they are caring for their own children or providing support to their own children for educational activities related to COVID-19. FFCRA provides for payment of two-thirds of an employee's regular salary, up to \$200 per day, when the employee is unable to be accommodated in a manner that allows them to continue to work due to the pandemic and no other suitable person is available to care for the child(ren). Employees may supplement the remaining one-third of the employee's regular salary with accrued annual leave. Additional information regarding the FFCRA can be found at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>
14. Employees eligible for paid leave under the FFCRA may be able to use this leave in conjunction with other alternative options.
15. Employees requesting paid leave under the FFCRA must certify that no other suitable person is available to care for their children.
16. Flexibility by both the employee and management is necessary to manage workloads while managing scheduling challenges. Telecommuting employees must be productive in doing so and accountable for their work time. Scheduling must ensure that there is adequate in-office attendance throughout the work week and during core business hours. Every alternative must be considered in resolving scheduling issues prior to defaulting to the use of leave since employees on leave are not contributing to accomplishing the agency's mission. Supervisors must acknowledge on the Employee Request for Alternate Work Arrangement for School Reopening form whether or not the duties of certain positions cannot be performed remotely.
17. A requests for an alternate work arrangement should align with the school schedule of the employee's child(ren).
  - a. Gary's son is attending school via a hybrid model. His son attends school in person three days a week and has virtual learning on Tuesday and Thursday. There is no other suitable person to care for Gary's son on his virtual learning days. Gary and his supervisor agree that he is able to work from home while overseeing his son's virtual learning. Gary is requesting an alternate work arrangement that includes

telecommuting for those two days. **Gary will need an approved Employee Request for Alternate Work Arrangement and an approved Telecommuting Work Agreement.**

- b. Melissa's son is attending school via a hybrid model. Her son attends school in person three days a week and has virtual learning on Monday and Wednesday. There is no other suitable person to care for Melissa's son on his virtual learning days. Melissa and her supervisor agree that she is able to work from home and that she can work a split shift so that she can assist her son with his virtual learning. **Melissa will need an approved Employee Request for Alternate Work Arrangement, an approved Telecommuting Work Agreement, and an approved Request for Flexible Work Schedule.**

18. Employees with telecommuting and/or alternative schedules will be held to the same performance standards as all other employees. Supervisors will document and communicate the performance expectations, provide feedback regarding performance expectations, and utilize the performance management tools.
19. The following scenarios address the main areas of concern regarding the applicability of FFCRA and school reopening and having to care for a child or provide support to a child for educational activities related to COVID-19. These scenarios detail the days on which the employee may be eligible for paid leave under the FFCRA.

#### **Scenario 1**

**My child's school is operating on an alternate day (or other hybrid-attendance) basis. The school is open each day, but students alternate between days attending school in person and days participating in virtual learning. They are permitted to attend school only on their allotted in-person attendance days. May I take paid leave under the FFCRA in these circumstances on these days?**

Yes, you are eligible to take paid leave under the FFCRA on days when your child is not permitted to attend school in person and must instead engage in virtual learning, as long as you need the leave to actually care for your child during that time and only if no other suitable person is available to do so. For purposes of the FFCRA and its implementing regulations, the school is effectively "closed" to your child on days that he or she cannot attend in person. You may take paid leave under the FFCRA on each of your child's virtual learning days.

Note: You also have the option to request an alternative work arrangement from the LDOE to adjust your schedule and/or telecommute on these days instead of taking FFCRA leave.

#### **Scenario 2**

**My child's school is giving me a choice between having my child attend in person (including hybrid attendance) or participate in a 100% virtual learning program for the fall. I signed up for the virtual learning alternative, for example, because I worry that my child might contract COVID-19 and bring it home to the family. Since my child will be at home, may I take paid leave under the FFCRA in these circumstances?**

No, you are not eligible to take paid leave under the FFCRA because your child's school is not "closed" due to COVID-19 related reasons; it is open for your child to attend. FFCRA leave is not available to take care of a child whose school is open for in-person attendance. If your child is home not because his or her school is closed, but because you have chosen for the child to remain home, you are not entitled to FFCRA paid leave.

Note: You have the option to request an alternative work arrangement from the LDOE to adjust your schedule and/or telecommute on these days.

**Scenario 3**

**My child's school is beginning the school year via a virtual learning program out of concern for COVID-19, but has announced it will continue to evaluate local circumstances and make a decision about reopening for in-person attendance later in the school year. May I take paid leave under the FFCRA in these circumstances?**

Yes, you are eligible to take paid leave under the FFCRA while your child's school remains closed. If your child's school reopens, the availability of paid leave under the FFCRA will depend on the particulars of the school's operations (i.e. in-person, hybrid, or virtual learning).

Note: You also have the option to request an alternative work arrangement from the LDOE to adjust your schedule and/or telecommute.