



Your **BEST** Choice!

POL-HR1  
September 9, 2020

## **POLICY 3.82**

**Agenda Item #POL-A#3.82** I recommend the Board approve the additional changes for the development of proposed revised Policy 3.82, entitled "Employee Protocols due to COVID-19."

[Contact: Dr. Gonzalo LaCava, Chief of Human Resources, PX 48747.]

## **CONSENT ITEM**

The proposed revised Policy 3.82 will convert the Emergency Policy 3.82 to a permanent policy for the School Board with the following changes:

- The classification as Interim is removed from the Policy title.
- The provision detailing the forms available for employees to take a leave of absence is expanded to include all applicable types of leaves. As included is the direction to contact the HR Customer Call Center for assistance.
- The District Safety Guidelines are expanded to include not coming to work when ill; self-screening prior to coming to work; use of hand sanitizer; reasonable directives as to usage of and through common areas; social distancing guidelines exceptions for job functions; staggering reporting/exiting times; defining in detail acceptable face coverings; allowing for expectations to face coverings while in alone in a closed space or while eating following social distancing; cleaning workstations daily; and the potential for health screenings of employees.
- Creating a District panel to determine prioritization for applicants for remote work and providing for an appeal of a denial of the request for remote work.
- Expanding the definition of close contact from simply six (6) feet of distance to include that such contact lasted for fifteen (15) minutes or more.
- Creating a second level of close contact for individuals working in an enclosed space with in excess of six (6) feet for an extended period of time.
- Explaining the need for confidentiality of positive tests/potential exposure by site supervisors when contact tracing.
- Providing direction for site supervisors for notification of potential exposure by an employee.

- More clearly detailing the responsibilities of an employee who was notified by the Supervisor of potential exposure while at work.
- Including a list of requirements for employees who were self-isolated after a positive COVID-19 test with symptoms; a positive COVID-19 test without symptoms; or potential exposure while at work based on level of close contact.
- Changing "person" to "employee".
- Providing a requirement of mandatory training related to this policy for all employees.
- Reminding employees that nothing in this policy should be construed to prohibit an employee from performing his/her job functions.
- Providing the Superintendent with the authority to suspend, revoke or rescind portions of the policy based upon available information related to COVID-19 cases.

**Legal Signoff:**

The Legal Department has reviewed proposed Policy 3.82 and finds it legally sufficient for development by the Board.



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Attorney

September 7, 2020

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Date

1 **Policy 3.82 ~~Interim~~ Employee Protocols due to COVID-19**

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3 1. **Purpose.** To facilitate the continuous operations of the District and protect the health, safety,  
4 and welfare of employees by adhering to COVID-19 District safety ~~guidelines protocols in~~  
5 compliance with CDC, state and local guidelines.  
6

7 2. **Reporting.**

8 a. Employees deemed necessary for the functioning of the district MUST report to their  
9 work location if directed to do so.

10  
11 b. If an employee is unable to report to work, either in person or remotely, they must  
12 complete one or more of the following forms: form PBSD 0032 (TDE), PBSD  
13 2312(FMLA), PBSD 1666(FMLA) or PBSD 2651 (FFCRA Leave) to request a leave of  
14 absence prior to the start of his/her assigned shift. Employees may contact the HR  
15 Customer Call Center for assistance with applying for a leave of absence.  
16

17 c. If an employee is requesting leave for a medical condition as described in the CDC  
18 guidelines, they ~~must~~ should work with their supervisor to determine if an alternative  
19 work assignment is available. If no alternative is available, they must either report to  
20 their usual work location or take a leave of absence.  
21

22 d. If an employee has a disability which he/she believes requires a reasonable  
23 accommodation to allow him/her to perform the essential functions of the job, the  
24 employee should contact the District EEO Coordinator.  
25

26 3. **District Safety Guidelines.**

27 a. All employees must:

28 i. Not come to work if ill including, but not limited to: symptoms of fever, cough,  
29 sore throat, diarrhea, severe headache, body ache, shortness of breath, fatigue,  
30 loss of appetite and/or sense of smell, and other flu-like symptoms.

31 ii. Self-screen at home prior to reporting to work. Employees are recommended to  
32 take their temperature prior to reporting to work and not report if they ave a  
33 temperature of 100.4 or higher. Employees shall not report to work while using  
34 fever-reducing medications.

35 iii. ~~i.~~ Comply with all reasonable directives related to health and safety, including  
36 but not limited to, usage and passage through common areas and shared  
37 spaces;

38 iv. ~~ii.~~ Abide by social distancing guidelines, keeping a minimum of 6 feet apart --  
39 unless to do so is not possible while performing a required job function;

40  
41 v. ~~iii.~~ Stagger reporting/exiting times, breaks and lunch time as determined by  
42 their \_\_\_\_\_ direct \_\_\_\_\_ supervisor;  
43

- 44 vi. ~~iv. Have no more than 10 people congregating in a space~~ Avoid congregating  
45 when unnecessary to the greatest extent possible.
- 46
- 47 vii. ~~v.~~ Not share phones, keypads, tools, pens, pencils, hard hats or any other items;
- 48
- 49 viii. ~~vi. Every two (2) hours, W~~ wash their hands ~~often~~ for 20 seconds or use hand  
50 sanitizer.
- 51 ix. ~~and~~ ~~d~~Disinfect common work surfaces after each shift use;
- 52
- 53 x. ~~Wear~~ Face coverings are required to be worn at all times (all employees must  
54 provide their own face coverings). Facial coverings should cover your nose and  
55 your mouth and comply with the CDC recommendations. All face coverings  
56 (whether disposable or reusable) must: be made with at least ~~2~~ three (3) layers  
57 of breathable material; fit snugly but comfortably against the side of the face  
58 and be secured with ties or ear loops allowing the employees to remain hands-  
59 free. At this time, based on guidance from health authorities, neck gaiters, open-  
60 chin triangle bandanas and face coverings containing valves, mesh material or  
61 holes of any kind are not acceptable face coverings. The District will provide  
62 facial coverings if the employee is unable to provide their own. Please note facial  
63 coverings are in addition to, and not a substitute for, the required social  
64 distancing. Clear, plastic facial shields attached to a headboard that extend to  
65 the ears and below the chin are also suitable facial coverings. Employees, who  
66 are required to work outdoors autonomously and will remain more than ten (10)  
67 feet away from others, may be granted a temporary exception to this  
68 requirement by their supervisor. A log must be maintained by the supervisor  
69 which indicates the name of the employee, date of request and whether the  
70 exception was granted or denied.
- 71 xi. In a workplace setting where employees are working alone in segregated spaces  
72 that can be closed off with a door, employees may remove their facial coverings.
- 73
- 74 xii. Employees may remove their facial coverings while actively eating or drinking;  
75 however, they must be stationary and not in close contact with any other person  
76 outside of their household. Employees are encouraged to utilize outdoor spaces,  
77 their personal vehicles or off-district property locations for meals, when possible.  
78 Employees should not be without facial covering for this purpose for more than  
79 fifteen (15) consecutive minutes. Eating and drinking may not be used as an  
80 excuse not to wear a facial covering.
- 81
- 82 xiii. ~~viii.~~ Employees are encouraged to clean their workstation daily.
- 83
- 84 xiv. ~~ix.~~ Employees may be required to submit to daily health screenings including  
but not limited to temperature checks, symptom questionnaires, and/or travel  
questionnaires. As a result of these screenings, employees may be directed not  
to report to work.
- 85
- 86 b. If an employee exhibits symptoms of COVID-19, as set forth in the CDC guidelines (CDC  
87 COVID-19 Symptoms), during the work day, he/she will be sent ~~to a pre-approved test~~  
88 ~~center, use sick leave, or work from~~ home (if ~~80% or more the job duties lend~~  
89 ~~themselves to work at home~~); and be instructed not to return to work until they are free

90 ~~of any signs of fever for 14 days or have received a negative COVID-19 test.~~  
91 ~~immediately. He/she should not return physically to work until they have complied with~~  
92 ~~the requirements of paragraph 7 below. The employee will be encouraged to submit to~~  
93 ~~a diagnostic COVID-19 test and self-quarantine until a negative test is received as set~~  
94 ~~forth in 7c below.~~

95 c. Working from home may be temporarily (short-term) available for employees testing  
96 positive for COVID-19; exposed while at work to COVID-19; or ~~exposed to living with or~~  
97 ~~caring for a family member that is ill~~ is positive for COVID-19 at the supervisor's  
98 discretion. The employee may appeal a denial of temporary (short-term) remote work  
99 only to the Regional Superintendent/Division Chief. ~~(Supervisor discretion.)~~

100 ~~d. The decision to deny remote work may be appealed only to your supervisor's supervisor.~~

101 d. For purposes of this policy, eligibility for a work from home/remote extended assignment  
102 is based on the function of the job and needs of the worksite. Eighty percent (80%) of  
103 The employee's actual job duties must be able to be performed through digital platforms  
104 without commuting to an office and/or centralized location. This determination will be  
105 made by the employee's direct supervisor and shall not be made in an arbitrary or  
106 capricious manner. The option to work remotely will be based upon the availability of  
107 positions at the employee's school/department. To the extent that the number of  
108 positions available for remote work is less than the number of employees who have  
109 applied to work remotely/virtually, the positions will be prioritized as follows:

110 i. Consideration will first be given to qualified employees who have been granted  
111 an accommodation under the ADA due to a disability which may place them at  
112 a higher risk for serious complications if they contract COVID-19 (Priority One);

113 ii. Secondly, consideration will be given to qualified employees who have an  
114 underlying medical condition which may place them at a higher risk for serious  
115 complications if they contract COVID-19 as supported by a letter from a medical  
116 professional (Priority Two);

117 iii. Thirdly, consideration will be given to qualified employees aged sixty-five (65)  
118 and older who may be at a higher risk for serious complication if they contract  
119 COVID-19 (Priority Three).

120 iv. All other employees who wish to be considered for remote work (Priority Four).

121 A District review panel will determine eligibility for the priority classifications listed above  
122 based upon information/documentation supplied by the employee. Assignments are  
123 subject to change based upon the needs of the school/department and/or prioritization  
124 as listed above. There is no guarantee as to the length of time an employee may be  
125 permitted to continue to work remotely.

126 e. ~~The employee may only appeal the decision to deny remote work to whom they report~~  
127 ~~or that individual's supervisor.~~ If the employee is not satisfied with the denial of a  
128 remote work assignment, a written request for appeal must be filed with the Chief of  
129 Human Resources or his/her designee within five (5) business days of notification of the  
130 denial from the panel.

131 f. Close contact as used in this policy is defined as follows:

132 i. Level 1 Close Contact - within six (6) feet of another person for more than fifteen  
133 (15) minutes.

134 ii. Level 2 Close Contact - inside of an enclosed space within another person while  
135 at work for more than fifteen (15) minutes.

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4. **Responsibilities of an Employee with a Positive COVID-19 Test Result.**

138 a. An employee must self-report a positive COVID-19 test to his/her immediate supervisor  
139 within twenty-four (24) hours of receiving such a result.

140 b. Any employee who tests positive must take appropriate leave and follow up with his or  
141 her supervisor ~~weekly every three (3) days until such time he/she tests negative for the~~  
142 ~~virus and may return to work until such time he/she returns to work pursuant to~~  
143 ~~paragraph 7 below.~~

144 c. Any employees who contracts COVID-19 must immediately provide his/her supervisor  
145 with a written list of every ~~coworker person~~ with whom they have been in close contact  
146 ~~(within 6 feet for more than 15 minutes),~~ District facilities they have visited, non-District  
147 facilities they have visited for work purposes and District vehicles they have used over  
148 the prior two weeks. ~~The supervisor cannot reveal the name of the affected employee~~  
149 ~~An employee's name shall not be revealed~~ when notifying coworkers of a positive test  
150 result. ~~The supervisor must also alert Facilities for the need for enhanced cleaning.~~

151

152 5. **Responsibilities of District Site Supervisors.** If an employee tests positive for COVID-19:

153 a. The area used by the sick employee should be closed off, cleaned, disinfected, and not  
154 accessed for a 24-hour period, if possible.

155 b. ~~e.~~ Request from the employees a list of every ~~coworker person~~ with whom they have  
156 been in close contact ~~(within 6 feet for more than 15 minutes),~~ District facilities they  
157 have visited, non-District facilities they have visited for work purposes and ~~or~~ District  
158 vehicles they have used over the prior two weeks. The list must be securely maintained.

159

160 c. ~~d.~~ The supervisor must notify co-workers identified in 5.b. of potential exposure and  
161 must not ~~cannot~~ reveal the name of the infected employee when doing so as required  
162 by HIPAA (Health Insurance Portability and Accountability Act of 1996) ~~notifying~~  
163 ~~coworkers of the potential exposure.~~

164 d. ~~b.~~ Immediately notify contact Facilities and Risk Management, Maintenance & Plant  
165 Operations, and the Department of Environmental Services.

166

167 e. ~~f.~~ Risk management and its adjusters will investigate workers compensation eligibility if  
168 a notice of injury is filed. At this time, only first responders (School Police) are presumed  
169 to have contracted the virus at work. All others must file health insurance claims.

170

171 ~~E. The supervisor must be aware that employees are required to self-report a positive COVID-~~  
172 ~~19 test within twenty-four (24) hours of receiving such results.~~

173

174 ~~h.—A supervisor must be aware that employees are required to take appropriate leave and follow~~  
175 ~~up with the supervisor every three (3) days until such time, the employee tests negative for the~~  
176 ~~virus and may return to work.~~

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178 6. **Responsibilities of an Employee Exposure Possibly Exposed at Work Without a Positive**  
179 **Test or Symptoms of COVID-19.**

180 a. The employee should ~~be sent home to self-isolate for fourteen (14) days and instructed~~  
181 ~~not to return to work until he/she complies with the provisions of 7.b. below be~~  
182 ~~quarantined, sent home, use sick leave (FFCRA), and be instructed not to return to work~~  
183 ~~until they are free of any signs of illness for 14 days or have received a negative COVID~~  
184 ~~test from one of the pre approved testing centers.~~

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186 b. ~~The employees must~~ document ~~every coworker person with whom they have been in~~  
187 ~~close contact employee's contacts (within 6 feet for more than 15 minutes), District~~  
188 ~~facilities they have visited, non-District facilities they have visited for work purposes and~~  
189 ~~or District vehicles they have used over the prior last two (2) weeks. The employees~~  
190 ~~should maintain this list to provide to his/her supervisor, should he/she test positive~~  
191 ~~within the fourteen (14) day period.~~

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193 c. ~~Working from home may be available temporarily~~ for employees exposed to COVID-  
194 19 at work ~~or exposed to a family member that is ill, at their~~ (Supervisor's discretion).  
195 The decision to deny remote work may be appealed only to ~~whom the employee reports~~  
196 ~~or that individual's supervisor your supervisor's supervisor~~ the Regional  
197 Superintendent/Division Chief.

198 ~~e. The employee's supervisor must inform Facilities to request enhanced cleaning the~~  
199 ~~exposed areas.~~

200 7. **Return to Work After Required Self-Isolation**

201 a. ~~Persons~~ Employees who were sent home after a positive COVID-19 test who had  
202 symptoms may return to work under the following conditions:

203 i. Resolution of fever without the use of fever-reducing medications for at least  
204 twenty-four (24) hours; and

205 ii. Improvement in respiratory symptoms (e.g. cough, shortness of breath;) and  
206 iii. Either

207 1. At least ten (10) days have passed since symptoms first appeared; or  
208 2. Have two (2) Negative results of a FDA Emergency Use Authorized  
209 COVID-19 molecular assay for detection of SARS-CoV2 RNA a  
210 respiratory specimen collected more than twelve (12) days after the last  
211 positive test negative results, taken at least twenty-four (24) hours  
212 apart, based on authorized COVID-19 diagnostic tests by a medical  
213 professional. This is not an antibody test.

214  
215 b. Employees who were sent home after a positive COVID-19 test with no symptoms may  
216 return to work under the following conditions:

217 i. At least ten (10) days have passed since the positive result in the diagnostic  
218 test; or

219 ii. Have two (2) negative results, taken at least twenty-four (24) hours apart,  
220 based on authorized COVID-19 diagnostic tests by a medical professional. This  
221 is not an antibody test.

- 222                   iii. If symptoms develop during the ten (10) since the positive result in the  
223                   diagnostic test, the employee must follow the protocols listed in 7.a. above.
- 224                   c. ~~b. Persons~~ Employees who were sent home after an exposure to exhibiting symptoms  
225                   of COVID-19 while at work may return to work under the following conditions:
- 226                   i. ~~Fourteen (14) days of self isolation after last exposure and~~
- 227                   ii. ~~Negative results of a FDA Emergency Use Authorized COVID 19 molecular assay~~  
228                   for detection of SARS CoV2 RNA from a respiratory specimen collected more  
229                   than twelve (12) days after last exposure. This is not an antibody test.
- 230                   iii. ~~If a positive test result is obtained, the employee must follow the guidance for~~  
231                   persons who were sent home after a positive COVID 19 test set forth in a.  
232                   Above:
- 233                   i. Resolution of fever without the use of fever-reducing medications for at least  
234                   twenty-four (24) hours; and
- 235                   ii. Improvement in respiratory symptoms (e.g. cough, shortness of breath;) and
- 236                   ii. Either
- 237                   1. At least ten (10) days have passed since symptoms first appeared; or  
238                   2. Have two (2) negative results, taken at least twenty-four (24) hours  
239                   apart, based on authorized COVID-19 diagnostic tests by a medical  
240                   professional. This is not an antibody test.
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- 242                   d. Employees who were notified of potential exposure at work due to Level 1 close contact  
243                   but no symptoms or positive COVID-19 test may return to work after self-isolating for  
244                   at least fourteen (14) days and monitoring for symptoms. Should symptom develop, the  
245                   employee is encouraged to submit to a diagnostic COVID-19 test and self-isolate until a  
246                   negative test is received. If the test result is positive, the employee must follow the  
247                   procedures in 7.a.
- 248                   e. Employees who were notified of potential exposure at work due to Level 2 close contact  
249                   but no symptoms or positive COVID-19 test should continue to report to work but  
250                   monitor for symptoms. Should symptoms develop, the employee is encouraged to  
251                   submit to a diagnostic COVID-19 test and self-isolate until a negative test is received.  
252                   If the test result is positive, the employee must follow the procedures in 7.a.  
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- 254                   8. **Employees Who Are 65 and Older or Have High Risk Factors.** All employees who are  
255                   directed to, must report to work or utilize accrued leave for their absences. Per CDC guidelines,  
256                   ~~people~~ employees age sixty-five (65) and older, as well as ~~people~~ employees with serious  
257                   underlying medical conditions will have an opportunity to provide documentation to the District  
258                   panel as detailed in paragraph 3 above to determine eligibility for remote work. The employee  
259                   may also to support a request for alternate assignments or work schedules/locations from their  
260                   supervisor. Working from home may be available for these employees for employees exposed  
261                   to COVID-19 or exposed to a family member that is ill. (Supervisor discretion.) The decision to  
262                   deny ~~remote work or an~~ alternate work schedule/location may be appealed only to whom the  
263                   employee reports or that individual's supervisor your supervisor's supervisor the applicable  
264                   Regional Superintendent/Division Chief. Appeals as to a denial of a request for a remote work  
265                   assignment is set forth in 3.d. above.

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9. **Consequences for Non-Compliance.** All employees will be required to complete training on this policy and acknowledge the same. Failure to follow any of the above directives will be treated as insubordination and may result in disciplinary action up to and including termination of employment. Nothing in this policy should be construed to prohibit an employee from performing the essential functions of his/her job.
  
10. **Duration.** The Superintendent may suspend/revoke/rescind portions of this policy based on the updates/available information regarding COVID-19 cases. This policy becomes effective upon its emergency adoption. This policy shall end 90 days thereafter, unless further extended by vote of the Board due to Emergency conditions or through the regular rulemaking adoption process.

RULEMAKING AUTHORITY: Fla. Stat. §§ 120.81 (1); 1001.32 (2); 1001.42 (28).

LAWS IMPLEMENTED: Fla. Stat. § Fla. Stat. §§ 120.54(4); 1001.32(3); 1001.42(2),(5) & (8); 1001.43 (11); 440 et seq.; 112.3187; 42 U.S.C. 1201 et seq.; 29 U.S.C. 626 et seq.; 29 U.S.C. Chapter 28 et seq.; H.R. 6201.

HISTORY: Emergency Policy Adopted June 10, 2020

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