

Cincinnati Federation of Teachers



Cincinnati Federation of Office Professionals

Local 1520 | AFT | OFT | AFL-CIO

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UPDATE FOR CFT/CFOP MEMBERS WITH COVID VULNERABLE PERSONAL OR FAMILY MEMBER HEALTH CONDITIONS

As the new school year approaches, CFT/CFOP has received many inquiries from members with personal health conditions that could make them particularly vulnerable to COVID infection, or who have family members with health issues of their own.

This memo highlights questions we are hearing, issues you may face, and what CFT/CFOP advises as you consider your options.

Q. What are the Health Conditions that CDC says put Individuals at Higher COVID risk?

The CDC reports that COVID patients with certain health conditions are at high risk of serious illness. Those conditions include:

- Kidney disease
- COPD (chronic obstructive pulmonary disease)
- Immunocompromised state, such as from organ transplant
- Obesity (body mass index of 30 or higher)
- Heart disease
- Sickle Cell disease
- Type 2 Diabetes

Those who “might be at higher risk for severe illness” include those with the following conditions:

- Asthma
- Cerebrovascular disease
- Cystic Fibrosis
- Hypertension (high blood pressure)
- Liver disease
- Pregnancy
- Type 1 Diabetes
- Pulmonary Fibrosis.

Members should consult with their Physician and review the most recent CDC guidelines for more information. Possible additions to this list may occur as more information becomes known.

Q. What are My options if I suffer from one of these diseases or conditions?

Options include taking medical leave, with or without pay, or asking for an “accommodation” under the Americans With Disabilities Act.

Q. What are My Medical Leave Options?

So far, CPS has agreed that a teacher with a health condition that makes them more vulnerable to COVID can ask for an **unpaid** medical leave with a statement from his/her physician describing the health condition. If you take unpaid medical leave you would retain your position for the next school year and could retain your health insurance by paying the employee share. CPS would continue to pay its share.

Q. Can I Take My Paid Sick Days if On Medical Leave?

The CFT and CFOP contracts allow any member to use accumulated sick days “*for absence due to personal illness, injury, pregnancy, and exposure to contagious diseases, which may be communicated to others...*” Our view is that if you suffer from one of the health conditions listed above, that constitutes a “personal illness”. If your physician recommends you stay home during the COVID pandemic because of that illness and the risk posed by the pandemic, then CFT/CFOP believes you should be able to use your sick days upon request.

However, CPS is currently taking the position that a COVID vulnerable health condition is NOT an “illness” that allows the use of sick days. CFT is currently negotiating with CPS on this issue. We hope to have an update before the school year begins.

If you want to use sick days, our advice is to contact your physician and get a statement describing your illness (or condition such as pregnancy) and submit it to HR and your Principal with a request to take sick leave. *If leave is denied, then contact CFT/CFOP and we will file a grievance on your behalf.*

Q. How and when should I request an “Accommodation” such as working from Home?

The ADA allows a worker with a disability to request an employer to provide a reasonable accommodation to allow him/her to do her job at reduced risk. The request should reflect the teacher’s health condition and ask for an accommodation that would allow the teacher to work and remain on a paid status, but substantially reduce the risk of COVID infection.

Accommodations in this situation must be “reasonable” and “effective” under the circumstances, and might include: tele-work or on-line teaching; modified work schedules; some limited changes to working conditions; permitting the use of paid or unpaid medical leave; providing additional or alternative protective gear, etc.

The accommodation process should be “interactive”, involving good faith give and take between the teacher and CPS. However, CPS is not required to create a job that does not exist, or to provide an accommodation that would prevent an employee from performing the essential functions of his/her job.

Our recommendation is that those with a health condition that makes them vulnerable, but who do not want to take medical leave, should consult their physician, and obtain from your physician a statement indicating the nature of your condition and describing what accommodations or modifications to your work duties or conditions that he/she recommends. This request for accommodation should be submitted to Keith Grace in Benefits, and to Julia Indalacio in HR, with copies to Don Mooney and Karen Imbus at CFT/CFOP.

Q. Will There Be Remote Teaching Jobs Available for Those with Higher Risk Health Conditions?

We don't know. Many teachers have asked for the option to work from home. We know that some CPS families are looking at the Digital Academy option. But the District has not told CFT/CFOP that new remote learning positions will be created. With infection rates in Cincinnati remaining high, it remains possible that CPS will not reopen for in person teaching, as now planned.

If your physician recommends that you work remotely, we urge you submit an ADA accommodation request with a physician statement to Keith Grace and Julia Indalacio as suggested above. Send a copy to Don Mooney (dmooney@cft-aft.org) and / or Karen Imbus (kimbus@cft-aft.org) at CFT/CFOP.

Q. What if I have a family member with a health condition that makes them more vulnerable to COVID?

Some of you have described concerns about a spouse, child or other family member with a health condition that makes them more COVID vulnerable. The ADA does not require an employer to accommodate an employee based on the disability of a family member. However, the CFT contract does allow a teacher to use accumulated sick days “*for absence due to illness... of the teacher's immediate family.*” The CFOP contract also includes this language exchanging the word “*teacher*” for “*employee*”. Our view is that if a family member needs to stay home due to a health condition, then an employee is entitled to use sick days to be home and care for that family member, and also to reduce the risk of infection of that family member.

The District has also indicated that members can take **unpaid** medical leave under these circumstances. We are in ongoing discussions with CPS on this issue and hope to have an update before the school year begins.

Q. What if my child's day care or school is cancelled during the school year?

Under the federal law passed by Congress after the COVID outbreak, an employee is eligible for up to 12 weeks of paid leave at a maximum of \$200/day if a child is home because school or day care is cancelled. Contact your Principal / Supervisor and Keith Grace in Benefits under these circumstances.

Feel free to contact CFT Field Representatives Karen Imbus or Don Mooney (email addresses noted above) if you have more questions or want to discuss your personal circumstances.