

FAQ: Educators with COVID-19-related health concerns

Disclaimer: This publication is for informational purposes only and is not intended as a substitute for specific legal or other professional advice. If you have specific questions about your legal or contractual rights, contact your Education Minnesota field representative. This guidance will be updated periodically based on new information and guidance, so please refer back to this link for the most current information.

1. What is the difference between coronavirus and COVID-19, and what are the most common symptoms of COVID-19?

Coronavirus is the general term for a group of viruses known to cause respiratory illness. COVID-19 is what medical experts are calling this particular strain of coronavirus.

The symptoms of COVID-19 are similar to the seasonal flu. They range from mild to severe and, in some cases, can cause death. According to the [Centers for Disease Control and Prevention](#) (CDC), symptoms appear between two and 14 days after exposure, and typically include:

- Fever
- Cough and/or sneezing
- Shortness of breath

2. What should I do if I have COVID-19-like symptoms?

Although testing materials for COVID-19 remain limited, contact a medical provider or the Minnesota Department of Health's COVID-19 hotline at 651-201-3920 to learn about testing options. MDH is continuously updating [guidelines](#) for health care providers to follow in prioritizing and administering testing.

MDH encourages people with mild symptoms who are unable to access testing to remain at home, monitor symptoms and severely limit public activities for 14 days following the onset of symptoms.

The [CDC](#) encourages people with any of the following emergency symptoms to seek medical help immediately:

- Difficulty breathing or shortness of breath
- Persistent pain or pressure in the chest
- New confusion or inability to arouse

- Bluish lips or face

3. What are my rights if I cannot work because I have COVID-19 or COVID-19-like symptoms, or if I am taking care of a family member who has it?

If you display symptoms of the virus or test positive, you have the same rights and protections as you would for any other serious illness, including the ability to use accumulated sick leave. The virus would very likely qualify as a “serious health condition” under the [Family and Medical Leave Act](#) (if you are eligible for FMLA), and the 12 weeks of unpaid leave may run concurrently with your accumulated leave time.

If you cannot work because you are sick or caring for someone who is sick, you should be allowed to use your accumulated sick leave for yourself or to care for an immediate family member.

You should not be required to participate in distance learning preparation or distance learning instruction during the period of time you are using paid sick leave or FMLA leave. If you are being required to perform work responsibilities while you are on a paid or unpaid medical leave, contact your Education Minnesota field representative for assistance.

4. Will I need a doctor's note to show that I am sick or need to be off work?

This may depend on your collective bargaining agreement and the past practice in your district, but we do not think it should. MDH Commissioner Jan Malcolm has made it abundantly clear how important it is for individuals to remain home when they are ill. Furthermore, due to the limited number of tests available, it may not be possible for individuals to receive testing if they are not a health care professional or first responder.

Finally, many health care providers have asked individuals to stay home for non-emergency health needs. In fact, [CDC guidance to employers](#) states as follows:

Do not require a health care provider’s note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as health care provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.

Given this guidance, please contact your local president or Education Minnesota field representative immediately if your district is requiring a doctor’s note in order to allow you to remain home when you are sick with COVID-19-like symptoms.

5. If I have a health condition that prevents me from coming to school, but I am able to

work from home, can my school district require me to use my accrued sick leave?

If you have COVID-19-like symptoms, have been in contact with someone who has symptoms, or have an [underlying medical condition](#) that put you at increased risk, but still feel able to work from home, you may request the ability to work from home instead of using your sick leave.

Neither Gov. Walz’s March 15 executive order closing schools nor MDE guidance prohibit working from home, but whether you are legally entitled to work remotely instead of using paid leave will depend on the following factors: 1) whether you have a disability as defined by the [Americans with Disabilities Act](#) and/or [Minnesota Human Rights Act](#), 2) whether you are well enough to work from home, and 3) whether the work you are required to perform is capable of being performed at home, so that your request is considered a “reasonable accommodation.”

At a minimum, your employer is required to engage in the interactive process with you, and schools should not have a blanket policy of prohibiting work-from-home during the closure period or afterward. If your district has such a policy or if you believe your request to work remotely was unreasonably denied, contact your Education Minnesota field representative.

6. Am I required to tell my employer if I test positive for COVID-19 or if I have an underlying health condition that puts me at increased risk?

As stated above, your local collective bargaining agreement and past practice will determine the type of documentation you need to provide in order to use sick leave. If you are requesting remote work as an accommodation for an underlying health condition that puts you at increased risk, your employer may not require you to disclose the specific condition, but they are entitled to request a medical confirmation of your work restrictions.

Due to the highly contagious nature of COVID-19 and the public health necessity of documenting and containing its spread, you should strongly consider disclosing any positive test to your supervisor or human resources department so that the school follow CDC and MDH recommendations on how to prevent exposure to others. Although any health data you provide to your school district is generally considered private data under state and federal law, public employers are able to seek MDH permission to disclose this information in order to “diminish an imminent threat to public health.” However, this would not mean that the school could disclose your name and diagnosis to other staff, students or parents without your permission.

[Updated: 4-15-20] 7. What if I need to report to work and my school district is implementing mandatory screening for temperature or other symptoms?

Generally, measuring an employee’s body temperature is a medical examination under the Americans with Disabilities Act, and can only be done under very limited circumstances.

However, if pandemic influenza becomes widespread in the community as assessed by state or local health authorities or the CDC, then employers may measure employees' body temperature.

Because the CDC and state/local health authorities have acknowledged community spread of COVID-19, the EEOC has released [guidance](#) stating employers may measure employees' body temperature. As with all medical information, the fact that an employee had a fever or other symptoms would be subject to confidentiality requirements. However, districts should be aware that some people with COVID-19 will not have a temperature.

MDE and MDH

MDE and MDH recommend several criteria be evaluated before some employees report to work in person, however, they recommend self-screening rather than an employer-implemented system.

- Have you had close contact with someone who was diagnosed or suspected to have COVID-19 within the last 14 days?
 - Close contact means:
 - A person has been within 6 feet of a COVID-19 case or suspected COVID-19 case for a period of time.
 - Close contact can occur while caring for, living with, or visiting with a COVID-19 case OR
 - A person has had direct contact with body fluids of a COVID-19 case or suspected case from being coughed on, been intimate with, etc.
- Have you had a fever (100.4 degrees F or higher), shortness of breath, muscle aches, sore throat, or a new or increased cough in the last seven days?
- If an employee says YES to either of these questions, they should not report to work.

If you feel your privacy is being infringed upon with any of the screening protocol your district is implementing, please get in touch with your field representative.

8. What mental health resources are available for educators?

Accessing in-person mental health treatment may be challenging right now. However, most insurance plans provide coverage for online and telephone counseling.

One resource is [Talkspace](#), which offers on-demand text and phone counseling options. [BetterHelp](#) is another online option. Many individual therapists and counselors are also switching their services to skype, phone, or other virtual formats, so if you have a practitioner but are restricting your travel, ask them about remote options.

Mental health conditions are also protected by the [Americans with Disabilities Act](#) and the [Minnesota Human Rights Act](#). If you think you might need a work modification due to a mental health need, discuss it with a medical provider and consider requesting accommodations with your employer. The [Job Accommodation Network](#) now has a comprehensive list of accommodations for employees with mental health issues, as well as [specific guidance](#) related to COVID-19.

Educators may also benefit from creating their own self-care plans, even if they do not have a diagnosed mental health issue. The [GoodTherapy Blog](#) has a number of self-care and anxiety management tips from therapists, including [specific guidance](#) on how to deal with stress related to COVID-19.

If you need assistance navigating a physical or mental health issue that is affecting your ability to work, please contact your Education Minnesota field representative.