

# Turning over a New Leave: Paid Leaves and Paycheck Protection under HB 1167

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## Summary of HB 1167

- Attempt #2 for paid COVID-19 leave
  - Now includes vaccination condition
- Three new pay requirements for schools
  - Reimbursement of sick leave for COVID-19 reasons
  - Paid administrative leave for COVID-19 reasons
  - Regular pay for ESPs and related contractors during school closure days

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# Definitions and Conditions

- “Employee”: People employed when the Act goes into effect.
- “Fully vaccinated”
  - 2 weeks after 2 doses of a 2-dose series or a single dose of a vaccine with FDA approval or EUA, and
  - Any recommended booster doses if the individual is eligible and IDPH has adopted CDC’s change to its definition of “fully vaccinated.”
  - CDC definition does not include booster doses as of 4/13/2022.
- COVID-19 reasons for sick leave or paid leave include when the employee or their child is restricted from being on district property because they:
  - Have a confirmed diagnosis from a molecular amplification diagnostic test result (such as PCR),
  - Have a probable diagnosis from an antigen diagnostic test,
  - Are a close contact with a person who had a confirmed case and must be excluded, or
  - Is required to be excluded from district property due to COVID-19 symptoms.

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## Definitions and Conditions

- To qualify for the new paid administrative leave or sick leave, employees must receive all of the vaccine doses required to be fully vaccinated no later than May 10, 2022.
- If a district requires fully vaccinated employees to participate in its COVID-19 testing program, compliance is also required for paid administrative leave.
- If IDPH later requires booster doses for full vaccination:
  - Employees have five weeks to update their shots to ensure future eligibility.
  - Districts may not rescind paid administrative leave or sick leave they have granted on the basis that an employee is no longer “fully vaccinated.”
- Employees must provide “all documentation requested by the school board” for paid administrative leave.

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## Return of Sick Leave

- Available to all school employees who have the required vaccine dose(s) by May 10
- Only available for sick leave that was used:
  - during the 2021-2022 year, and
  - for the listed COVID-19 reasons
- TRS implications

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## COVID-19 Paid Administrative Leave

- Available to all school employees who:
  - have required vaccine dose(s) by May 10 and
  - (if applicable) participate in required testing
- Only available when the employee is/was absent or excluded:
  - during a disaster declared due to a public health emergency, and
  - for the listed COVID-19 reasons

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## ESP Paycheck Protection

- Regular pay required for employees or contractors “who provide educational support services”
- Applies when:
  - a school closure or e-learning day prevents “regularly scheduled duties,”
  - the employee would have reported for work otherwise, and
  - the day is not rescheduled.

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Questions?



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