



Community is one of Larchmont Charter School's core tenets. We value our staff community and seek to have a culture of mutual support akin to a family. As we transition back to in person learning, it is Larchmont Charter School's intent to not only comply with existing legal requirements and federal, state, and local public health agency guidance, but at the same time, model the values of inclusivity, compassion and respect in our efforts to reasonably accommodate employees with underlying health conditions that put them at a greater risk for severe illness from COVID-19.

The School's obligation under the law is to engage in an interactive process and to identify and implement, where possible, a reasonable accommodation. The interactive process is an ongoing dialogue between the employee and appropriate representatives of the School about possible options for reasonably accommodating the employee's documented disability. The School's response to any employee concerns about returning to work will depend upon the employee's particular circumstances.

Our FAQs below are for informational purposes. If you have any questions about this material, please contact [Human Resources](#).

1. What is Larchmont doing to keep employees safe while working on campus?
2. When will employees be expected to return to work on campus?
3. What are an employer's obligations when an employee says that they have a medical condition that puts them at greater risk of severe illness from COVID-19, and requests a reasonable accommodation?
4. What are an employer's obligations to provide reasonable accommodations if an employee says that they live in the same household as someone who due to a disability is at greater risk of severe illness from COVID-19?
5. Which are the medical conditions that put individuals at greater risk of severe illness from COVID-19?
6. What are my options if I cannot return to work due to childcare issues?
7. What is the interactive process?
8. What is a reasonable accommodation?
9. What are some examples of the reasonable accommodations that Larchmont may consider providing to eligible employees?
10. Will I be required to provide medical documentation for myself or my dependent?
11. What is undue hardship?
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13. Is a leave of absence paid or unpaid?
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15. What options exist to receive compensation during a leave of absence?

1. What is Larchmont doing to keep employees safe while working on campus?

The health and safety of our students and staff is our first priority and we have been making extensive preparations to reopen safely. We have purchased PPE supplies for all students and staff (including but not limited to face masks, face shields, and hand sanitizer), we have added additional handwashing stations, upgraded the air filtration at all sites, and purchased outdoor furniture and canopies to support outdoor classrooms, as well as plastic barriers for offices and transparent carrels for student/staff desks, signage and much more. We are doing everything we can to keep those on campus as safe as possible by adopting, providing training on, and strictly enforcing COVID-19 safety policies including daily health screenings, masking, social distancing, and soon COVID-19 surveillance testing on site.

Please refer to the [LCS Reopening & Safety Plan](#) for information in greater detail.

2. When will employees be expected to return to work on campus?

Our campuses are currently open and operating small hubs for high-need students receiving proctored distance learning and one-on-one assessments. In-person services are being supported by School Administration, Education Specialists, School Psychologists, and Instructional and Operational support staff.

We are waiting for additional guidance from the State and the expediting of the vaccination of school staff before determining a date for broader reopening. As we learn more, we will use our best efforts to communicate to staff as soon as possible.

3. What are an employer's obligations when an employee says that they have a medical condition that puts them at greater risk of severe illness from COVID-19, and requests a reasonable accommodation?

If an employee has a health condition and/or falls into one of the higher-risk categories for severe illness due to COVID-19 as defined by the Centers for Disease Control and Prevention (CDC) and requests a reasonable accommodation, this request must be handled under the federal Americans With Disabilities Act and the California Fair Employment and Housing Act (ADA/FEHA).



When an employee with a documented health condition or who is higher risk requests a reasonable accommodation, the School will engage in the interactive process to better understand the request, including requiring the employee to submit a medical certification which substantiates the need for the request, and to see what reasonable accommodations may be offered to the employee consistent with applicable law.

4. What are an employer's obligations to provide reasonable accommodations if an employee says that they live in the same household as someone, who due to a medical condition/disability, is at greater risk of severe illness from COVID-19?

Under the ADA/FEHA, only employees have a right to reasonable accommodation for their own disability. Nevertheless, caregivers of individuals with disabilities may be entitled to leave under the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA). For example, if a caregiver's child, spouse, or parent has COVID-19, it is possible that the FMLA/CFRA could apply if leave is needed to care for that family member. (See Question D.13. in publication: [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#))

When an employee living with a dependent with a documented health condition or who is at higher risk requests a reasonable accommodation, the School will endeavor to consider reasonable accommodations similar to those offered to individuals who are at a higher risk themselves, if available. In addition, the School will consider safety precautions to accommodate the employee in the workplace as if they were higher risk themselves. This would be done in an attempt to protect these employees and their family and as a courtesy to prevent employees from feeling the need to take a leave of absence.

5. Which are the medical conditions that put individuals at greater risk of severe illness from COVID-19?

According to the CDC, adults of any age with the following conditions are at an increased risk of severe illness from the virus that causes COVID-19:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Down Syndrome
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (body mass index [BMI] of 30 kg/m² or higher but < 40 kg/m²)



- Severe Obesity (BMI \geq 40 kg/m²)
- Pregnancy
- Sickle cell disease
- Smoking
- Type 2 diabetes mellitus

According to the CDC, adults of any age with the following conditions might be at an increased risk for severe illness from the virus that causes COVID-19:

- Asthma (moderate-to-severe)
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Cystic fibrosis
- Hypertension or high blood pressure
- Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
- Neurologic conditions, such as dementia
- Liver disease
- Overweight (BMI $>$ 25 kg/m², but $<$ 30 kg/m²)
- Pulmonary fibrosis (having damaged or scarred lung tissues)
- Thalassemia (a type of blood disorder)
- Type 1 diabetes mellitus

6. What are my options if I cannot return to work due to childcare issues?

The School is currently exploring options for childcare on campus for school-aged children of staff. More information regarding this possibility will be distributed once it becomes available.

7. What is the interactive process?

The interactive process refers to the process an employer and employee use to discuss a request for accommodation, gather information, and establish whether the individual is legally entitled to receive an accommodation, and the type of accommodation that would meet the employee's health concerns. Please note an employee is obligated to actively participate in the interactive process, including by providing a legally-compliant medical certification which substantiates their need for the requested accommodation.



8. What is a reasonable accommodation?

A reasonable accommodation is a change to the job duties and responsibilities and or to the work environment that allows an employee with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. A reasonable accommodation may also include an unpaid leave of absence. Accommodations are considered “reasonable” if they do not cause undue hardship to the employer.

In order to determine what is reasonable, an employer must look at the request made by the employee with a disability and the information provided by the employee’s health care provider. Whether or not an accommodation is reasonable will vary according to the position the employee holds, the way their disability affects their ability to do their job, and the environment in which they work. An employer has the discretion to choose among effective accommodations.

9. What are some examples of the reasonable accommodations that Larchmont may consider providing to eligible employees?

Some examples of reasonable accommodations that LCS may provide are:

- Providing additional PPE such as medical grade masks, face shields, gloves, gowns, etc.
- Installing a protective panel/shield, curtain, or other physical barrier between workstations to separate employees where physical distancing is not possible.
- Relocating an employee’s workstation to a more remote area of campus to limit exposure.
- Allowing employees to participate in on-campus group meetings via a virtual meeting platform from a remote area of campus to limit exposure.
- A temporary reassignment to an active, vacant position for which the employee is qualified which doesn’t have as much exposure to others, if available.
- Limiting contact with an employee to just designated individuals who would wear additional PPE.
- A reduced or modified work schedule.
- Remote work.
- A leave of absence.

If an accommodation does not sufficiently limit the risk of exposure to COVID-19 in the workplace, an employee may be considered for remote work, if available, and if the employee can satisfactorily perform all essential functions while working remotely. If onsite



work is an essential function of their position for which remote work could not be a reasonable accommodation (e.g., a custodian must work onsite), the School can require that employee to work onsite but with other reasonable accommodations in place including extra precautions to protect the employee's safety.

The School will prioritize employees who are considered high-risk for any remote work opportunities.

As noted above, a leave of absence is also a form of accommodation. Larchmont will comply with any applicable laws regarding protected time off. Employees who may not be eligible for a protected leave of absence may request a discretionary (unprotected) leave of absence.

10. Will I be required to provide medical documentation for myself or my dependent?

Once an accommodation or leave request has been received, Larchmont will need to gather whatever information is necessary to process the request. Necessary information includes documentation of the disability which substantiates the need for accommodation. In some cases, no additional information may be needed if, for example, the employee's disability and need for accommodation are obvious, the employee has recently previously provided documentation from a previous request for an accommodation for the same medical condition, etc. Employees will never be required to submit documentation of their actual diagnosis.

11. What is undue hardship?

An accommodation poses an "undue hardship" if it results in significant difficulty or expense for the employer, taking into account the nature and cost of the accommodation, the resources available to the employer, and the operations of the employer. If a particular accommodation would result in an undue hardship, an employer is not required to provide it but still must consider other accommodations that do not pose an undue hardship.

12. What is a leave of absence?

A leave of absence is an extended period of time off from work. A leave of absence may be provided as a reasonable accommodation. A leave of absence taken under an applicable federal and state law is considered a "protected" leave of absence, meaning that the leave is protected by the provision of the specific law under which it is allowed and the employee



is entitled to specific rights. An unprotected leave of absence is a leave that is not protected by federal or state law but rather considered at the discretion of the employer.

13. Is a leave of absence paid or unpaid?

Laws that offer job protection such as FMLA, CFRA, ADA, and FEHA allow employees to take unpaid time off work. However, there are options for wage replacement through the State, if eligible (see Question 15 for more information). In addition, an employee is permitted to use their own accrued paid time off (sick/vacation leave), as-needed, during a protected leave of absence. Employees are entitled to continued health benefits coverage under the FMLA/CFRA as if leave had not been taken, but the same coverage is not extended under the ADA/FEHA for leave which is provided as a reasonable accommodation.

14. What laws exist to protect my job during a leave of absence?

Law	Summary	Resources
Federal Law: Family Medical Leave Act (FMLA)	The FMLA provides eligible employees up to 12 workweeks of unpaid, protected leave, during a 12-month period, for specified family and medical reasons. Leave can be used to care for a spouse, child, or parent with a serious health condition, and/or for reasons related to an employee’s own serious health condition.	COVID-19 and the Family and Medical Leave Act Questions and Answers Family and Medical Leave Act FMLA Frequently Asked Questions
Federal Law: Americans with Disabilities Act of 1990 with the ADA Amendments Act of 2008 (ADA)	Prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications Prohibits discrimination by requiring reasonable accommodation for employees with disabilities	Americans with Disabilities Act Your Employment Rights as an Individual with a Disability
Federal Law: Families First Coronavirus Response Act (FFCRA) *Expired on 12/31/2020 Employers were given the option to voluntarily offer benefits through	The FFCRA provides eligible employees emergency sick pay (ESP) and emergency family medical leave (EFML) to assist with leave periods due to certain COVID-19 related situations.	Families First Coronavirus Response Act: Questions and Answers COVID-19 and the American Workplace



3/31/2021. LCS extended benefits through 3/31/2021.		
California Law: California Family Rights Act (CFRA)	The CFRAA provides eligible employees up to 12 workweeks of unpaid, protected leave, during a 12-month period, for specified family and medical reasons. Leave can be used for the birth of a child or adoption or foster care placement of a child, to care for a family member (spouse, child or parent) with a serious health condition, and when the employee is unable to work because of a serious health condition.	California Family Rights Act Upcoming CFRA Expansion Overview
California Law: The Fair Employment & Housing Act (FEHA)	Prohibits discrimination against those with physical and mental impairments, including conditions that are disabling, potentially disabling, or perceived as disabling. Requires employers to provide a reasonable accommodation.	Employment Discrimination Brochure

15. What options exist to receive compensation during a leave of absence?

Program	Resources
Accrued Sick/Vacation Leave: In accordance with School policy.	LCS 2020-2021 Employee Handbook
State Disability: offers state-issued partial wage replacement benefits when leave must be taken due to non-work-related illness or injury, pregnancy, or childbirth.	State Disability Insurance
Paid Family Leave (PFL): offers state-issued partial wage replacement benefits when leave must be taken to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner.	Paid Family Leave
Worker’s Compensation: offers partial wage replacement and medical benefits to employees who become injured or ill on the job.	Workers' Compensation in California: A Guidebook for Injured Workers

