



Essential Critical Infrastructure Worker

About the Essential Critical Infrastructure Worker:

In August, President Trump declared that educators are “Essential Critical Infrastructure” (ECI) workers. This is an advisory and not a directive, but it does mean local school boards may declare their employees as “essential”. This designation allows staff to continue working in the event they have “close contact” with an individual who has tested positive for Covid-19 as long as they are not displaying symptoms and the staff members are taking extra precautions as outlined by the South Dakota Department of Health and the Centers for Disease Control. Essentially, school employees are now exempt under the ECI advisory from certain quarantine directions applicable to others in the community. As a result, school employees are now faced with a new set of criteria by which to make personal health decisions for themselves and their family as well as eligibility for paid leave under their contract and federal law.

This document is intended to offer practical guidance to school employees on how to respond to common scenarios facing them if they are deemed essential infrastructure workers. The information contained herein is not legal advice and should not be considered as such. You should continue to seek out the most current guidance from the South Dakota Department of Health and the CDC. If you have questions regarding your personal situation, you are encouraged to contact your SDEA UniServ Director.

IMPORTANT — It is important to note that being designated as an essential worker **DOES NOT LIMIT** your unconditional right to a COVID-19 test or to seek the advice of your health care provider.

1 WHAT do I do if...

... I do not have COVID-19 symptoms, but I was within six feet of a student or other person for at least 15 minutes who exhibited symptoms of COVID-19?

2 WHAT do I do if...

... I do not have COVID-19 symptoms, but I was within six feet of a student or other person for at least 15 minutes who tested positive for COVID-19?

SDEA Guidance

The following guidance is applicable to each of the above questions.

- You may be required to return to work so long as you wear a face covering for 14 days, practice social distancing, self-monitor twice daily for COVID 19 symptoms and you remain symptom free for 14 days.
- You are not eligible for paid sick leave unless your health care provider advises you to stay home.

Recommendation

If you are uncomfortable returning to work following an exposure described in the scenarios above, contact your health care provider. If your health care provider advises you to stay home, request paid leave under the FFCRA and/or your contract. Alternatively, your school may request or allow you to work remotely.

3 WHAT do I do if...

...I do not have COVID-19 symptoms, but I took a COVID-19 test and I am awaiting the results?

SDEA Guidance

- The ECI designation does not require that you stay home pending your test results.
- You may be eligible for paid sick leave under the FFCRA and/or your contract if your health care provider advises you to stay home while awaiting test results.

Recommendation

If you are uncomfortable returning to work pending your test results, contact your health care provider. If your health care provider advises you to stay home while awaiting your results, request paid leave under the FFCRA and/or your contract. Alternatively, your school may request or allow you to work remotely.

SDEA GUIDANCE ON COVID-19 — **Essential Critical Infrastructure Worker**

4 WHAT do I do if...

SDEA Guidance

... I do not have COVID-19 symptoms and have not tested positive for COVID-19, but I am uncomfortable going to school due to my increased vulnerability to COVID-19?

- The ECI designation does not address this scenario.
- You are not eligible for paid leave under the FFCRA based solely on a personal belief that you are vulnerable to COVID-19. However, under federal regulations you may qualify for paid leave under the FFCRA if your health care provider advises you to stay home based on your vulnerability to COVID-19.

Recommendation

Seek the advice of your health care provider. If your health care provider advises you to stay home based on the belief that you are particularly vulnerable to COVID-19, request leave under the FFCRA and/or your contract. Alternatively, your school may request or allow you to work remotely.

5 WHAT do I do if...

SDEA Guidance

... I do not have COVID-19 symptoms, but I tested positive for COVID-19?

- You must isolate for the duration of time as determined by the SDDOH following the date of your positive test. This is usually ten days. You may discontinue isolation after ten days if you did not develop symptoms. After a symptom free ten-day period, you must practice social distancing and wear a mask covering for three days.
- You may qualify for paid sick leave under the FFCRA and/or your contract while in isolation.

Recommendation

Immediately inform your employer of your positive test results. Request paid sick leave under the FFCRA and/or your contract. Alternatively, your school may request or allow you to work remotely.

6 WHAT do I do if...

SDEA Guidance

... I have one or more COVID-19 symptoms but have not sought the advice of my health care provider or taken a COVID-19 test?

- Because you have COVID-19 symptoms, you should stay home unless your health care provider advises you that you may return to work or you secure a negative COVID-19 test result.
- You may qualify for paid sick leave under the FFCRA and/or your contract while in isolation.

Recommendation

Seek the advice of your health care provider and/or take a COVID-19 test. Request paid leave under the FFCRA and/or your contract while in isolation or if your health care provider advises you to stay home. Alternatively, your school may request or allow you to work remotely if you are well enough to do so.

Questions? Contact your SDEA UniServ Director at 1-800-529-0090!

SDEA GUIDANCE ON COVID-19 — **Essential Critical Infrastructure Worker**

7 WHAT do I do if...

SDEA Guidance

... I have one or more COVID-19 symptoms, and I have tested positive for COVID 19?

- You must isolate for at least ten days following the onset of your symptoms. You may discontinue isolation after symptoms improve and you have been fever-free for at least 24 hours without the use of fever-reducing medication.
- You may qualify for paid sick leave under the FFCRA and/or your contract or you may be allowed to work remotely while at home if you are well enough to do so.

Recommendation

Immediately inform your school of your positive COVID-19 test result and symptoms. If working remotely is not available or you are not well enough to work remotely, request paid leave under the FFCRA and/or your contract.

8 WHAT do I do if...

SDEA Guidance

... I have one or more COVID-19 symptoms but tested negative for COVID-19?

- If you are not well enough to work, you may stay home as permitted by your contractual sick leave provisions.
- You are not entitled to paid sick leave under the FFCRA, but you may be entitled to paid sick leave under your contract.

Recommendation

Submit a request for sick leave under your contract and contact your health care provider as necessary.

8 WHAT do I do if...

SDEA Guidance

... I have one or more COVID-19 symptoms, I have contacted my health care provider and I am waiting for an appointment?

- Because you have COVID-19 symptoms, you should stay at home pending your appointment.
- You may be entitled to paid sick leave under the FFCRA and/or your contract while seeking a medical diagnosis.

Questions? Contact your SDEA UniServ Director at 1-800-529-0090!