



# FACT SHEET

— From the Department of Government Relations —

## COVID-19 Administrative Days and Paycheck Protection FAQs

Gov. J.B. Pritzker has signed House Bill 1167 (HB 1167), now Public Act 102-0697, a negotiated bill that allows vaccinated employees in Illinois schools, public universities, and community colleges the ability to take COVID-19 related days off, without penalty, to care for themselves and their children and makes this benefit retroactive to the beginning of the year. What follows is a series of frequently asked questions and answers regarding the new bill.

### **When did this Act take effect?**

Governor Pritzker signed HB 1167, now Public Act [102-0697](#) on April 5, 2022, and it went into effect immediately.

### **When do the benefits of this Act apply?**

During any time when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and the applicable school district, public university or community college, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district, public university, or public college from being on the employer's property.

### **Who gets paid administrative leave?**

Every employee of a public school district established under Article 10 or Article 34 of the School Code, public university, and public community college who is fully vaccinated or has received the required doses to become fully vaccinated within five weeks of the effective date of the Act.

### **When can I take paid administrative leave?**

You can use your paid administrative leave under this Act if you or your child (in elementary or secondary school) are required to be excluded from school because of a positive COVID-19 test result or close contact with a person who had a confirmed case of COVID-19. Paid administrative leave is also available when an employee is directed to be excluded from their workplace and misses work pursuant to the school or school district policy due to COVID-19 symptoms.

### **Who gets sick leave restored?**

Every employee of a public school district, public university, and public community college who is fully vaccinated or has received the required doses to become fully vaccinated within five weeks of the effective date of the Act and who has previously used their sick time because they or their child were required to be excluded from school because of a positive COVID-19 test result or close contact with a person who had a confirmed case of COVID-19. Sick leave is also restored for those previous instances in the 2021-2022 school year where an employee used their sick time because they were excluded from their workplace and missed work pursuant to the school or school district policy due to COVID-19 symptoms.

### **What does “fully vaccinated” mean?**

Individuals are fully vaccinated if they meet the CDC and IDPH definition of fully vaccinated. Currently, this means that they must receive one dose of the J&J vaccine or two doses of the Pfizer or Moderna vaccines and will be considered fully vaccinated two weeks after they have received those doses. To comply with this Act, individuals must receive all required doses within five weeks of the law’s effective date – May 10, 2022

If IDPH, following the lead of the CDC, changes the definition of “fully vaccinated” to include a booster dose of a vaccine, then individuals will have five weeks after the adoption of that change to meet the guidelines of the updated definition.

### **Is an employee who receives vaccination after the five-week cut off eligible for COVID administrative leave days going forward from the date of vaccination?**

The five-week deadline is regarding eligibility for retroactive administrative leave. Any employee who becomes fully vaccinated after that five-week deadline would be eligible for administrative leave days going forward, but they would not be reinstated any days used prior to the date of them becoming fully vaccinated.

### **If the CDC or IDPH changes the definition of “fully vaccinated” is there any chance employees will lose their previously earned benefits?**

No. If an employee is eligible to have sick days reinstated as of the day the Act is signed or becomes eligible to have sick days reinstated, those days cannot be taken away based on future changes to the CDC or IDPH definitions of “fully vaccinated.” Similarly, any paid administrative leave days previously awarded to an employee cannot be taken away because of a future change in the definition to fully vaccinated.

### **If the CDC and IDPH change the definition of “fully vaccinated” to include booster shots, will I have to get a booster shot to remain eligible for future benefits under this Act?**

Yes, you will need to remain fully vaccinated to receive future paid administrative leave. You have five weeks from the issuance of updated IDPH guidance to receive any booster shots required to be “fully vaccinated.”

**I had to use sick time earlier during the 2021-2022 school year because I got Covid-19 or because my child (in primary or secondary school) had Covid-19. Will I get those days back?**

Yes. If you have received the doses necessary to be fully vaccinated within five weeks of the effective date of this Act, then your previously used sick days will be reinstated.

**What are the testing requirements?**

This bill requires you to comply with any testing requirements imposed by your school district, public university, or community college. For example, if a school district requires vaccinated employees to participate in a testing program, the employees must participate to be eligible. If your employer only requires testing for unvaccinated employees, you are following your employer's requirements so long as you have received the required doses to be fully vaccinated.

**What if I have a religious or medical exemption from my district?**

The bill does not impact any federal protections regarding religious or medical exemptions from vaccination requirements. Those employees who were granted a medical or religious exemption from vaccination by their employer aligned with federal law are eligible for this benefit.

**What does this mean for employees who are not vaccinated and do not have a recognized medical or religious exemption from their employer, but who are tested every week?**

They will not receive any additional leave beyond what they receive in their contract.

**How does this bill impact part-time employees who do not receive sick days?**

Part-time employees without sick leave days are currently sent home for COVID-19 related reasons and receive no pay for the day. This bill would allow those part-time education employees to receive paid administrative leave at their regular rate of pay.

**What wage protection is provided under this Act?**

If a school district temporarily closes or switches to e-learning for any emergency, paraprofessionals and school related personnel must continue to be paid even if they cannot perform their regular scheduled duties. For instance, if you are a 180-day paraprofessional and your district goes remote for 10 days, this Act requires you to be paid for those days even if you were not required to work those days. However, this requirement does not apply if the days are rescheduled, and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day(s) when services are rendered.