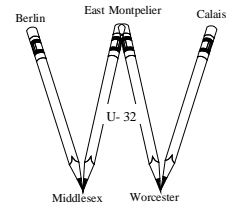


Washington Central Unified Union School District

WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.

1130 Gallison Hill Road
Montpelier, VT 05602
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Bryan Olkowski
Superintendent



Washington Central Unified Union School District Special Board Meeting Agenda - Revised

7.22.2020 6:00 PM – 7:00 PM

Virtual Meeting Information:

<https://tinyurl.com/y5tfqw5x>

Meeting ID: 956 6295 2138

Password: 955694

Dial by Your Location: 1- 929- 205- 6099

Open Meeting Law temporary changes as of 3/30/20: Boards are not required to designate a physical meeting location. Board members and staff are not required to be present at a designated meeting location.

**Our building will not be open for meetings.
All are welcome to attend virtually.**

TIME

(in minutes)

| | | |
|----|-----|---|
| 4 | 1.0 | Call to Order |
| 10 | 2.0 | Public Comments |
| 40 | 3.0 | Executive Session for Personnel |
| | 3.1 | Employment Practices Advice of Legal Council -pg. 2 |
| 5 | 4.0 | Personnel (Action) |
| | 4.1 | Approve New Teacher, Resignations, Retirements, Leave of Absence and Change in FTE -pg. 6 |
| 10 | 5.0 | Adjourn |

Last March, the Governor’s directive requiring the orderly dismissal of schools required schools to continue to provide instruction remotely, to provide meals to students and to support the childcare needs of essential persons. School districts were directed by the AOE to continue to pay school staff, regardless of whether employees were required to report to work to support the emergency response. As of July 1, 2020, this requirement has been lifted.

Q. Do we return to our school district’s normal policies, procedures and labor laws regarding the payment of wages?

A. Yes, as of July 1, 2020, school districts should follow their standard school policies, procedures, collective bargaining agreements and applicable legal requirements regarding the payment of wages. Generally, this means that hourly employees will be paid for time worked based on biweekly timesheets and salaried employees will be paid based on contracted pay periods.

Q. How should we handle employee leave time?

A. As of July 1, 2020, school staff should report leave time in accordance with school district policies, collective bargaining agreements and applicable state and/or federal laws. School Districts should treat both paid and unpaid leave consistent with these existing policies, agreements and legal requirements. There are special leave provisions under the Families First Coronavirus Response Act (“FFCRA”) discussed below.

Q. Are any employees exempt from working under the latest State Guidance?

A. The latest guidance from the AOE and the Vermont Department of Health does not grant work exemptions to any school employees. The Guidance <https://education.vermont.gov/sites/aoe/files/documents/edu-vdh-guidance-strong-healthy-start-school-health-rev-20200617.pdf> does identify categories of individuals who are at higher risk for severe illness from COVID-19. This list includes:

- People 65 years and older
- People of all ages with underlying medical conditions, particularly if not well controlled, including:
 - People with chronic lung disease or moderate to severe asthma
 - People who have serious heart conditions
 - People who are immunocompromised, including those undergoing cancer treatment, bone marrow or organ transplantation, and those with immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and/or other immune weakening medications
 - People with severe obesity (body mass index [BMI] of 40 or higher)
 - People with diabetes
 - People with chronic kidney disease undergoing dialysis
 - People with liver disease

The AOE encourages employers to develop policies/procedures regarding such circumstances. For employees who fall into one of the above risk categories, school districts should apply their leave policies and collective bargaining agreements. Additionally, employees may be eligible for leave under FMLA/VPFLA or leave under the FFCRA. In some instances, the District may be requested for an accommodation under the ADA. After conducting the required analysis, an ADA qualified employee may receive reduced hours, alternate assignments or other accommodations.

Staff members who are excused by the District from physically reporting to work, and are unable to work remotely may be required to use paid leave time. In such instances, an employee may elect to utilize leave under the FFCRA as outlined below.

Q. What is the FFCRA and what leave time does it provide?

A. The FFCRA was signed into law March 18, 2020, and took effect on April 1, 2020. The FFCRA is intended to provide temporary relief to eligible employees who are affected by the COVID-19 pandemic and provides employees a new paid sick leave benefit (Emergency Paid Sick Leave Act or “EPSLA”) and expansion of the Family and Medical Leave Act (FMLA) (Emergency Family and Medical Leave Expansion Act or “EFMLA”).

The Act provides covered employees the following benefits:

- Two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. It is the employee's option whether to utilize FFCRA leave or employer provided leave under a CBA or personnel policy.

Duration of the Leave.

For reasons #1-#4 and #6: A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason #5: A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:

For leave reasons #1, #2, or #3: employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons #4 or #6: employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason #5: employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period – two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave).

Districts should consult their legal counsel regarding the application of the FFCRA benefits, particularly the extension of benefits under the extended FMLA. Currently, all leave benefits under the FFCRA expire December 31, 2020.

Source. United States Department of Labor.
www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave

- Q. Are employees permitted to use accrued sick, personal or vacation leave this year?
- A. Employees may use sick time if they are sick or experience another qualifying event. Likewise, they can use other contractual leave if the circumstances are as identified in the contract or personnel policy. Boards will need to decide how to handle COVID related leave for employees where they do not qualify for contractual or statutory leave or if they exhaust the available leave because of exposure.
- Q. May school districts impose COVID-19 mandatory health and safety requirements for staff?
- A. Yes, the AOE/DH Guidance explicitly requires school districts to implement comprehensive health safety requirements while working in school buildings or in-person school activities. Additionally, the Guidance requires that school staff will be excluded from in-person school activities if they show symptoms of COVID-19; have been in close contact with someone with COVID-19 in the last fourteen days; have a fever (higher than 100.4°F); have a significant new rash, or a large amount of nasal discharge unrelated to an allergy.
- Q. May school districts implement layoffs or reduce employee hours if there is only a “partial reopening” of schools?
- A. As of July 1, 2020, there is no AOE limitation on reducing employee hours or implementing employee layoffs. Any employee layoffs or reduction in hours should adhere to the requirements of a district’s applicable collective bargaining agreements and personnel policies for non-union staff.
- Q. Can we change the nature of someone’s work based on the return to school guidelines? For example, we need to have someone on a school bus checking temperatures. Can we require paraeducators to do that?
- A. Generally, job assignments are controlled by the collective bargaining agreement and job descriptions. If the CBA and/or the job description limits job assignments and the scope of assignments you may not be able to change their work. In many districts, paraeducators routinely are assigned to accompany a student(s) on a bus and such work may be covered in the CBA and job description. If a district is restricted in making such assignments, it should discuss a side letter with its union(s) to address this issue for the 2020-2021 school year.

WCCUSD School Board
Superintendent Personnel Summary and Recommendations

July 22, 2020
(as of 7/21/2020)

1. **New Teacher Nominations** (for 20-21 school year).

Elizabeth Wirth - WCUUSD COVID-19 Coordinator

Recommend Approval

2. **Retirement** (effective June 30, 2021)

Recommend Approval

3. **Resignations** (effective June 30, 2021)

Recommend Approval

4. **Leave of Absence Request** (One year for 20-21 school year)

Recommend Approval

5. **Change in FTE**

Recommend Approval