

Executive Session

April 7, 2020 10:20 AM

By Phone

1. Call to Order
2. Policies due to COVID-19
3. Adjourn

Marshall County Board of Education

Monitoring: Review: Annually, in August	Descriptor Term: Emergency Closings	Descriptor Code: 1.8011	Issued Date: 04/07/20
		Rescinds: 1.8011	Issued: 04/08/19

1 *General*

2 The Board authorizes the director of schools to close schools in the event of hazardous weather, a public
3 health emergency, or any other emergency which presents a threat to the safety of students, staff
4 members or school property.¹

5 As soon as the decision to close schools is made, the director of schools will notify the public media and
6 request that an announcement be made.

7 If school is not in session or is dismissed early due to snow or inclement weather, all scheduled activities
8 in which students are involved will be postponed or cancelled unless specifically approved by the
9 director of schools and/or the school principal.

10 **EMPLOYEE RESPONSIBILITIES**

11 In the event of an emergency that requires closure of a school building, group of schools, or the entire
12 district, the Director of Schools is authorized to continue to pay employees who are not able to physically
13 report for duty as a result. These employees shall receive their regular wages. Such payments shall not
14 exceed the number of days budgeted for each employee.

15 During such emergencies, the Director of Schools may designate certain employees as essential. Such
16 employees shall work as directed by the Director of Schools, whether that is by physical appearance at
17 work or teleworking under Policy 5.1151. Essential employees must use leave to be excused from work
18 absent special permission as determined by the Director of Schools/designee.

19

20

Legal References:

1. TCA 49-6-3004(e)(1); TRR/MS 0520-01-03-.02(1)(b)

Cross References

Emergency Preparedness Plan 3.202
Telework During Emergencies 5.1151

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Employee Designations During Emergency Closure	Descriptor Code: 1.8011.3	Issued Date: 04/07/20
		Rescinds:	Issued:

1 *General*

2 In the event of an emergency that requires closure of a school building, group of schools, or the entire
3 district, the Director of Schools is authorized to continue to pay employees who are not able to physically
4 report for duty as a result of the ongoing emergency. During such emergencies, the Director of Schools
5 may designate certain employees as essential. Such employees shall work as directed by the Director of
6 Schools, whether that is by physical appearance at work or teleworking under Policy 5.1151.

7 **CUSTODIAL STAFF**

8 During school district closures related to quarantine efforts, all custodial staff, including ten- and eleven-
9 month employees, are deemed essential. All custodial staff must report to their assigned buildings for
10 work unless approved for leave or directed otherwise by their supervisor. Building assignments may
11 fluctuate to meet needs.

12 **FOOD SERVICE WORKERS**

13 In order to operate community feed sites, certain food service workers may be deemed essential by the
14 Director of Schools. If deemed essential, employees must report to any assigned location. Assigned
15 locations may vary to meet changing needs.

16 **LEAVE REQUESTS FOR ESSENTIAL STAFF**

17 If an employee has exhausted his or her leave, the employee must obtain approval from the Director of
18 Schools before being allowed to take any specially approved paid leave during an emergency closure.

19 Failure to report without approved leave will result in disciplinary measures up to and including
20 termination.

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Telework During Emergencies	Descriptor Code: 5.1151	Issued Date: 04/07/20
		Rescinds:	Issued:

1 *General*

2 Teleworking is a work arrangement where designated employees are allowed to perform their normal
3 duties and responsibilities through the use of hardware and software at an alternate location from their
4 normal work site.

5 The Director of Schools may require an employee to telework if the duties and responsibilities of the
6 position are required during times of emergency. An employee's participation in the program will be
7 determined by the length and duration of the emergency and will be both initiated and ended at the
8 discretion of the supervisor and/or the Director of Schools.

9 **WORK ENVIRONMENT**

10 Employees approved for telework shall maintain a dedicated and safe work environment.

11 An employee who teleworks shall not allow anyone other than district employees to utilize district
12 provided services or equipment. Employees shall keep remote work and information confidential, in
13 accordance with district policies, procedures, and applicable privacy laws.

14

Cross Reference

Emergency Closings 1.8011

Marshall County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: FFCRA LEAVE	Descriptor Code: 5.3051	Issued Date: 04/07/20
		Rescinds:	Issued:

1 *General¹*

2 Under the Families First Coronavirus Response Act (FFCRA), this policy will be in effect from April 2,
3 2020, until December 31, 2020.

4 The Director of Schools/designee shall post notice of FFCRA requirements and create any necessary
5 administrative procedures. Employees should seek clarification from Human Resources if they have
6 questions regarding the total amount of leave and pay available to them.

PAID SICK LEAVE

Employees are entitled to up to two (2) weeks of paid sick leave if they are unable to work or telework because the employee:²

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 or advised to quarantine or isolate due to COVID-19. The individual must be someone with a personal relationship to the employee;
5. is caring for his/her son or daughter whose school or place of care is closed, or person who regularly provides child care is unavailable, for reasons related to COVID-19 and no other suitable person is available to care for the child during the requested period of leave. Son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability; 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.

This paid leave may be taken if there is work available for the employee to complete and the employee is unable to work or telework for one of the above reasons. Such leave is in addition to any paid leave that an employee may already be entitled to (e.g. existing sick leave). Employees are not required to exhaust any other paid leave benefit in order to utilize this new category of paid sick leave.

EXPANDED FMLA LEAVE

Full-time or part-time employees who have been on the payroll for thirty (30) calendar days prior to the beginning of the leave are eligible for expanded FMLA leave (EFMLEA). This includes employees who were laid off or terminated after March 1, 2020, who had worked for the district for at least thirty (30)

of the prior sixty (60) calendar days and were subsequently rehired or otherwise employed by the district.³

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is unable to work or telework due to the need to care for his/her son or daughter because of a school or child care facility closure or because the person who regularly provides child care (i.e. this could include a family member or neighbor) is unavailable for reasons related to COVID-19.⁴ In these circumstances, a son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability.

Qualifying employees may take twelve (12) weeks of EFMLEA leave.⁵ The amount of leave available may be impacted by any prior use of FMLA.⁶

The first ten (10) days of EFMLEA leave shall be unpaid; however, an employee may choose to take any existing leave benefit during this time. After ten (10) days, EFMLEA leave is paid at two-thirds (2/3) the rate of the employee's regular rate of pay, unless he/she chooses to utilize accrued sick leave or annual leave to cover those days or the amount is capped per federal law.⁷

Legal References:

1. Families First Coronavirus Response Act, Pub. L. No. 116-127, §§ 3102, 5101, et seq. (2020)
2. 29 CFR § 826.20(a); 29 CFR § 826.21; 29 CFR § 826.30(a)
3. 29 CFR § 826.30(b); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 3605 (2020)
4. 29 CFR § 826020(b)
5. 29 CFR § 826.23
6. 29 CFR § 826.23(b); 29 CFR § 826.70
7. 29 CFR § 826.24

Cross References:

Sick Leave 5.302
Family and Medical Leave 5.305