

DISD Federal & State Grants Manual Supplement to Compensation Handbook COVID-19 March 2020

PURPOSE:

During the COVID-19 pandemic some of the processes and procedures in the Compensation Handbook will be changed due to the emergency school closure and resolution approved by the Board of Trustees related to compensation.

The Superintendent notified all employees of the emergency school closure and directed employees to **“remain available and in the local area”**. No other restrictions were placed on employees regarding their use of time during the closure, other than subsequent work assignments for specific employees.

The Board of Trustees approved a COVID-19 Resolution (**Exhibit A**) the April 3, 2020 Special School Board Meeting.

In accordance with the Resolution (Exhibit A), the district shall:

- Continue wage payments to all employees (**regardless of funding source**), contractual and non-contractual, salaried and non-salaried up to regularly scheduled work hours per day, who are instructed not to report to work during an emergency closing, unless the workdays are scheduled to be made up at a later date.
- Compensate nonexempt employees (**regardless of funding source**) who are required to work onsite during an emergency closing at the premium rate of one and one half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law.

Note. The continued wage payments will continue through (1) end of the emergency school closure as determined the Superintendent, or (2) end of the employee’s current school year work calendar, whichever comes first but shall not continue after June 30, 2020. Annualized salary will continue to be paid to employees through their final 2019-2020 paycheck in June, July or August, respectively.

COMPLIANCE WITH THE FLSA:

The district shall comply with all provisions of the FLSA as they relate to minimum wage, overtime and recordkeeping.

Minimum Wage

All nonexempt employees shall be paid no less than the federal minimum wage for ALL hours worked. To ensure that the district is in compliance with this provision, **nonexempt employees are directed to work no more than their regularly scheduled hours whether working remotely or onsite at a district facility**. All nonexempt employees, in accordance with the Board-approved Resolution for Disaster Pay & Premium Pay, will be paid their regular hourly rate of pay during the COVID-19 emergency school closure.

Overtime Pay

During the emergency school closure for COVID-19, all nonexempt employees will be paid for all hours **up to 40 hours** worked onsite (DISD worksite) during a workweek at a premium rate of pay (1 ½ times their regular rate of pay). All work hours, whether worked remotely or onsite, in a workweek **that exceed 40 hours** will be paid at 1 ½ times of their regular rate based on the weighted average of hours worked at their regular rate and the hours worked at their premium rate of pay. A weighted average calculation will also be used for nonexempt employees who work multiple jobs with different rates of pay.

An example of the disaster and premium pay is attached as **Exhibit B**.

Recordkeeping

By default, all nonexempt employees will remain “idle” during the emergency school closure and not perform any work whether remotely or onsite, unless directed otherwise by their immediate administrative supervisor. If no work is performed, the employee will not be required to clock-in and clock-out as the hours do not represent work hours, but rather idle hours. During the idle hours, the nonexempt employee is “waiting to be engaged” and not on an on-call or stand-by basis as defined by the FLSA.

A nonexempt employee’s supervisor shall be responsible for tracking the work hours of assigned staff if any remote work is performed during the emergency school closure and shall direct their respective nonexempt staff that **remote work shall not exceed 40 hours in a workweek, nor their regularly scheduled work hours**. Administrative supervisors shall submit a statement to the payroll department if any of their assigned nonexempt staff performed any remote work that either exceeds their regular work hours and/or exceeds 40 hours in a workweek.

All employees paid with federal grant funds shall continue to track and submit Time and Effort documentation regardless of onsite or off-site work. T& E documentation shall be accepted with electronic signatures during the pandemic closures.

STIPENDS, SUPPLEMENTAL PAY AND EXTRA DUTY PAY:

Stipends

The district shall continue to pay all stipends (such as athletics, grade level or department chairs, clubs, etc.) for assigned staff in accordance with the approved Stipend Pay Notices. No reduction in the stipend amounts shall be made as a result of the emergency school closure nor the inability of the assigned staff to continue to carryout their assigned duties during the closure.

Stipends will be paid during the month of June in accordance with established procedures.

Supplemental Pay & Extra Duty Pay

Supplemental Pay, typically paid on an hourly or daily basis (such as tutoring, staff development, curriculum writing, etc.) shall continue to be paid based on submission of the supplemental timesheets in accordance with the established payroll processing dates.

EMPLOYEE BENEFITS:

No changes to employee benefits are anticipated due to the COVID-19 emergency school closure.

LEAVE MANAGEMENT:

The district will continue to use the current leave paperwork, including a Form C or E to track all employee absences. If any employee is not “available to work” during the emergency school closure, the employee shall both email their direct supervisor and Human Resources. All paperwork will need scanned in and sent to HR or delivered if possible. If an absent employee does not have available paid leave, he/she shall be docked their full daily and/or hourly rate of pay, as appropriate in accordance with the district’s leave management procedures.

Family & Medical Leave Act (FMLA)

Any employee on FMLA as of the start of the emergency school closure (March 16, 2020) shall remain on FMLA until the employee is medically released to return to duty. The disaster pay will not apply to an employee on FMLA status. If an employee is subsequently released to return to duty, the employee will be eligible to receive disaster pay and premium pay (if applicable) as of their official release date.

Families First Coronavirus Response Act: Employee Paid Leave

As a result of the [*Families First Coronavirus Response Act: Employee Paid Leave Rights*](#), two new leave codes have been added to the available leaves. The new leave codes and brief descriptions as defined by the US Department of Labor are noted below. **The effective date of both leaves is April 1, 2020 through the end of the 2020-2021 school year.**

CE – Emergency Family and Medical Leave Expansion Act (EFMELA)

CF– Emergency Paid Sick Leave Act (EPSLA)

The district will track locally board granted COVID-19 leave days by using

LC-Local COVID granted days

Generally, the Act provides that employees of covered employers are eligible for:

- *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 to 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, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and*
- *Up to an additional 10 weeks of **paid expanded family and medical leave at two-thirds the employee’s regular rate of pay** where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.*

Eligible Employees: *All employees* of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.

Qualifying Reasons for Leave:

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.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for 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 (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical 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: [No carryover or payout provisions in the law]

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay 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 are entitled to pay 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). Note. An employee may elect to use accrued leave for the first two weeks of partial paid leave.

A poster for non-federal employees is available on the US Department of Labor website (hyperlinked below)

