

# **MSBO School Finance Committee Zoom**

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# Topics

- I. MIOSHA Emergency Rule:  
Remote Work
- II. MDHHS Emergency Order
- III. Support Staff Employment
  - SSAA Sec. 11p vs. Michigan Constitution IX, Sec. 18
  - Employee considerations
  - Contractor Considerations

FORN

# **I. MIOSHA Emergency Rule 10/14/20**

- Remote Work Policy
- Prohibit “In-person work” for employees to the extent their work activity can be feasibly completed remotely

# **I. MIOSHA Emergency Rule**

- Impact on Teachers
  - In person
  - Report to work when virtual
- Impact on Support Staff

# **I. MIOSHA Emergency Rule**

- Remote work policy
- Factors to consider whether remote work is “feasible”
- Contemporaneously document “feasibility”
- Employee who volunteers to work in person
- Penalty: \$7,000 per violation

## II. MDHHS Emergency Order

- Gr 9-12: In-person instruction prohibited, except for ELL or special education students
- Gr K-8: In-person instruction permitted, subject to local health dept and district decisions
- Gr K-12: Sports and extracurriculars prohibited
- Must design gatherings (including classrooms) to encourage/maintain 6-foot distancing to the extent possible

## **II. MDHHS Emergency Order**

- Are all in-person instruction and educational support services prohibited?
- May schools continue to offer sports and extracurricular activities?
- May we allow students to gather in the cafeteria for meals?
- Are students permitted to use gyms, exercise facilities, and pools?

ORDER



## II. MDHHS Emergency Order

- Are in-person IEP or 504 team meetings permitted?
- Must we modify students' IEPs or 504 plans?
- What about services to students “in need”?
  - Child care
  - Mental health services
  - Technology access
  - Meals
  - Others?

EMERGENCY

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EMERGENCY

# III. Support Staff Employment

- CARES Act conditions, SSAA Section 11 p., a district must “to the greatest extent practicable, continue to pay employees and contractors.”
- Michigan Constitution Article IX, § 18 “the credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized by this constitution.”

# III. Support Staff Employment

- Keeping hourly staff
- Require in-person work?
  - “feasible” remote work?
- No work to be performed remotely.

# III. Support Staff Employment

- For layoffs, follow CBA or Board Policy
- Contemporaneously record why it is not “practicable” to continue employment
- Alternatives: benefit leave days or “on call” status [possible impact on retirement]

## **IV. Contractors**

- Avoid joint employment
- Follow contract terms

**Q&A**

TURN

Always Remember: There is Light at the End of the Tunnel





**THANK YOU!**

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