

**KASA COVID-19 RESOURCE KIT**  
**Frequently Asked Questions – Personnel**  
**March 17, 2020**

The corona virus pandemic has placed all of us in situations for which there is no precedent. In our efforts to be the best resource possible for Kentucky school leaders, we have put together a resource kit to address the issues we have been made aware of that local school districts are already dealing with, and to try to anticipate some which will arise in the near future.

**Should we require all employees to report for work each day?**

The superintendent should follow relevant guidance from state and federal health officials regarding staffing. All staffing decisions need to consider “social distancing”, the essential duties of the position, and whether work can be performed remotely. It is clear that during the pendency of these circumstances, not all employees will be present in the workplace at all times as they would be under normal workplace conditions.

**How will employee compensation be affected?**

Employees who continue to work will, of course be paid for all time worked. All certified employees – teachers and administrators – are “exempt” employees pursuant to federal wage and hour laws, and thus receive regular compensation for whatever time the employer directs them to work.

Classified employees are generally hourly employees who are paid for actual time worked. However, potential adjustments to their work calendar adopted by the Kentucky General Assembly (see below) could impact their compensation, including allowing pay for days not worked.

**What is the Kentucky General Assembly doing to address the issues related to employee work time?**

The legislature is currently addressing these issues through **House Bill 461**. This bill has been amended to provide relief from current statutes and regulations that restrict flexibility by local boards in dealing with issues related to workdays and work year for school district employees. Specifically, in its current form, it provides for more emergency days for school district employees, and more student calendar flexibility, among other things.

**However, HB 461 has not yet been adopted by the legislature and is still subject to amendment.** It would be premature for local districts to act on the provisions of **HB 461** until it is enacted into law.

**How do we deal with employees who think they might be ill, or who choose to self-quarantine?**

The legislation mentioned above may apply to some of these employees, but the most reasonable approach would be to treat them like any other employee who is ill under routine circumstances. Under the circumstances, this would be a legitimate basis for the district to allow use of sick leave or to grant a leave of absence for medical purposes. The employee could also make a request for FMLA.

**What happens with employee evaluations?**

The evaluation system may end up being included in the waiver provisions of **HB 461**. Even if it is not addressed in the legislation, the deadlines for evaluations are local policy, not state law. A local board of education could choose waive its policy deadlines or even some provisions of its evaluation policy.

**Can we require employees to work at duties other than their typical duties?**

Local board set duties of their employees, and in an emergency situation such as we have, it is both reasonable and likely a business necessity that a board may require different duties of its employees than it would under normal circumstances. If there is important work to be done on behalf of the district's students or to carry out other critical operational functions, superintendents and other supervisors should have no hesitancy in asking employees to perform duties that would not normally be a part of their job function.

**Must all employees have the same work schedule or work duties?**

Classified hourly employees will be paid based on actual time worked. Their duties can be prescribed by their superiors. There is no requirement in law that they all be given a full schedule or the same schedule, or that they all perform the same duties. Supervisors retain the right they have under normal circumstances to use reasonable discretion in the assigning the duties and work schedule for classified employees.

Certified employees, as mentioned above, are exempt for wage and hour purposes, and thus can be assigned any reasonable work schedule deemed necessary by their superiors. As exempt employees, this schedule may be longer or shorter than their normal daily schedule, but their daily salary would not change. Again, in an emergency situation, supervisors may revise duties as needed to carry out the emergency functions of the school district.

**How will we deal with notices regarding employment for the 2020-21 school year, and other legally required notices?**

It is likely that some provision will be made for these notices in **HB 461**. However, local superintendents and administrators should plan on fulfilling, in some form, the statutory requirement that employees receives these notices at some point prior to the next school year.