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Montana Association of School Business Officials | Montana Federation of Public Employees | Montana Quality Education Coalition | Montana Rural Education Association | Montana School Boards Association | School Administrators of Montana

Last night, MT-PEC confirmed with the Governor's Office that the Coronavirus Relief Fund (CRF) may be used to compensate staff for "**work performed outside the duty day**" related to preparing for, responding to, and mitigating the effects of COVID-19. That correspondence is included below.

Upon receiving this news, MT-PEC worked to develop the model documents below. These documents are designed to assist school districts, school leaders, and educators in utilizing the CRF to compensate staff for the extra work completed during this school fiscal year prior to December 30, 2020. The documents incorporate the guidance from the U.S. Department of the Treasury and the Governor's Budget Office. The documents recognize the rights of bargaining units, where applicable, and otherwise establish documentation to show compliance with the law. The documents are:

1. [A sample MOU between a district and a certified unit – with options to select](#)
2. [A sample MOU between a district and a classified unit](#)
3. [A sample memo to staff for districts that do not have organized employees](#)
4. [A sample internal memo for districts outlining compliance using CRF for overtime for COVID-19 duties completed by non-exempt employees](#)

A memorandum of understanding is required to provide compensation to bargained employees to document the agreed upon compensation amount and avoid claims of unilateral change in the bargaining agreement. For districts without a bargaining agreement, the memorandum to staff simply outlines the details of the compensation. The final document is for internal purposes to show how the compensation differs from previously issued overtime compensation. Districts can utilize the documents that will apply to the circumstances in a particular district and, where necessary, select the necessary options within a specific document.

A district's board of trustees must approve the MOU together with the applicable unit and then authorize the compensation so that it can be provided to employees prior to December 30, 2020, to comply with the law.

The MT-PEC partners are prepared to assist with any questions school leaders may have as the deadline to utilize the funds approaches.

Tom Livers Email Communications with Amanda Curtis – December 10, 2000:

From: Tom Livers

Sent: Thursday, December 10, 2020 7:06 PM

To: Amanda Curtis

Denise Williams	Amanda Curtis	Dianne Burke	Dennis Parman	Lance Melton	Kirk Miller
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Cc: Steve Bullock

Subject: Re: one last ask on CRF funding

Hi Amanda. Yes, we will continue to approve and process such requests as long as time permits, but please be aware there is a clock ticking. Per the language of the CARES Act, we can only pay for expenses incurred before December 30. Any unspent funds after that time must be returned to the federal government. So, it's imperative these requests are processed quickly, and that we are made aware of any districts unable to spend all of their funds by the statutory deadline so that we can redirect that money to meeting needs within Montana rather than reverting it to the feds. I'll check with Nancy and Amy to get the specific deadlines and logistics.

Sounds like you're comfortable, at least generally, with how we're proceeding. Keep the questions coming. We need to be on the same page.

Thanks

Tom

Sent from my iPad

On Dec 10, 2020, at 6:55 PM, Amanda Curtis wrote:

Thank you both for your time today. After visiting with our locals, I understand that districts have been approved for CRF funding to pay for "work performed outside the duty day," which is what I think both of you told me on the phone. Do you plan to grant similar requests moving forward? I really appreciate your help in working through this.

Respectfully,

Amanda

Denise Williams	Amanda Curtis	Dianne Burke	Dennis Parman	Lance Melton	Kirk Miller
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