May 28, 2020

To: Members of the Board of Education  
From: Jane Belmore, Interim Superintendent of Schools  
RE: Modifications to MMSD Employee Handbook

**Handbook Review Process**

Pursuant to the terms of the Handbook, a Review Committee comprised of District and employee representatives will meet at least annually to review the Handbook for possible revision. Revisions on which the Review Committee can reach consensus will be forwarded by the Superintendent to the Board for final approval. On any area where a consensus is not reached, the Superintendent shall make a determination and recommendation to the Board for final approval.

**Proposed Revisions**

The Review Committee was able to reach consensus on a couple of items. The Review Committee agreed to the following (language changes are attached)

**Benefits**
- Modify language to increase Administrator/NUP health insurance contributions to 12%

**Teachers**
- Modify language to delete additional administrator approval for use of personal leave — leaving approval at the building principal level

**Substitute Teachers**
- Modify language around to the use of personal illness leave
- Modify language to allow for extended employment pay

Other items that were discussed and the Committee did not reach consensus on include:

- Hiring in Support Units
- Teacher Surplus/Layoff
- Hazard Pay
- Emergency Closures
My preliminary recommendations are as follows:

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<th>Item</th>
<th>Superintendent Recommendation</th>
<th>Rationale/Employee Concern</th>
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<td><strong>Hiring for all support units</strong></td>
<td>Currently, under the Handbook vacancies are to be filled by the transfer of internal candidates. External candidates are only considered if all internal candidates are deemed to be unqualified. Modify the language in the Handbook with regard to transfer to state as follows: Vacancies shall first be filled by employees in surplus. The District has the right to determine and select the most qualified applicant for any position. The term applicant refers to both internal and external candidates for the position. The District retains the right to determine the job qualifications needed for any vacant position. Minimum qualifications shall be established by the District and equally applied to all persons.</td>
<td><strong>Rationale:</strong> It is essential that the District has the ability to hire the most qualified candidate for any vacant position—whether an internal candidate or an external candidate. This language is currently used for transfers in the teacher unit. Thus, it creates consistency across employee groups. <strong>Equity Strategy:</strong> It provides the District the opportunity to diversify the workforce by expanding the pool of applicants under consideration. This change would come with a commitment to provide stronger development opportunities for internal candidates who seek pathways to promotion. By providing the District with the flexibility of considering both internal and external candidates simultaneously the District can ensure that it is hiring the most qualified individual for any vacant position. <strong>Employee Concern:</strong> The change would impact morale by not rewarding employee seniority and tenure in the District. The District has not provided the requisite training that would put employees in a better position to promote through the organization and until this training piece has been implemented such a change would be unfair to the employees. The District needs to formalize career ladders.</td>
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<td><strong>Teacher Surplus/Layoff</strong></td>
<td>Currently surplus and layoff are based solely on seniority – within the building for surplus and District-wide for layoff. Modify the</td>
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° School Calendar
° Handbook Review Process
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<th><strong>Hazard Pay</strong></th>
<th><strong>Staffing decisions should be based on what is best for students and that is retaining the most qualified staff.</strong></th>
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<td>language in the Handbook with regard to surplus and layoff to have that decision based on qualifications rather than seniority. Factors to be considered include, but are not limited to, certifications, demonstration of competencies, Educator Effectiveness scores, trainings, cultural competence, language proficiency and experience. Also, currently layoffs only occur at the end of the school year to be effective for the upcoming year. Modify the language to provide for layoff upon 30 days notice.</td>
<td><strong>Equity Strategy:</strong> Over the last 5 years the District has hired 285 teachers of color. Having these staff members always be subject to movement within the District does not create a good environment for retention. This negatively impacts our efforts of diversifying the workforce.</td>
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<td>Changing the language with regard to the timing of the layoff notice is a budgetary matter. While it would still continue to be the norm that decisions as to the need for layoff would be made in the spring to be effective for the following school year, there may be unique/extraordinary situations where there is a need to reduce staff during the year. This language change would provide for that flexibility. In addition, a 30 notice is consistent with notice that is provided to other employee groups for layoff.</td>
<td><strong>Employee Concern:</strong> The criteria are too subjective and not sufficiently defined. Seniority is completely objective. It could have a negative impact on staff retention since staff will not feel valued. Modifying the timing of layoff negates the protections provided by having an annual contract.</td>
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<td><strong>Rationale:</strong> This is a budgetary issue. In order to obtain certain COVID funding it is necessary to have a policy to point to that permits providing hazard pay to employees. It is also necessary to have a policy regarding the use of grant funds to compensate employees (this language was provided by the DPI).</td>
<td><strong>Employee Concern:</strong></td>
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<td>Emergency Closure</td>
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Currently the District has discretion to pay hazard pay to staff if it is determined to be warranted (as occurred during the recent school closing period). Add language to the Handbook stating that the District has the discretion to determine the circumstances under which employees may be entitled to additional compensation for having to engage in what the District designates as hazardous duty, and the amount of such additional compensation.

Also add language to provide that under unexpected or extraordinary circumstances, such as a public health emergency, the District shall continue to charge the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its employees who are paid by a currently active Federal grant consistent with the organization’s policies and procedures for paying compensation from all funding sources, Federal and non-Federal.

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Uncomfortable giving the District sole discretion to adopt compensation policies

**Rationale:**
This is a budgetary issue. For single day closures we are trying to make the expectations more consistent across employee groups and provide for the option of requiring work from home if that is determined to be appropriate. This would possibly negate the need to make up instructional minutes. It further provides for hourly staff to get paid for up to two closure days before having to access other leave time. This has been a concern especially for our EA unit, SSAs, and food service workers (approximately 640 staff) who often do not have leave time available to substitute and may go without pay.

For long-term closures we need to provide the District with the flexibility to look at the individual situation to determine the appropriate staffing strategy.

**Employee Concern:**
The language provides the District with too much discretion and does not provide sufficient safeguards for employees.
**School Calendar**

Currently, there are varying expectations for every employee group with regard to the requirements for working during a school closure and with regard to compensation. There is also no differentiation between a single day closure (i.e. snow day) and a longer closure. Change the language in the Handbook to provide parameters for single day and longer term closures.

For single day closures:

A. Salaried Staff: Salaried staff are not required to report to their work site and no general leave will be deducted. Work from home may be required. The District shall, at minimum, make up all days/hours necessary to guarantee the receipt of state aid and/or necessary to meet the minimum annual school year requirements for minutes of instruction. Salaried staff shall not receive additional compensation if the District requires such time to be made up.

B. Custodial/Trades: Staff are expected to arrive at work as scheduled. Tardiness on such days not to exceed one hour will be permitted without penalty. Tardiness or absence from work for a period in excess of one hour may be compensated by the employee’s request in writing to the employee’s supervisor to use vacation, compensatory time or personal illness.

C. Other Hourly Staff: Staff are not required to report to their work site. Work from home may be required. Staff not required to work from home will be compensated for up to two (2) closures days per school year. Any closures beyond two days compensated above will be unpaid unless the staff member elects to utilize accrued benefit leave time (vacation, floating holiday, compensatory time, personal illness).

**Rationale:**
The calendar is already published on the District’s website. If there is a need to adjust the day on which certain events fall (e.g. a staff only day) it can be done without the need to convene a committee meeting or go to a Board vote. The change does not alter the fundamental components of what is included in the creation of the calendar but provides some flexibility to make some changes if necessary.

**Employee Concern:**
Changing what had been previously agreed to without committee review.
**Handbook Review Process**

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<th><strong>D. Substitutes:</strong> There will be no compensation.</th>
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<td>For multiple day closures - should it become necessary to close school for multiple days due to order of a county, state or federal public health official due to health or other safety concerns, or for any other circumstances, the District will advise all staff accordingly. Applicable guidance regarding time lost will be provided depending on the circumstances.</td>
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<td>Remove the link to the school calendar from the Handbook</td>
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**Rationale:**
It is not sustainable or practical to have an annual review of the entire content of the Handbook. The language provides the flexibility to review items whenever it is necessary while ensuring that the handbook will be reviewed at least every two years.

**Employee Concern:**
Making sure staff has sufficient notice of changes in order to make employment decisions.

Currently the Handbook is to be reviewed annually. Change the language so that the review process occurs as needed but at least every two years.
10.4 Personal Leave

Five (5) personal leave days shall be permissible as follows:

... . . .

Personal Leave Day Restrictions: Personal leave days shall not be used to extend a holiday, vacation, teacher convention, or school recess period. However, the principal and/or his/her designee may grant an employee a personal leave day before or after a holiday, vacation, teacher convention or school recess period in an emergency situation, such as cancellation of a return flight due to weather or other situations beyond the employee’s control. The personal leave day will not be granted the first or last week of a semester or after April 23 without the approval of the Superintendent.

2.05 Additional Compensation

Extended Employment Pay
Substitutes who are requested by the principal to engage in extended employment activities shall be compensated pursuant to the Extended Employment provisions contained in Addendum A Section 1.05 of the Employee Handbook.

4.01 Personal Illness

Substitutes may use their paid personal illness leave if ill and unable to complete an assignment accepted at least 48 hours prior or if they should become ill while on assignment and become unable to continue on said assignment. Compensation due to the substitute shall be at the contractual rate then in effect.
ADDENDUM J – ADMINISTRATORS/NON-UNION PROFESSIONALS -NUPS

7.1 Health Insurance Eligibility

Contribution

The District can require employees to make insurance premium contributions not to exceed 10\% of the HMO monthly premium for both single and family coverage.