**LETTER OF AGREEMENT**

**Moorhead Area Public Schools ISD #152 (“District”)**

**AND**

**Education Moorhead (“Union”)**

WHEREAS, the recent outbreak and spread of coronavirus (COVID-19) has prompted many necessary changes for school districts and educators for the 2020-21 school year; and

THEREFORE, be it resolved; that for the 2020-21 school year, the following processes will be utilized in administering employee leave in the 2020-21 school year:

**Part 1: Employee leaves**

1. Employees who are required to quarantine but who are not ill themselves shall be permitted to work remotely where able.
	1. Employees shall use 10 additional days of leave that are provided to all employees under the 2020 Emergency Paid Sick Leave Act (EPSLA-FFCRA) prior to using any other leave if unable to work remotely.
	2. An employee who has exhausted EPSLA-FFCRA will be allowed to work remotely, and if unable, the district will provide paid COVID leave if the employee is not ill.
	3. Any employee who chooses to travel or attend events that do not follow the MDH or CDC guidelines and has to be quarantined will first use leave available under the EPSLA, and then will utilize contractual leave and then will utilize leave without pay. The employee will communicate with the Executive Director of Human Resources and Operations for clarification prior to travel or attendance at large events which do not follow MDH or CDC guidelines. For more information go to:
		1. [CDC: Travel](https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html)
		2. [CDC: Gatherings and Community Events](https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html)
		3. [MDH: Community Settings](https://www.health.state.mn.us/diseases/coronavirus/communities.html)
2. The following protocol for leave will be provided to employees unable to work who are diagnosed with COVID-19, identified for self-quarantine by a medical professional, or are providing care to a family member who is quarantining or who has been diagnosed with COVID-19.
3. Employees shall use 10 additional days of leave that are provided to all employees under the 2020 Emergency Paid Sick Leave Act (EPSLA-FFCRA) prior to using any other leave. Currently, this leave is available until December 31, 2020. The district will honor this leave until the completion of the 2020-21 School year. Employees should enter the code “COVID 2019” (code number 2019 via telephone) into SEMS.
4. Employees shall have access to all existing sick leave benefits under Article 38 of the collective bargaining agreement. During the duration of a pandemic declared by the Center for Disease Control, all sick leave will be credited up front.
5. Additional leave needed will be provided under the Emergency Family and Medical Leave Expansion Act (EFMLEA-FFCRA) and Family and Medical Leave Act (FMLA).
6. Health insurance benefits under Article 34 of the Master Agreement will continue in full force and effect throughout the duration of all combined leave within the scope of FMLA and the expansion.
7. The following information will be provided regarding the transmission of COVID at the worksite:
	1. An employee who has contracted COVID-19 at work should call the SFM Work Injury Hotline at 855-675-3501.
	2. An employee who has COVID-19, but who does not fall into one of the occupations described proposed statutory language, can still claim a workers’ compensation injury or occupational disease if they believe their illness is due to their employment
	3. Health Services will be conducting detailed contact tracing with all employees, students, and community members within the district. Tracing to exposure will be available and provided by the employer to the Worker’s Compensation carrier.
	4. Employees should enter the code “COVID 2019” (code number 2019 via telephone) into SEMS.
8. These provisions may be modified for extenuating circumstances on a case-by-case basis by mutual agreement of the employee, employer, and union.

**Sick/Disability Leave Bank: Part: 2**

1. Eligibility for COVID-19 Sick/Disability Leave Bank
	1. Each member of the bargaining unit and each newly hired member can choose to voluntarily participate in the COVID-19 Sick/Disability Leave Bank.
	2. Any members with 50 days of unused sick leave will be eligible to identify up to five (5) days that will be deducted from their annual sick leave allocation and donated to COVID-19 Sick/Disability Leave Bank.
	3. An employee must have exhausted all available contractual leave and available compensatory leave before receiving donated leave.
	4. Members on a leave of absence are not eligible for use of COVID-19 Sick/Disability Leave Bank.
	5. Members eligible for COVID-19 Emergency Paid Sick Leave Act (EPSLA) are not eligible for COVID-19 Sick/Disability Leave Bank.
2. Eligible uses for COVID-19 Sick/Disability Leave Bank
	1. A member may draw from the bank for their own illness as a result of COVID 19 or that of an immediate family member who requires care due to COVID-19.
	2. Leave donated due to the COVID–19 pandemic may be used only for employees whose work is affected by COVID-19.
	3. An individual approved leave recipient may receive up to a maximum of 80 hours of donated hours under the plan beginning September 8, 2020 (any sick bank hours that were needed prior to April 6 would be in addition to this limit).
3. Procedures to donate to the COVID-19 Sick/Disability Leave Bank
	1. Any member of the bargaining unit eligible may contact the Director of Human Resources in writing to request a donation from her/his sick leave allocation to the COVID-19 Sick/Disability Leave Bank using the [COVID-19 Sick/Disability Leave Donation Form.](https://docs.google.com/forms/d/e/1FAIpQLSdYHShi2morS5axPrNCyMZsvfEf1spE1v2lm_-Q9dqGmqdzsg/viewform?usp=sf_link) The deadline for submitting sick leave donation forms to Human Resources is November 30, 2020
	2. The deadline for submitting donation forms to Human Resources is November 30, 2020
	3. Compensatory personal time earned through subbing for other teachers (See Appendix I) may also be donated to COVID-19 Sick/Disability Leave Bank. The Director of Human Resources must be contacted in writing to request a donation of compensatory leave to the COVID-19 Sick/Disability Leave Bank. Requests made during any month will be honored by the end of the month that follows.The deadline for submitting donation forms for compensatory leave will be May 15, 2020.
	4. Donations are made to the COVID-19 Sick/Disability Leave Bank, and not to an individual.
	5. Once five (5) days have been donated to the COVID-19 Sick/Disability Leave Bank, additional days may NOT be donated from sick leave without permission from the Donation Committee
	6. Employees who donate leave will not be taxed on the donated leave time.
	7. Employees who use donated leave will be taxed on the donated leave time used—e.g., the donated leave time used is treated as W-2 wages for all income and employment tax withholding purposes.
	8. Except for an amount so small as to make accounting for it unreasonable or administratively impracticable, any leave donated under a major disaster leave-sharing plan not used by leave recipients by May 31, 2021 must be returned within a reasonable period of time to the leave donors so the donor can use the leave. The leave returned to each leave donor must be in the same proportion as the leave donated by each leave donor bears.
4. Procedures for use of COVID-19 Sick/Disability Leave Bank
	1. A member wishing to access the sick leave bank must submit a written request to the Director of Human Resources which explains their need for use of the COVID-19 Sick/Disability Leave Bank using the [COVID-19 Sick/Disability Leave Bank Request Form](https://docs.google.com/forms/d/e/1FAIpQLScg9NumabpNxgbyRf4d2kblu1DNyb_J4HQeaL0Zj-7rmrjM7A/viewform?usp=sf_link). The request should be accompanied by documentation of a positive test result as proof of need for the COVID-19 Sick/Disability Leave Bank.
	2. In as much as is possible, application to the COVID-19 Sick/Disability Leave Bank should be made prior to exhaustion of sick leave. Otherwise, benefits from the COVID-19 Sick/Disability Leave Bank shall commence on the date the COVID-19 Sick/Disability is provided to the Human Resources department.
	3. The Human Resources Department will administer all requested leave from the COVID-19 Sick/Disability Leave Bank once a donation has been approved. The decision of the Human Resources Department is not subject to the grievance procedure.
5. Donation Committee
	1. A committee will be established to act as the governing body for individual donation and review of the COVID-19 Sick/Disability Leave Bank. Said committee shall consist of two (2) members of EM (Exclusive Representative) named by the President of EM, the Director of Human Resources and the Executive Director of Human Resources and Operations.
	2. The committee will approve all donations prior to the donated sick leave being added to the bank for use.
	3. The committee will review total donations and administration of the leave a minimum of one time monthly.
	4. The committee shall not have access to the private medical data of employees nor shall it make decisions regarding eligibility for leave under this policy.
	5. The committee will review all donated leave prior to the May 31, 2021 ending period and confirm the amount of leave returned to donors proportionate to the amount donated.
	6. Decisions made by the COVID-19 Sick/Disability Leave Bank Committee will not be subject to grievance.

