

Operational Services

Administrative Procedure – Grant Flexibility; Payment of Employee Salaries During a Pandemic

The Executive Director may implement this procedure, after consultation with the Operational Board, when it is determined it would be in the best interests of the Cooperative to utilize federal or State agency grant flexibilities that allow continued payment of employee salaries and benefits from grant funds during a pandemic. This procedure shall be implemented consistent with Cooperative practices required by Board policies 5:200, *Terms and Conditions of Employment and Dismissal*, and 5:270, *Employment At-Will, Compensation, and Assignment*.

During a pandemic, federal and/or State agencies may take official action to temporarily allow the Cooperative (as a grant recipient) to continue to charge employee salaries and benefits to grant funds while the activities of a grant are closed in whole or in part because of a pandemic, when those payments are made consistent with the Cooperative's local practices for the payment of salaries and benefits to *similarly situated* employees paid from *other* funding sources (i.e., not tied to grant-funds) during a pandemic. The Districts/Cooperatives will use this procedure to address the payment of salaries and benefits to grant-funded employees and similarly situated non-grant funded employees during a pandemic.

When school buildings are closed due to a pandemic, the Executive Director shall:

1. Consult with the Operational Board to determine the extent to which continued payment of salaries and benefits will be made to the Cooperative's employees, pursuant to Board policies 3:40, *Executive Director*, 3:50, *Administrative Personnel Other Than the Executive Director*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal* and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with the following:
 - a. Laws, regulations, federal or State or local emergency declarations, executive orders, and agency directives;
 - b. Collective bargaining agreements and any bargaining obligations; and
 - c. The terms of any grant under which an employee is being paid.
2. When permitted by the terms of any grant or related regulatory flexibility, and in consultation with the Operational Board, ensure that the Cooperative continues to charge to the respective grants payment of the salaries and benefits to grant-funded employees when payment of salary and benefits is also being made to similarly situated non-grant funded employees.
3. Consult with the Board Attorney for guidance on the continued payment of salaries and benefits for grant-funded employees and similarly situated non-grant funded employees and any related legal obligations, such as collective bargaining.
4. Make recommendation(s) to the Operational Board about the continued payment of grant-funded and similarly situated non-grant funded employees' salary and benefits during the emergency closure.
5. Regularly report to the Operational Board regarding the payment of grant-funded and similarly situated non-grant funded employees and the work being performed by those employees during the period of the emergency closure.

Implemented: 11/2020