

What is an essential public-school employee?

As cities and towns place new provisions restricting operations of non-essential businesses, new questions have arisen about the definition of what it means to be an essential public-school employee. We have heard concerns from many members that they are still required to come physically to work to perform some duties that may not be essential.

The Department of Education has stated all school employees are essential. The Priority Notice from the Dept of Education on 3/27/20 says: “All school employees are considered to be “essential” under the Governor’s more recent Executive Order #19, and should be expected to complete all duties and tasks assigned to them.”

Although school employees are essential, their physical presence at school is not, except in limited circumstances. As “shelter in place” orders or other such restrictions are passed in towns and social distancing is at a critical juncture to flatten the curve, public school administration should restrict staff in schools to an absolute bare minimum in order to provide essential functions – such as nutritional services to students – as long as social distance requirements are being implemented and the fewest numbers of employees possible are on premises when conducting such services. All functions that do not require in-person staff in schools should be done remotely.

The Governor’s Executive Order from 3/19/20 and guidance from the Maine Department of Education from 3/20/20 are that all salaried and hourly public-school employees remain paid for the school year. If a public-school employee, who is not in a high risk category or caring for someone in a high risk category, is unwilling to work in-person during this time, after attempting to accommodate for concerns, at a minimum the employee should have access to sick leave, sick leave banks and other paid leave. If an employee exhausts available paid leave, districts should furlough the employee so they are eligible for unemployment but should maintain health insurance if the person is enrolled.

All schools must strictly abide by the latest recommendations of the CDC. As of this writing, the CDC recommends physical distancing and regularly maintaining a distance of at least 6 feet from others, regularly washing hands, and regularly cleaning and wiping surfaces.

<https://www.maine.gov/doe/sites/maine.gov.doe/files/2020-03/executive%20order%20on%20paying%20hourly%20employees.pdf>

<https://www.maine.gov/doe/covid-19/commishupdate#3-20>

Are Public School Employees Eligible for Unemployment Compensation?:

The State Legislature and the Federal Government have approved a broad expansion of unemployment insurance benefits for laid-off workers. If an employee is laid off or furloughed during this time, they qualify for unemployment insurance.

On March 27, 2020, President Trump signed a bill that will substantially expand unemployment benefits for some workers in the United States. The MEA is working with the NEA and other partners to fully understand the impact these provisions will have for public school employees in Maine and we will be sharing information and analysis with MEA members and leaders as it becomes available.

But if you or a coworker are faced with a furlough or even a layoff, you should be eligible for unemployment benefits. Please contact your local association leadership or your Uniserv Director if you have any questions or if you are facing the potential of furlough or a layoff.

Pay and School Days:

The minimum number of school days has been waived for 2019-20. The superintendents and school board will determine how many school days each district has this year. Regardless of that number, employees should still be paid as though we had the originally scheduled amount of student days and teacher days. Any deviation from this should be bargained by the local association.