



Hawthorn Academy
Policy: Employee Compensation During School Closure and Other Extraordinary
Circumstances Policy
Adopted: May 13, 2020

Policy

[School name]'s (the "School") Board of Directors (the "Board") adopts this policy in order to authorize compensation to employees during school closure and other temporary extraordinary circumstances when employees are not able to perform all of the duties that they would normally be assigned to do and/or work all of the hours they would normally be scheduled to work in exchange for their agreed-upon compensation.

The Board delegates to the Director the authority to assess all relevant factors, including but not limited to the anticipated availability and security of state and federal funding over the short and long term, and implement this policy when the situation warrants.

This policy may be applied retroactively.

Continued Employment and Compensation

The Board recognizes that closures and other temporary extraordinary circumstances impact normal school operations in many different ways, some of which are not foreseeable. The School nonetheless intends to keep employees employed and engaged in serving the School's students to the maximum extent possible during such circumstances. The School also desires to pay employees in full, as provided for in their employment agreements, to the maximum extent possible during such circumstances, including by providing paid time off when necessary.

Paid Time Off

Criteria for Paid Time Off

All of the following criteria must be met before paid time off may be given to an employee under this policy for any portion of an employee's compensation:

- The employee and the Director or the Director's designee have explored all reasonable alternatives for the employee to provide services in connection with their current position(s) and have determined that there are none;
- The employee and the Director or the Director's designee have determined that the employee has completed all possible training and professional development opportunities that can be conducted online or through self-directed opportunities; and
- The employee and the Director or the Director's designee have determined that there are no other reasonable work opportunities available for the employee—including work opportunities in other programs and work from home.

Substitute teachers are not eligible for paid time off under this policy. However, the school will explore opportunities for substitute teachers to provide services for their regular rate of pay during a closure or other extraordinary circumstances.

Documentation

For each employee receiving paid time off under this policy, the Director and the employee will identify the expectations for what duties the employee will perform, the hours the employee will work, and the amount of paid time off the employee will receive.

Other Paid Time Off and Leave

This policy does not apply to or affect other paid time off or leave an employee may receive or be eligible for under other School policies or applicable law.

Compensation Expenditures Charged to Federal & State Grants & Programs

Compensation-related expenditures for employees who qualify for paid time off under this policy will be charged to the employee's regular position and program. This includes compensation-related expenditures for Federal and State grants and programs.

Only the portion of the employee's compensation that would normally be associated with a program will be charged to such program. Compensation charged to a program during extraordinary circumstances, including paid time off under this policy, will be calculated based upon the employee's employment agreement and normal average hours per day/week the employee worked before the extraordinary circumstances occurred.

If an employee is not able to complete all of his or her normal average hours by working in the employee's regular position and program but is able to make up the difference by working in a different program, the School will charge the employee's compensation to both programs in accordance with the hours the employee worked in each program. However, the employee will not be compensated beyond the normal average hours that the employee worked before the extraordinary circumstances began.

Notwithstanding the foregoing, if an employee receives paid time off under this policy and that paid time off is charged to the employee's regular position and program, the employee may not be compensated for additional time worked in another program.

Maximum Compensation

The School will pay employees in full, as provided in employment agreements, for all work performed under extraordinary circumstances, including any overtime as required by law.

However, paid time off under this policy is intended to make employees whole and reduce the financial burden caused by the extraordinary circumstances. This policy is not intended to provide an employee with a windfall.

Therefore, an employee's total compensation that includes paid time off under this policy may not exceed the amount provided for in the employee's employment agreement and may not exceed what the employee typically earned prior to when the extraordinary circumstances began.

The School will treat all employees the same under this policy, regardless of whether they are compensated through Federal or State grants or programs.