



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

March 30, 2020

TO: Assistant Superintendents
Complex Area Superintendents
Principals

FROM: Dr. Christina M. Kishimoto
Superintendent

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto".

SUBJECT: **COVID-19 Designating Employees who Perform Essential or Non-Essential Functions at Schools, Complex Area and State Offices**

On March 17, 2020, Governor Ige initiated the "15 days to slow the spread of COVID-19" which directed all departments to immediately analyze and implement telework for all employees eligible for it. The Hawaii State Department of Education (HIDOE) quickly determined key personnel that needed to continue to report to work to perform essential functions (this is commonly referred to as "essential workers") and directed all other employees to begin to work remotely in order to practice social distancing for 15 days commencing March 20, 2020 and lasting until April 3, 2020.

On March 23, 2020, Governor Ige issued a Supplementary Proclamation which directed a statewide "Stay-at-home, Work from home" directive. This Proclamation ordered the entire state to stay at home and work from home from March 25, 2020 through April 30, 2020. Essential workers are exempt.

On March 24, 2020, HIDOE announced its school facilities would remain closed to students through April 30, based on guidance and information from health officials and elected leaders. Traditional, in-school instruction is on hold until schools reopen. During this work period (March 25, 2020 to April 30, 2020), a majority of HIDOE office and school employees will continue to telework from home. However, essential functions to maintain critical Department operations must continue at schools, complex area offices and state offices.

As such, identifying essential functions that employees need to perform and the notification of those employees deemed essential to perform the identified essential functions requires thoughtful evaluation and timely action by the Superintendent, Deputy Superintendent, Assistant Superintendents, Complex Area Superintendents, or their designees.

Identification of Workers Who Perform Essential Functions

- *Who is an essential function employee?*

Employees who perform/provide essential services and may need to be physically present at the worksite as determined by the supervisor.

Examples of essential function employees:

Leadership Functions:

Superintendent, Deputy Superintendent, Assistant Superintendents, Complex Area Superintendents, Executive Assistants, Principals and Vice-Principals

Safety and Security Functions:

Safety and Security Personnel

Facilities and Operations Functions:

Food services, transportation, custodial services

Business Functions:

Payroll and vendor payment, critical budget, communications, human resources, and information technology service

- *Who are non-essential function employees?*

Employees who can provide mission-related services, tasks or assignments from home via telework or by other means. Non-essential function employees may be reassigned to other duties that may be done remotely as long as the task falls within the duties and responsibilities of the person's position description (e.g., update training documents, review electronic documents, update policies etc.).

- *Who identifies essential functions and designates positions that perform these functions?*

The Superintendent, Deputy Superintendent, Assistant Superintendents, Complex Area Superintendents or their designees, are tasked with identifying essential functions employees need to accomplish.

- *Who is responsible for notifying an employee that they have been deemed essential?*

Once a supervisor notifies an employee that they are deemed essential, that employee may work consistently at his/her identified worksite, or may be asked to return to his/her identified worksite intermittently. The essential function may be intermittent, and not require the presence of the employee on campus on a continuous basis (e.g., Employee goes to campus on Monday and performs identified work. From Tuesday thru Friday, Employee teleworks from home).

- *Can additional employees be identified as essential during this pandemic?*

As the current pandemic situation advances and changes, circumstances may require new essential functions and additional employees to be identified. Essential functions that employees will perform will vary depending on workplace needs. For instance, at schools:

- Cafeteria managers and workers (for those serving meals during the extended break or on days schools are closed to students);
- Custodians (attend to health and safety of the school facilities).

- *Can casual employees be designated as essential employees?*

Collective bargaining agreements with unions do not cover casual hourly employees. Supervisors will need to evaluate if a casual employee performs identified essential functions.

Essential functions and the personnel needed to perform them, may change as the length of COVID-19 impacts additional mission critical functions.

Please remember that the Governor's Stay at Home/Work at Home Order is intended to ensure social distancing and to minimize contact.

Frequently Asked Questions:

- 1. Can we assume salaried employees on paid status can be called back to perform essential duties?**

Yes.

- 2. Who has the authority to deem an employee essential to perform essential functions?**

The Superintendent, Deputy Superintendent, Assistant Superintendents, Complex Area Superintendents or their designees.

- 3. Once functions that an employee performs are identified as essential and the employee is notified he/she is essential, how should I document the notification and work-related expectations of the Department?**

Employees will be notified by the supervisor and will be given a reasonable amount of time to report to work to perform the essential function(s). The supervisor should keep documentation at the school/office when the employee reported to work to complete the essential function(s). Essential function(s) may be intermittent, and not require the presence of the employee on campus on a continuous basis. This may be documented on the "Interim Telework Agreement Form" located at <https://bitly.com/HIDOE-Telework>.

4. My school is planning to copy a large number of documents to put together student packets. Who can I call in to complete this essential task?

Salaried employees on paid status can be called back to perform essential functions as long as the task falls within the duties and responsibilities of the person's position description. Social distancing must be in place at all times, including but not limited to the packet assembly task.

5. Can I deem a substitute office assistant as essential to assist our school in receiving and organizing supplies at our office for enrichment packets for students?

Salaried employees on paid status should first be called back to perform essential functions as long as the task falls within the duties and responsibilities of the person's position description. If the essential employee is on an approved leave (e.g., sick, vacation, etc.) then it may be appropriate to have a substitute office assistant perform the essential function. If deemed essential, social distancing must be in place at all times.

Thank you in advance for your dedication and commitment to our students, schools and communities.

Should you have any questions, please contact the Office of Talent Management at (808) 441-8300 or via email at otmhelp@k12.hi.us.

CMK:sb

c: Deputy Superintendent