

## **Turning Thought Into Action in Preparing Your 2020-2021 Staffing Plans: A Critical Checklist For Charter School Personnel Management**

Although COVID-19 has caused substantial disruptions to ordinary operations, charter schools must continue to make personnel decisions and adhere to applicable employment legal requirements. Especially in consideration of the fiscal impacts to personnel budgets for 2020-2021, many charter schools are necessarily reevaluating their staffing needs in the upcoming school year.

The following are key considerations for charter schools with the end the school year fast approaching:

### **Reasonable Assurance Letters**

To avoid an increase in unemployment claims, charter school employers who have not done so already must provide reasonable assurance to returning employees (who will not work over the summer months) indicating that their positions will be available commencing the 2020-2021 school year. Failure to provide such notices at least thirty (30) days before the end of the current school year may result in liability for unemployment insurance claims filed by employees during the summer break.

### **Offer Letters, Confirmation of Employment Notices & Employment Agreements for 2020-2021**

Effective charter school operators issue offer letters, confirmation of employment notices or employment agreements annually to reflect the updated terms and conditions of employment. In union environments, additional notice requirements may be required from year-to-year. Further, at-will employers must be careful to issue employment agreements and maintain policies that do not inadvertently alter the at-will nature of employment which can occur in a number of unintended ways.

### **Layoff Planning & Other Staffing Changes**

Although charter schools will receive continued state funding during current COVID-19 closures for 2019-2020, state and national economic uncertainty is impacting 2020-2021 funding in a significant manner. As such, many charter schools are carefully evaluating their staffing needs for the upcoming year. Depending on the status of the employer (whether there are applicable collective bargaining agreements) and the status of employees (whether they have statutory rights to layoff procedures), conservative planning regarding staffing is advised.

### **Hiring Remotely**

Charter school employers who hire new employees during the ongoing COVID-19 disruptions must continue to comply with applicable legal onboarding requirements, including but not limited to tuberculosis risk assessments and criminal background checks, although temporary procedures for the remote

verification requirements of an employee's I-9 documents have been enacted and alternative options for fingerprinting exist.

If you have any questions regarding this update, please contact a member of our labor and employment team at the Law Offices of Young, Minney & Corr, LLP at (916) 646-1400, or find us on the web at [www.mycharterlaw.com](http://www.mycharterlaw.com).

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