



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Discussion and Possible Action Regarding Approval of Resolution Authorizing

Emergency Paid Sick Leave (EPSL) for District Employees

SUBMITTED BY: Juan Cruz

OF: Attorney

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: July 28, 2021

RECOMMENDATION:

It is recommended that the USD Board of Trustees discuss and take possible Action regarding Approval of Resolution Authorizing Emergency Paid Sick Leave (EPSL) for District Employees

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

Resolution of the Board Regarding District-Provided Emergency Paid Sick Leave for District Employees

WHEREAS, on March 13, 2020, the President of the United States issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on March 13, 2020, the Governor of Texas declared a state of disaster in Texas due to the spread of COVID-19 in Texas and has been renewed every month;

WHEREAS, the Texas Education Agency has issued multiple guidance public health planning guidance documents on the reopening of schools and protecting the health and safety of students, their families, school staff and the community at-large;

WHEREAS, the Families First Coronavirus Response Act (“FFRCA”) authorized temporary leave benefits and up to 80 hours of emergency paid sick leave (“EPSL”) for specified reasons related to COVID-19;

WHEREAS, the entitlement for EPSL under the FFRCA began on April 2, 2020 and expired on December 31, 2020;

WHEREAS, the United ISD Board of Trustees (“Board”) extended certain EPSL benefits through the end of the 2020-2021 school year, which has now expired;

WHEREAS, the United ISD Board of Trustees (“Board”) has a substantial public interest in protecting the health and safety of its students, staff, and community and, finds that a need exists to extend EPSL benefits through the end of the first half of the 2021-2022 school year, being December 31, 2021, the ability of all full-time District employees that test positive for COVID-19 to avail themselves of up to 80 hours of emergency paid sick leave;

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of the United Independent School District for purposes necessary in the conduct of the public schools as determined by the Board; and

WHEREAS, the Board finds that the public purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the Superintendent to address this ever-changing emergency situation in the best interest of the health, safety, and well-being of its students, staff, community, and the citizenship at-large.

IT IS THEREFORE RESOLVED BY THE UNITED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES THAT:

All the above recitals are adopted as findings of fact and are incorporated into and made a part of this resolution for all purposes. In furtherance of these public purposes, the Board of Trustees makes the following delegations to the Superintendent during the 2021-2022 school year:

1. The authority to offer all eligible employees that test positive for COVID-19 EPSL through December 31, 2021 (“District EPSL”) for a maximum duration of 80 hours unless the Board takes action to authorize leave for a longer duration.
2. The authority to offer those eligible employees who have exhausted some or all of the EPSL that was provided under the FFRCA through December 31, 2020, an additional 80 hours of EPSL beginning August 1, 2021, and ending on December 31, 2021.
3. The authority to act in place of the Board under Policy DEC (Local) regarding modification of employee leave days and/or creating guidelines for changes regarding use of employee absences under District EPSL, including but not limited to determining compensation entitlements of any employee who uses District EPSL and the authority to determine the required documentation for District EPSL eligibility.
4. The authority to create and implement administrative regulations consistent with this resolution.

FURTHER, this resolution does not extend any Expanded FMLA provisions of the FFCRA, and the leave provided in this resolution will expire and be superseded in the event additional federal EPSL benefits become available or are extended by Congress.

Adopted this _____ of July, 2021, by the United ISD Board of Trustees.

APPROVED:

Javier Montemayor, Jr.
Board President

ATTEST:

Juan Roberto Ramirez
Board Secretary