



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Action to Approve Resolution to Continue Paid Leave Benefits to Employees Affected by Covid After the Expiration of the FFCRA on December 31, 2020

SUBMITTED BY: Juan Cruz **OF:** UISD Attorney

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: December 15, 2020

RECOMMENDATION:

It is recommended that the Board of Trustees take Action to Approve Resolution to Continue Paid Leave Benefits to Employees Affected by Covid After the Expiration of the FFCRA on December 31, 2020

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

Resolution of the Board Regarding Extension of Leave for Employee Quarantine

WHEREAS, on March 13, 2020, the President of the United States issued a Proclamation on 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 FFRCA began on April 2, 2020 and will expire on December 31, 2020;

WHEREAS, some District employees have exhausted or will have exhausted some or all of the EPSL made available under the FFRCA by December 31, 2020;

WHEREAS, the 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 2020-2021 school year, the ability of employees to avail themselves of 80 hours of emergency paid sick leave;

WHEREAS, the Board has a substantial interest in protecting the health and safety of its students, staff, and community and finds that a need exists to make EPSL benefits not to exceed 80 hours to all eligible District employees, including those employees who have exhausted or partially exhausted EPSL benefits up through December 31, 2020;

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 2020-2021 school year:

1. The authority, in the event the FFCRA authorization of EPSL is not extended by Congress, to continue to offer all eligible employees EPSL for the reasons as currently authorized in the FFCRA through the end of 2020-2021 school year ("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 provided under the FFRCA through December 31, 2020, an additional 80 hours of EPSL beginning January 1, 2021, and ending on the last day of the employee's 2020-2021 employment period.
3. Unless required by an extension of the FFRCA or any other applicable law, all District employees eligible for EPSL will only be entitled to EPSL benefits for a maximum duration of 80 hours beginning January 1, 2021, and ending on the last day of the employee's 2020-2021 employment period.
4. 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.
5. The authority to create and implement administrative regulations consistent with this resolution.
6. This resolution does not extend any Expanded FMLA provisions of the FFCRA. Therefore, if such benefits are not extended by Congress, they will cease on December 31, 2020.

Adopted this _____ of December, 2020, by the United ISD Board of Trustees.

APPROVED:

Ramiro Veliz, III
Board President

ATTEST:

Ricardo "Rick" Rodriguez
Board Secretary