



Wharton County Junior College

RESOLUTION OF THE BOARD OF TRUSTEES OF WHARTON COUNTY JUNIOR COLLEGE REGARDING DELEGATION OF AUTHORITY

STATE OF TEXAS §
 §
COUNTY OF WHARTON §

Whereas, on January 30, 2020, the World Health Organization declared the outbreak and spread of the novel coronavirus that causes COVID-19 a public health emergency of international concern, and on March 11, 2020 publicly characterized the spread of COVID-19 as a pandemic; and

Whereas, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in the United States, and on March 13, 2020, the President of the United States declared the outbreak and spread of COVID-19 in the United States a national emergency; and

Whereas, on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas due to the eminent threat posed by COVID-19; and

Whereas, the status of Wharton County Junior College ("WCJC" and the "College") reopening campuses to all students for direct in-person instruction in the classroom remains fluid and is affected by information from state and local health officials that changes daily and sometimes hourly and may result in providing educational services to students in a manner other than direct in-person instruction; and

Whereas, the administrative offices of WCJC are closed to the public in response to the declaration of a public health emergency due to the epidemic of COV-19; and

Whereas, the disruption to the normal operations of WCJC is unprecedented, may continue for an extended period of weeks or months, and is a situation that is not adequately addressed by policies regarding emergency closure; and

Whereas, during the disruption to the normal operations of WCJC, many employees will be required to perform their duties under circumstances different than the usual job site and manner of performance; and

Whereas, employees are expected to follow the instructions of their supervisors regarding the day to day and week to week performance of duties during the extended period of disruption of normal operations of WCJC; and

Whereas, there is a public purpose served and a benefit to WCJC to seek to retain employees, increase morale, help employees focus on work they perform during the disruption of normal operations, and facilitate the full return to work of employees after the end of this emergency situation, and a public purpose is served and a benefit to WCJC exists to assure employees that they will continue to be paid at their regular hourly or daily rate of pay, according to the duty schedule they otherwise would have worked, during the time of disruption to the normal operations of WCJC; and

Whereas, the Board supports decisions the President may make under the authority of this resolution regarding the continuation of wage payments to all regular employees – contract and non-contract, salaried and non-salaried – who may experience a loss in pay due to the disruption to normal operations of the College, as continuation of wage payments as feasible will serve the public purpose of maintaining morale, reducing turnover and ensuring continuity of College staffing; and

Whereas the Board supports decisions of the President made under the authority of this resolution regarding whether and/or how to pay non-exempt employees a premium rate such as, but not limited to, premium pay, as such expenditures serve the public purpose of maintaining morale, reducing turnover, and ensuring continuity of College staffing; and

Whereas, the Board believes the public purposes described in this resolution are fulfilled by making certain delegations to the President, as described more fully herein, to effectively and efficiently address the ever-changing nature of this complete disruption of normal operations of WCJC in the best interests of the College students and staff and the community at large;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

1. All the above referenced paragraphs are incorporated into and made a part of this resolution; and

2. The Board finds that a public purpose and a benefit to WCJC exist to pay employees at their regular hourly or daily rate of pay, according to the duty schedule they otherwise would have worked during the time of normal operations of WCJC are disrupted by a public health emergency and that such payments are necessary in the conduct of WCJC;

3. The Board finds that a public purpose is served and a benefit to WCJC exists to make the following delegations to the President and her designee(s):

- a. The authority to make decisions regarding wage and salary payments to all regular employees – contractual and non-contractual, salaried and non-salaried – during the disruption of normal business operations, including premium payments to certain employees, and to implement those decisions;
 - b. The authority to create guidelines and make determinations regarding absences, leave time, leave days, and compensation of any employee who is quarantined as a result of COVID-19 and/or who tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in the sole discretion of the President or designee(s), in compliance with Texas and federal law;
 - c. The authority to declare a catastrophe and take all actions as appropriate in accordance with Texas Government Code, Section 552.233, regarding temporary suspension of the Texas Public Information Act;
 - d. The authority to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, and repair damage caused to WCJC equipment, personal property, and facilities or to protect the safety of WCJC students and staff, given that the emergency of COVID-19 and its potential spread constitutes an unforeseen emergency/matter of urgent public necessity, and the delays posed by competitive procurement of contracts necessary to restore, replace, and/or repair equipment, personal property, and/or school facilities will prevent or substantially impair the conduct of classes or other essential school activities.
4. The President and/or designee(s) will provide timely and reasonable information to the Board with regard to decisions made pursuant to this Resolution.

IT IS THEREFORE FURTHER RESOLVED THAT the delegations made by this Resolution shall remain in effect until further action by the Board.

IT IS THEREFORE FURTHER RESOLVED THAT to the extent that the President takes any action (whether pursuant to this Resolution or otherwise) to address or in response to the COVID-19 emergency that requires or may require Board action, approval and/or ratification, the Board shall consider any such actions (taken by the President) at its first Regular Board meeting (following any such action) for which notice may be timely given under the Texas Open Meetings Act (Chapter 551 of the Texas Government Code).

Adopted on this the 23rd day of March, 2020, by the Wharton County Junior College Board of Trustees.

President
Board of Trustees,
Wharton County Junior College

Secretary
Board of Trustees,
Wharton County Junior College