

Resolution of the Board Regarding Extended Sick Leave During Epidemic

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

WHEREAS, the Board acknowledges that during an epidemic, District employees may exhaust available state and local leave days;

WHEREAS, the Board finds that a need exists to address additional leave for employees who are sick and/or in isolation due to exposure to COVID-19 in the workplace and who are instructed not to report for work;

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay if they do not report for work and are not provided an option for remote work; and

WHEREAS, the Board concludes that providing additional paid leave to all regular, full and part-time employees in leave-accruing positions—whether contractual, non-contractual, salaried or non-salaried — who are sick or in isolation as a result of an epidemic serves the public purposes of protecting students and staff, and

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 provide additional leave for all regular employees—contractual and noncontractual, salaried and non-salaried—who are sick or in isolation as a result of an epidemic and allow employees to avail themselves of 10 working days up to 80 hours of additional paid sick leave at the employee’s regular rate of pay; 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 SAN ELIZARIO 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 2022-2023 school year:

1. The authority granted by this resolution to provide additional paid leave for all regular, full and part-time employees in leave-accruing positions—whether contractual, non-contractual, salaried or non-salaried who are instructed not to report for work provides additional leave for a maximum duration of five workdays unless the Board takes action to authorize leave for a longer duration.
2. 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 the District Employee Paid Sick Leave (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.

3. Eligibility and Other Provisions for District EPSL

- Upon hire, all employees are eligible for District EPSL benefits whether classified as exempt, non-exempt, full-time or part-time employees. Eligible employees are further subject to the following qualifications:
- District EPSL will not apply to employees that have been determined by their physician that they are unable to work and as a result are receiving supplemental income, to include workers' compensation or temporary disability benefits.
- Approved District EPSL for employees who contract COVID-19 may only be taken once from July 21, 2022 – June 30, 2023. Approved District EPSL benefits shall entitle an eligible, full-time employee up to 40 hours of paid leave, and shall entitle an eligible part-time employee to a total number of paid leave hours equal to the number of hours that employee works on average over a one-week period.
- Approved District EPSL for employees who are instructed not to report to work for purposes of self-quarantining due to exposure to COVID-19 in the workplace may be taken without limit from July 21, 2022 – June 30, 2023. Approved District EPSL benefits shall entitle an eligible, full-time employee up to 40 hours of paid leave per week and shall entitle an eligible part-time employee to a total number of paid leave hours equal to the number of hours that employee works on average over a one-week period. The District will follow the quarantine period as mandated by CDC guidelines.
- Employees who contract COVID-19 - Qualifying employees are required to exhaust compensatory time, state and local leave prior to requesting and using additional leave under this resolution. This additional leave is in addition to any leave to which a qualifying employee may already be entitled. The order of use as provided under Policy DEC Local applies.
- Employees who are instructed not to report to work for purposes of self-quarantining due to exposure to COVID-19 in the workplace - Qualifying employees are not required to exhaust state and local leave prior to requesting and using additional leave under this resolution. This additional leave is in addition to any leave to which a qualifying employee may already be entitled.

4. This extended leave expires on June 30, 2023. If the federal government mandates federal leave after the date of adoption, the leave provided in this resolution will expire.

An employee's exclusion from the workplace serves the public purpose of protecting students and staff, however, employees requesting leave under this resolution must meet the following qualifications or criteria:

1. Proof of full vaccination or exemption status;
2. Proof of any other medical documentation necessary;
3. Information made necessary for contact tracing purposes in conformance with the public health directives, guidelines or orders issued by the City of El Paso's Department of Public Health;

4. Qualifying Employees who are instructed not to report to work for purposes of self-quarantining due to exposure to COVID-19 in the workplace must remain available to the district and will be permitted to work remotely in the best interest of the district.

Employees must timely submit all required documentation for District EPSL eligibility as established by applicable District policies and procedures.

Adopted this 20th of July 2022 by the Board of Trustees.

Sandra Licon, Board President

Michelle Garcia, Board Secretary

Approved as to form:

Priscilla de Mata, Esq.
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