

Agenda of Special Meeting

The Board of Trustees San Elizario ISD

A Special Meeting of the Board of Trustees of San Elizario ISD will be held December 17, 2020, beginning at 9:00 AM by Videoconference that can be accessed through our District website at www.seisd.net.

Due to health and safety concerns related to the COVID-19 coronavirus, this meeting will be conducted by videoconference and teleconference. At least a quorum of the board will be participating by videoconference in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the governor.

A live stream feed of the board meeting can be accessed at: <https://youtu.be/BQj8j7SbXNc>

Event address:

<https://seisd.webex.com/seisd/onstage/g.php?MTID=ea5bb6545c60acf5972a1efb915d2ede2>

Members of the public may access the audio conference of the Board meeting by dialing the following number 1-408-418-9388 and entering the following access code 146 955 7096#

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to chcuevas@seisd.net at any time prior to the board meeting time.

A Board packet can be found at [San Elizario ISD Public View - BoardBook Premier](#)

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to chcuevas@seisd.net at any time prior to the board meeting time.

The open portions of this meeting will be recorded and made available to the public upon request.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

- 1. GENERAL FUNCTIONS**

Mrs. Sandra Licon, Board Chair

A. Call Meeting to Order

B. Roll Call

C. Pledge of Allegiance

D. San Elizario ISD Mission Statement

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

Mrs. Sandra Licon, Board Chair

2. OPEN FORUM (five minute limit)

3. NEW BUSINESS / BOARD ACTION ITEMS

- A. Discussion and possible action to approve board resolution to locally extend Emergency Paid Sick Leave under the FFCRA criteria, in the event it is not extended by Congress beyond December 31, 2020.

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Mrs. Blanca Cruz, Human Resources

4. ADJOURNMENT

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

- 551-071 Private consultation with the board's attorney.
- 551-072 Discussing purchases, exchange, leases, or value of real property.
- 551-073 Discussing negotiated contracts for prospective gifts or donations.
- 551-074 Discussing personnel or to hear complaints against personnel
- 551-076 Deliberation regarding security devices
- 551-082 Considering discipline of a public school child, or complaint or charge against personnel
- 551-083 Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representative of employee groups.
- 551-084 Excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.



To: Dear Board of Trustees

From: Blanca I. Cruz, Director of Human Resources

Date: December 11, 2020

RE: Resolution regarding local extension of FFCR leave

The Families First Coronavirus Response Act (“FFCRA”) took effect on April 2, 2020 and is set to expire on December 31, 2020. I was hopeful that Congress would provide an update regarding the extension of this Act but that has not happened. With that said, as of January 1, 2021, employees who can’t telework and are out on leave related to COVID-19, may experience a loss in pay. In addition, since they would be considered “unavailable to report to work”, the compensation resolution would not cover them for idle pay.

Even though the district is not legally required to extend paid leave benefits locally, in the interest of safety, I would like to recommend that this resolution be considered. In order to do so and to avoid a gift of public funds issue, the Board is required to approve a resolution stating that the extension of paid benefits serves a public purpose.

The FFCRA has two parts:

(1) it provides paid FMLA leave for employees who had childcare duties due to their child’s regular childcare provider or school being closed due to COVID-19 (the “Expanded FMLA”) and

(2) it allows for up to 80 hours of Emergency Paid Sick Leave if an employee seeks a medical diagnosis for COVID-19, is diagnosed with COVID-19, or is caring for a child or individual due to COVID-19 (the “EPSL”).

With so many districts having faced significant personnel issues due to the Expanded FMLA (10 weeks paid leave), it is my recommendation to only continue the EPSL part (10 day paid emergency paid sick leave), not the Expanded FMLA (10 weeks paid). If approved, the district will set internal guidelines for approval of the “District EPSL leave”.

Enclosed, you will find two different drafts of a resolution that will be presented to you for approval on December 17, 2020. Please note both drafts of the resolution meet the legal test and prevent a loss in wages. Draft 1 however, is more aligned to the requirements under the existing FFCRA. In addition, draft 1 requires an employee to use personal leave prior to benefiting from paid leave. Draft 2 is less restrictive for the employees because it would allow employees to benefit from the program immediately without having to use their personal leave. Draft 2 poses more liability to the district since there is no limit to the number of times an employee can apply for paid leave as necessary due to COVID-19 occurrences.

The highlighted areas point out the differences between the two drafts of the resolution. We are asking the Board of Trustees to review both drafts and select *one* for consideration and approval.

Draft #1 –

- Eligibility and Other Provisions for District EPSL All employees with an employment history of **30 days or more** 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.
- **Employees who have previously applied and been approved for FFCRA, are not eligible to apply for District EPSL benefits.**
- Approved District EPSL may only be taken once from January 1, 2021 – June 30, 2021. Approved District EPSL benefits shall entitle an eligible, full-time employee up to 80 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 two-week period.
- District EPSL **may only be taken once** from January 1, 2021 – June 30, 2021. A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period. The total number of hours is capped at 80 hours under the District EPSL.
- All other earned compensatory time, local, state sick, and state personal leave shall be **deducted first**, and in the order provided under Policy DEC Local.
- Employees must timely submit all required documentation for District EPSL eligibility as established by applicable District policies and procedures.

Draft #2

Eligibility and Other Provisions for District EPSL:

- All employees are eligible whether classified as exempt, non-exempt, full-time or part-time employees. This benefit is available **upon hire**. 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.
- **All employees, to include employees who have previously applied and been approved for FFCRA, are eligible to apply for District EPSL benefits.**
- Approved District EPSL can be taken **without limit** from January 1, 2021 – June 30, 2021. Each approved request for District EPSL benefits shall entitle an eligible, full-time employee up to 80 hours of paid leave, and shall entitle an eligible part-time employee to paid leave equal to the number of hours that the employee works on average over a two-week period.
- Employees are **not required** to use earned compensatory time, local, state sick, and state personal leave before District EPSL.
- Employees must timely submit all required documentation for District EPSL eligibility as established by applicable District policy and procedures.

**Resolution of the San Elizario Independent School District Board
Regarding its Local Extension of Emergency Paid Sick Leave
for the Remainder of the 2020-2021 School Year**

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 since been renewed every month;

WHEREAS, on April 17, 2020, the Governor of Texas issued an Executive Order to Safely and Strategically Reopen Select Services and Activities in Texas;

WHEREAS, on April 27, 2020 the Governor of the State of Texas issued multiple executive orders reopening parts of the economy with limitations and adjusting the reopening plans for the State;

WHEREAS, the Texas Education Agency has issued multiple 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 Board and Administration are following advice and directives from federal, state and local authorities in responding to the COVID-19 pandemic;

WHEREAS, the federal law entitled Families First Coronavirus Response Act (“FFCRA”) authorizes two temporary leave benefits, including expanded FMLA leave entitlement (“Expanded FMLA”) and up to 80 hours of emergency paid sick leave (“EPSL”) for specified reasons related to COVID-19;

WHEREAS, the entitlements under the FFCRA apply from April 2, 2020 through 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 the EPSL benefits under the FFCRA for the remainder of the 2020-2021 school year, and allow employees to avail themselves of 10 working days up to 80 hours of EPSL 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 2020-2021 school year:

1. The authority, in the event the FFCRA authorization of EPSL is not extended by Congress, to continue to offer employees EPSL for the reasons as currently authorized in the FFCRA effective January 1, 2021, through the end of June 30, 2021 (the “District EPSL”);
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 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
 - All employees with an employment history of 30 days or more 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. Employees who have previously applied and been approved for FFCRA, are not eligible to apply for District EPSL benefits.
 - Approved District EPSL may only be taken once from January 1, 2021 – June 30, 2021. Approved District EPSL benefits shall entitle an eligible, full-time employee up to 80 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 two-week period.
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 - All other earned compensatory time, local, state sick, and state personal leave shall be deducted first, and in the order provided under Policy DEC Local.
 - Employees must timely submit all required documentation for District EPSL eligibility as established by applicable District policies and procedures.
4. 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.

**The above Resolution is passed and adopted this 17th of December, 2020 by the San Elizario
ISD Board of Trustees.**

APPROVED:

Board President Sandra Licon

ATTEST:

Board Secretary Fernie Madrid

**Resolution of the San Elizario Independent School District Board
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WHEREAS, the entitlements under the FFCRA apply from April 2, 2020 through 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 the EPSL benefits under the FFCRA for the remainder of the 2020-2021 school year, and allow employees to avail themselves of 10 working days up to 80 hours of EPSL 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.

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4. 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.

The above Resolution is passed and adopted this 17th day of December 2020 by the San Elizario ISD Board of Trustees.

APPROVED:

Board President Sandra Licon

ATTEST:

Board Secretary Fernie Madrid