

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

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 expired on December 31, 2020;

WHEREAS, the COVID-19 Pandemic is still ongoing and both the Pfizer and Moderna COVID-19 vaccines are now being rolled out in the state of Texas and the United States pursuant to guidelines and recommendations issued by the Centers for Disease Control (“CDC”), United Food and Drug Administration (“FDA”), and the Texas Department of State Health Services (“TDSHS”);

WHEREAS, the Equal Employment Opportunity Commission (“EEOC”) issued technical assistance guidance on December 16, 2020 pertaining to the administration of a COVID-19 vaccine in the workplace, and it has been determined that the administration of a COVID-19 vaccine to an employee by an employer (or a third party with whom the employer contracts to administer the vaccine) is not a “medical examination” for purposes of the American with Disabilities Act (“ADA”);

WHEREAS, the Edgewood 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 June 30, 2021, the ability of employees to avail themselves of 80 hours of EPSL;

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, which will not include those employees who have exhausted or partially exhausted EPSL benefits up through December 31, 2020;

WHEREAS, in the event the District offers COVID-19 vaccinations to District employees, a District employee shall need to participate and be vaccinated in any District offered COVID-19 vaccination program in order to be eligible for extended EPSL benefits detailed in this resolution;

WHEREAS, the District currently offers weekly PCR COVID-19 testing through Community Labs at every District campus and other designated District locations for non-campus staff, and in order to eligible for extended EPSL detailed in this resolution, District employees must be tested on a weekly basis through the District's COVID-19 testing program;

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of the Edgewood 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 EDGEWOOD 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:

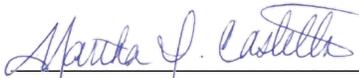
1. The authority, in the event the FFCRA authorization of EPSL is not extended by Congress, to continue to offer all eligible employees EPSL for the reasons as currently authorized in the FFCRA through June 30, 2021 ("District EPSL") for a maximum duration of 80 hours unless the Board takes action to authorize leave for a longer duration. An eligible employee under this section shall be an employee who did not use any EPSL under the FFCRA. For those employees who partially used available EPSL under the FFCRA, the available leave under the FFCRA shall carry over and end on the last day of the employee's 2020-2021 employment period. For those employees who exhausted all EPSL under the FFCRA, they shall not be eligible for any additional EPSL. In the event the District offers a COVID-19 vaccination program to District employees, an employee shall need to participate in the vaccination program in order to be eligible for additional EPSL detailed in this resolution. District employees must also be tested on a weekly basis through the District's COVID-19 testing program in order to be eligible for additional EPSL detailed in this resolution.
2. Unless required by an extension of the FFCRA 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 June 30, 2021.
3. The leave provided in this resolution will expire in the event additional federal EPSL benefits become available or are extended by Congress.
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.

Adopted this 19 of January 2021, by the Edgewood ISD Board of Trustees.

APPROVED:



Martha Castilla
Board President

ATTEST:



Joseph M. Guerra
Board Secretary