

Center Board Resolution on COVID-19 Leave

Whereas, the Governor of Missouri has issued Executive Order 20-02 and subsequent orders declaring a state of emergency pursuant to §§ 44.100 et seq. relating to the COVID-19 pandemic; and

Whereas, the federal Families First Coronavirus Response Act mandated additional paid leave for COVID19 related reasons, including the Emergency Paid Sick Leave (EPSL), but that leave expires December 31, 2020; and

Whereas, the Centers for Disease Control (CDC) recommends that employers review leave policies to encourage employees who may be ill to remain at home;

Now Therefore Be It Resolved:

1. Qualifying Conditions for COVID-19 Leave (COVID Leave): Beginning on January 1, 2021, the Board will provide an additional ten days of paid leave to full-time employees who are unable to work or telework because the employee:

- a. Is subject to a federal, state or local quarantine or isolation order related to the COVID - 19 virus;
- b. Has been advised by a healthcare provider to self-quarantine because the employee has or may have COVID-19;
- c. (i) Is experiencing symptoms of COVID-19, (ii) is seeking a diagnosis from a healthcare provider, and (iii) provides proof of a positive COVID-19 test; or
- d. Is caring for a spouse, child or parent who is subject to a quarantine or isolation order or has been advised to self-quarantine by a healthcare provider because the individual has or may have the COVID-19 virus. For the purposes of this resolution, the term “spouse, child or parent” has the same meaning as these terms are given under the Family and Medical Leave Act (FMLA).

2. Telework Requirement, if possible, as determined by the District: If the district determines that an employee is able to telework, but the employee refuses to perform telework, the employee is ineligible for COVID Leave. The district will make every reasonable attempt to assign telework to district employees who are not able to report to work due to 1 (a) – (d) above. If the employee refuses to perform such work, the employee is not eligible for COVID Leave.

3. Any employee who suspects he or she has COVID-19, based on the presence of symptoms listed on the website of the United States Centers for Disease Control and Prevention (CDC), is directed to stay away from work, and to obtain a COVID-19 test at the earliest opportunity. Absences from work until the results of a test are known are to be recorded as “Sick-Sick” in AESOP, in accordance with applicable Board policies. If the employee’s test for COVID-19 is positive, and the employee provides documentation of the positive test, the “Sick” time assessed

against the employee shall be reinstated, and the employee may utilize COVID Leave during the days the employee is unable to work or telework.

4. Part-time Employees: The Board will extend the equivalent of two weeks of COVID Leave to any regular, part-time employee who is unable to work or telework due to the reasons listed in Number 1, based on the number of hours worked, on average over ten business days (two weeks).

5. Part-time Employees with Varying Hours: For part-time employees with varying hours, one of two methods for computing the number of hours paid will be used:

- a. If the employee has worked six months or more, the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
- b. If the employee has worked less than six months, the expected number of hours to be scheduled per day at the time of hire.

6. Substitute Employees: Substitute employees do not qualify for COVID Leave.

7. Use of Leave: COVID Leave cannot be used intermittently or on a reduced schedule but must be taken in a single block of time during a qualifying condition. Until exhausted, COVID Leave may be used for subsequent qualifying conditions.

8. Payment: COVID Leave will be paid at the employee's regular rate of pay for the qualifying reasons listed in 1a. – c., not to exceed \$511 per day or \$5,100 in total. For leave based on 1.d., the employee will be compensated at 2/3 their regular rate of pay, not to exceed \$200 per day or \$2,000 in total.

9. Interaction with Other Paid Leave: In order to use COVID Leave, the employee must first exhaust any Emergency Paid Sick Leave, pursuant to the Families First Coronavirus Response Act and use at least three days of district-provided paid leave such as compensatory time, sick leave, personal leave, vacation or paid time off prior to becoming eligible for COVID Leave. If there is no paid leave available, the employee must take three days of unpaid leave prior to becoming eligible for COVID Leave. Employees have the option of using other accumulated paid leave prior to using COVID Leave but must notify the district in writing if that is their choice.

10. Interaction with FMLA Leave: When an employee is eligible for FMLA leave and is absent due to a qualifying condition under FMLA, the district will apply FMLA concurrently with COVID Leave. The Emergency Family and Medical Leave Act (EFMLA) will not be available in 2021.

11. Expiration: COVID Leave will expire on June 30, 2021, and will not apply to absences from duties related to summer school. Employees will not be compensated for unused COVID Leave.

12. Documentation: Employees taking COVID Leave may be required to provide documentation verifying that the absence is due to a qualifying COVID-19 as determined appropriate by the superintendent or designee.

13. **Communication:** The district may require an employee who uses COVID Leave to communicate periodically with the district regarding his or her ability to return to work or telework.

14. **Good Faith:** If the district becomes aware that an employee is not following district rules such as wearing masks, social distancing, sanitizing or other precautionary measures while at work; that the employee is violating quarantine or isolation orders or recommendations; or is violating local, state, or federal health orders, the superintendent or designee may deny the use of COVID Leave and the employee will be required to use his or her applicable accumulated leave or take unpaid leave. The district reserves the right to take additional disciplinary action, including termination, for these violations.

15. **Additional Procedures:** The Board delegates to the superintendent the responsibility for creating appropriate administrative procedures to assist employees in using COVID Leave and to protect the district. The superintendent or designee is directed to collect data on the use of COVID Leave, as well as the cost associated with this leave and to seek reimbursement from appropriate local, state or federal funds if available.

16. **Amendment or Termination:** The Board reserves the right to amend or terminate COVID Leave or any part of this resolution at any time at the Board's sole discretion. The administrative staff will provide regular information to the Board regarding the use of COVID Leave. The Board may immediately reconsider or terminate COVID Leave if Congress extends the federal EPSL or otherwise requires employers to provide additional paid leave to employees, or the state requires districts to extend additional leave to employees.

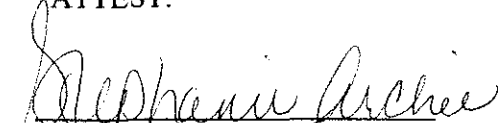
Adopted this 14th day of December, 2020.

CENTER SCHOOL DISTRICT



President, Board of Education

ATTEST:



Clerk, Board of Education

APPROVED AS TO FORM: