

Resolution of the Board Regarding Wage Payments during Extended Disruption of Normal District Operations

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of Ector County 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 extended disruption of normal District operations, some District employees are instructed not to report for work (hereinafter, "idled" employees), while other employees may be required to report for work at ECISD facilities, and yet others may be authorized to work from home;

WHEREAS, the Board finds that a need exists to address wage payments for all employees during an extended disruption of normal District operations, including those employees who are idled as well as those who are required to work during the disruption;

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay during an extended disruption of normal District operations;

WHEREAS, the Board concludes that continuing wage payments to all regular employees—contractual and noncontractual, salaried and non-salaried—who suffer a loss in pay due to an extended disruption of normal District operations serves the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when the District resumes its normal operations;

WHEREAS, as to those nonexempt employees who are required to report for work to an ECISD worksite during an extended disruption of normal District operations while other nonexempt employees remain at home, the Board further concludes that payment of these employees at a premium rate serves the public purposes of maintaining morale, providing equity between idled employees and those who are required to work at an ECISD worksite, and recognizing the extra services of essential staff;

WHEREAS, with the exception of essential employees in limited circumstances as determined by the Superintendent, nonexempt hourly employees who are authorized to work from home during an extended disruption of normal District operations shall not be entitled to premium pay; and

WHEREAS, the term "an extended disruption of normal District operations" shall mean a disruption due to circumstances beyond the District's control which lasts longer than five workdays.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Ector County Independent School District authorizes continued wage payments to all regular employees—contractual and noncontractual, salaried and non-salaried—without regard to whether or not an employee is instructed to work during an extended disruption of normal District operations.

BE IT FURTHER RESOLVED that the Superintendent shall have the authority to determine which hourly, nonexempt employees will be entitled to premium pay, within the District's adopted budget, as a result of being required to work at a District's worksite or, in the case of an essential employee, being authorized to work from home to continue the essential

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operations of the District. The Superintendent shall have the authority to designate essential employees during an extended disruption of normal District operations to determine the essential operations of the District and the ways in which essential employees will be required to perform their duties. The Board retains the authority to review the Superintendent's decisions regarding premium pay for hourly, nonexempt staff and will require weekly updates from the Superintendent.

The authority of the Superintendent granted by this resolution is effective for a period of an extended disruption of normal District operations with a maximum duration of five weeks from the date this Resolution is adopted unless the Board takes action to authorize payment for a longer duration.

This Resolution supersedes the Resolution under the same title adopted by the Board on March 17, 2020.

Adopted this 14th day of April, 2020, by the Board of Trustees.

Dr. Donna Smith, President

Mrs. Tammy Hawkins, Secretary