

January 12, 2021

The Board of Education of the School District of Marshall met in special session on Tuesday, January 12, 2021 at Spainhower Primary School at 6:00 p.m.

Present: President Erin Meyer, and members Harry Carrell, Ed Harper, Bryon Jacques, Ellen Lance, Matt Smith, and Christy Varner. Also present were Carol Maher, Superintendent of Schools; Linda Perkins, Board Secretary; Paula Brown, BMS Principal; and Mindi Costlet, CTA President.

Absent: None

On a motion by Mr. Jacques, seconded by Mr. Smith, the agenda was unanimously adopted for the remainder of the meeting.

Discussion was held on the adoption of a resolution regarding COVID-19 leave. On a motion by Mr. Jacques seconded by Mr. Harper, the board unanimously approved to set the resolution as amended through the meeting pending the written revisions to be set and reviewed one more time. The resolution is as follows:

## **MARSHALL PUBLIC SCHOOLS**

### **Board of Education Resolution**

#### **COVID-19 Leave**

**Final Adoption January 26, 2021**

**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 (FFCRA) mandated additional paid leave for COVID19 related reasons, including the Emergency Paid Sick Leave (EPSL), but that leave expired 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):** If an employee did not use all the Emergency Paid Sick Leave (EPSL) provided under the Families First Coronavirus Response Act (FFCRA) by the time it expired on December 31, 2020, beginning January 1, 2021 the Board will provide leave to employees who are unable to work 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. Is experiencing symptoms of COVID-19 and seeking a diagnosis from a healthcare provider; 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. Amount of Leave:** Full-time employees will receive up to ten (10) days of COVID Leave for the 2020-21 school year. The Board will extend up to the equivalent of two (2) weeks of COVID Leave to any regular, part-time employee based on the number of hours worked, on average, over ten (10) business days (two weeks). If an employee received EPSL, the amount of COVID Leave they are entitled to receive will be reduced by the amount of EPSL the employee has already received. Employees who exhausted the (EPSL) by December 31, 2020, are not eligible for any COVID Leave.

**3. Part-time Employees with Varying Hours:** For part-time employees with varying hours, one of two methods for computing the number of hours 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.

**4. Substitute Employees:** Substitute employees do not qualify for COVID Leave.

**5. Use of Leave:** The newly approved 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.

**6. 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. Employees may not use other district-paid leave to supplement COVID Leave.

**7. Interaction with Other Paid 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.

**8. Interaction with FMLA Leave:** When an employee is eligible for FMLA leave and is absent due to a qualifying condition under a condition stated in number 1, the district will apply FMLA concurrently with COVID Leave. The Emergency Family and Medical Leave Act (EFMLA) will not be available in 2021. This resolution does not pertain to leave time taken to care for a child(ren) whose daycare or school is closed for any reason.

**9. Budget Ceiling for COVID Leave Pay:** The Board of Education will set and communicate a budgetary ceiling that will govern the amount of COVID Leave pay available to employees.

**10. Expiration:** COVID Leave will be available on January 1, 2021, will expire on June 30, 2021, or until the determined budget ceiling for COVID Leave pay is met or the Board of Education terminates this resolution. COVID Leave pay will not apply to absences from duties related to summer school. Employees will not be compensated for unused COVID Leave.

**11. Documentation:** Employees taking COVID Leave will be required to provide documentation verifying that the absence is due to a qualifying COVID-19 issue.

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

**13. Good Faith:** If the district determines by evidence that an employee is not following district rules such as wearing masks, social distancing, sanitizing, or other precautionary measures while at work; the employee is violating quarantine or isolation orders or recommendations; or is violating local, state, or federal health orders, the superintendent or designee will 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.

**14. 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.

**15. Amendment or Termination:** The Board reserves the right to amend or terminate COVID Leave or any part of this resolution at any time. The administrative staff will provide regular information to the Board regarding the use of COVID Leave. The Board may 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 AS FINAL ON THIS THE 26<sup>th</sup> DAY OF JANUARY, 2021**

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**MPS BOARD PRESIDENT**

**ATTEST:**

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**MPS SECRETARY OF THE BOARD OF EDUCATION**

On a motion by Mr. Harper, seconded by Mr. Jacques, the board adjourned at 6:44 p.m. The motion carried on a roll call vote.

Ayes: Carrell, Harper, Jacques, Lance, Meyer, Smith, Varner  
Nays: None

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President, Board of Education

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Secretary, Board of Education