

A Resolution of the _____ Board of Education

RESOLUTION AUTHORIZING COVID-19 RELATED EMERGENCY LEAVE

WHEREAS, on March 6, 2020, the Governor issued Executive Order 2020-215, declaring a state of emergency throughout Kentucky pursuant to his power under the Kentucky Constitution and KRS Chapter 39A regarding the threats to public health presented by the Novel Coronavirus (COVID-19) pandemic; and

WHEREAS, by memorandum dated July 21, 2020 from the Commissioner of Education as approved by the Secretary of the Education and Workforce Development Cabinet, the three day limit on the number of emergency days set forth in KRS 161.152 was suspended; and

WHEREAS, on August 6, 2020, the Kentucky Board of Education ("KBE") passed that certain emergency regulation (702 KAR 1:190E) authorizing additional COVID-19 related emergency leave beyond that permitted under KRS 161.152;

NOW, THEREFORE: Be it resolved by the _____ Board of Education:

On a Motion of _____, seconded by _____, the Board hereby

RESOLVES AND ORDERS as follows:

COVID-19 Paid Emergency Leave

On and after the effective date of the above referenced emergency regulation, full-time and part-time employees **may use up to two weeks (10 work days) (NOTE: This number is suggested but is not mandatory.)** of emergency leave (COVID-19 Paid Emergency Leave "CPEL") without loss of salary upon approval of the superintendent/designee for the following reasons and subject to the following conditions:

- 1. How Long will CPEL be available?** Availability of CPEL shall expire upon the end of the 2020 – 2021 school year or upon rescission or other termination of the state of emergency declared by the Governor due to the COVID-19 pandemic via Executive Order described above. CPEL does not accumulate or carry over beyond the earlier of: the expiration of 2020-2021 school year or the termination of the above referenced Executive Order.
- 2. What are the qualifying reasons for the use of CPEL? (NOTE: The emergency regulation contemplates that reasons are to be related to the COVID-19 emergency. The following are suggestions but are not mandated by regulation. The District may wish to omit some reasons or include others.)**

The employee is **unable to work (or telework)** due to a need for leave because:

- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- The employee has been advised by a health care provider to self-quarantine because of COVID-19;
- The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- The employee is caring for an individual subject to or advised to quarantine as described above;

- e) The employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable due to COVID-19 precautions;
- f) The employee is subject to an order or recommendation to quarantine based on a travel advisory issued by a state or federal health agency. Paid leave for this purpose may be denied if Superintendent/designee determines that an employee travelled to another jurisdiction for the purpose of availing themselves of this paid benefit rather than for legitimate, family, educational, professional , or recreational purposes ; or
- g) Such other COVID-19 related reasons of an emergency or extraordinary nature as approved by the Superintendent or designee.

3. What is the interplay of CPEL with existing emergency leave? CPEL shall be in addition to days of emergency leave already authorized in District policy.

4. What is the interplay of CPEL with Federal Emergency Family Medical Leave (EFML) and Emergency Paid Sick Leave (EPSL) under the Emergency Family Medical Leave Expansion Act and the Emergency Paid Sick Leave Act?

Most of the qualifying reasons for CPEL (see a above) serve as qualifying reasons for EPSL, or – in the case of leave for specified childcare purposes – EFML. These federal leave entitlements are set to expire on December 31, 2020. Unless availability of these federal leaves is extended and because of this pending expiration, District employees should be advised of the **option** to utilize these federal leaves for which they qualify before using CPEL.

When an employee qualifies for and takes EFML and after the first two weeks of such leave, the employee may elect to use available CPEL for which s/he also qualifies which will run concurrently with EFML in order to receive full salary. Upon exhaustion of available CPEL, payment to the qualifying employee shall revert to the amount required under EFML federal regulation.

If the employee agrees, the District may, but is **not** required to “top off” the portion of the employee’s salary paid per federal regulation during the employee’s qualifying use of EFML (after the first two weeks of such leave which is unpaid unless the employee elects to use EPSL for such period) **or** qualifying use of EPSL using available CPEL for which the employee also qualifies. Any available CPEL used for this purpose shall be proportionally deducted from the employee’s CPEL balance (e.g. if a 1/3 daily pay increment is used, the balance will be reduced by 1/3 day). In no event shall the employee be entitled to more than 100% of their salary.

Adopted by the Board this _____ day of _____, 2020.

Attested by _____, Chair of the Board.