

Little Rock School District

Board of Education Resolution on

COVID-19 Sick Leave Gap

Whereas, the Governor of Arkansas issued an Executive Order as well as subsequent orders declaring a state of emergency relating to the COVID-19 pandemic, which is currently in effect, and

Whereas, the Federal Families First Coronavirus Response Act mandated additional paid leave for COVID-19 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 Sick Leave (COVID Leave):** Beginning January 4, 2021, the Board will provide 10 workdays 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 health department quarantine or isolation order related to the COVID-19 virus or is ordered by the LRSD Point of Contact (POC) Team or a medical professional complying with Arkansas Department of Health (ADH) guidelines to quarantine or isolate due to COVID-19;
 - (1) Employees who are quarantined more than one time after January 4, 2021, related to necessary close contact with a positive individual during the course of the employee's work duties in the District, may be granted up to 10 additional workdays for a maximum of 20 workdays of COVID-19 sick leave, if the employee was following all District safety guidelines at the time of close contact.
 - (2) All employees are eligible to use Advanced Sick Leave related to COVID-19 in order to remain in paid status, if the employee has **exhausted all their paid COVID-19 sick leave provided by the District** and is unable to telework or be reassigned. Please see items 15-16 for advanced sick leave procedural guidelines.
 - 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 is 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 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. **Part-time Employees:** The Board will extend the equivalent of 10 workdays of COVID-19 sick 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 10 business days.
3. **Part-time Employees with Varying Hours:** For regular part-time employees with varying hours, one of two methods for computing the number of paid leave hours 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.
4. **Substitute Employees:** Substitute employees do not qualify for COVID-19 sick leave.
5. **Use of Leave:** Until exhausted, COVID-19 sick leave may be used for subsequent qualifying conditions outlined in this resolution.
6. **Payment:** COVID-19 sick leave will be paid at the employee’s regular rate of pay for qualifying reasons.
7. **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-19 sick leave.
8. **Expiration:** COVID-19 Sick 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-19 sick leave.
9. **Documentation/COVID-19 Sick Leave Approval:** Employees taking COVID-19 sick leave are required to complete the appropriate application for emergency sick leave approval and provide documentation verifying that the absence is due to a qualifying COVID-19 reason as determined appropriate by the superintendent or designee. Little Rock School District is legally bound to comply with state and federal regulations and will follow ADH guidelines/directives for granting COVID-19 sick leave approval.

The employee is responsible for providing the District proof that the employee or the employee’s dependent has received a quarantine or isolation order. The proof may be in any of the following forms, as applicable:

- A positive test result;
- Proof of receipt of a polymerase chain reaction (PCR) test;
- A written quarantine or isolation order from the employee’s or the employee’s dependent’s treating physician, the ADH, or the District’s Point of Contact (POC); or
- Written notification of close contact or potential close contact status from ADH, the District POC, or another district’s POC if the close contact is from another district.

In addition to other appropriate documentation, employees who intend to take leave under this policy due to the need to care for a dependent must submit a written statement indicating the relationship with the dependent, the dependent's age, and that the employee is the only individual capable of caring for the dependent.

10. **Communication:** The district shall require an employee who uses COVID-19 sick leave to communicate periodically with the district regarding his or her ability to return to work or telework.
11. **Good Faith:** If the district becomes aware that an employee is not following district rules, such as wearing masks, physical 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-19 sick 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.
12. **Telework:** Work from home arrangements are hereby encouraged.
 - a. If some or all of an employee's job functions can be performed from home, the employee is expected to perform those job functions from home during the employees' regularly-scheduled, non-overtime work hours. Employees who work from home shall not be required to use any benefit time, and their work from home shall be credited as if a regular workday. Supervisors, subject to Superintendent's approval, have been and should continue to, work to identify employees who job functions can be performed at home.
 - b. During the employees' regularly-scheduled, non-overtime work hours during the emergency, the employee is considered "on-call" and, therefore, must be available by phone to respond to calls, emails, or other communication as directed by their supervisor or superintendent's designee.
 - c. Employees may not work or earn compensation from any other source during the employee's regularly-scheduled, non-overtime work hours.
13. **Additional Procedures:** The Board delegates to the superintendent the responsibility for creating appropriate administrative procedures to assist employees in using COVID-19 sick leave and to protect the district. The superintendent or designee is directed to collect data on the use of COVID-19 sick leave, as well as the cost associated with this leave, and to seek reimbursement from appropriate local, state, or federal funds if available.
14. **Amendment or Termination:** The Board reserves the right to amend or terminate COVID-19 sick 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-19 sick leave. The Board may reconsider or terminate COVID-19 sick leave if Congress extends the federal EPSL or otherwise requires employers to provide additional paid leave to employees, or if the state requires districts to extend additional leave to employees.
15. **Advanced Sick Leave Option subject to a case by case review by the Board:** All employees are eligible to use Advanced Sick Leave related to COVID-19:

- If the employee has **exhausted all their paid COVID-19 sick leave provided by the District** and is unable to telework or be reassigned.

Solely at the Little Rock School District Board of Education's discretion, an employee who has exhausted 20 workdays of paid sick leave provided by the District may appeal to the Board for advanced sick leave up to a number determined by the Board pursuant to a case by case review of the critical condition. The advanced COVID -19 sick leave days will be made available only to an employee when hospitalized or under critical care of a Health Care Provider related to COVID-19 illness or required to quarantine as ordered by the POC team resulting from student or staff contact. The Executive Director of Human Resources or designee may make this recommendation on behalf of the employee.

16. **Supporting Evidence for Advanced Sick Leave:** A request for advanced sick leave is essentially a request for sick leave; therefore, the medical documentation requirements for granting sick leave apply.

ADOPTED THIS THE 14 DAY OF January, 2021

Vicki Hatter

BOARD PRESIDENT

ATTEST:

[Signature]

SECRETARY OF THE BOARD OF EDUCATION