



Resolution of the Board Regarding Extension of Leave for Employee Quarantine¹

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of _____ School District for purposes necessary in the conduct of the public schools as determined by the Board;

WHEREAS, the Board acknowledges that during an epidemic, District employees may be instructed not to report for work after on-site exposure (***or decide voluntarily not to report to work in order to quarantine after exposure***);

WHEREAS, the Board finds that a need exists to address additional leave for employees who are instructed not to report for work (***or decide voluntarily not to report to work (and have exhausted all available state and local leave days)***);

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay if they do not report for work (***and have exhausted all available state and local leave days***)²; and

WHEREAS, the Board concludes that providing additional (***paid or unpaid***) leave to all regular employees—contractual and noncontractual, salaried and non-salaried—who are instructed not to report to work due to an epidemic (***or decide voluntarily not to report to work in order to quarantine after exposure***), serves the public purposes of protecting students and staff, maintaining morale, and reducing turnover;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of _____ School District authorizes providing additional (***paid or unpaid***) leave for all regular employees—contractual and noncontractual, salaried and non-salaried—who are instructed not to report to work during an epidemic (***or decide voluntarily not to report to work in order to quarantine after exposure (and have exhausted all available state and local leave days)***).

¹ This resolution can be modified by deleting or accepting the bolded provisions to provide: extra paid leave for involuntary exclusion; extra paid leave for involuntary and voluntary exclusion (with optional show cause provision); and/or extra paid leave only available if local/state leave is exhausted. Additionally, a district may decide to edit this resolution to authorize only unpaid leave (e.g.: job protection). If the district determines that it will deduct from the employee's daily rate for each day of extended sick leave taken, that information should also be reflected in the resolution or accompanying regulations.

² This paragraph should be deleted if leave is not paid.

The authority granted by this resolution to provide additional (*paid or unpaid*) leave for all employees instructed not to report for work **(or who decide voluntarily not to report to work in order to quarantine after exposure)** provides additional leave for a maximum duration of _____ (e.g., *ten workdays*) unless the Board takes action to authorize leave for a longer duration.

[Include the text below if the District requires an employee to show cause for a voluntary exclusion.]

To ensure an employee's voluntary exclusion serves the public purpose of protecting students and staff, employees requesting additional leave must show cause for voluntary exclusion from work such as potential exposure to virus.

[Include the text below if the District desires to limit the availability of leave to the current school year and/or have the leave contingent on federal leave not available at the time of action.]

This extended leave expires at the end of the 2020-2021 school year **(and is conditioned on the availability of additional federal leave. If federal leave becomes available after January 1, 2021, the leave provided in this resolution will expire).**

Adopted this _____ (*date*) day of _____ (*month*), _____ (*year*), by the Board of Trustees.

Presiding Officer

Secretary

Resolution of the Board Regarding Extended Sick Leave During Epidemic³

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of _____ School District for purposes necessary in the conduct of the public schools as determined by the Board;

WHEREAS, the Board acknowledges that during an epidemic, District employees may exhaust available state and local leave days;

WHEREAS, the Board finds that a need exists to address additional leave in the circumstance of an epidemic;

WHEREAS, the Board concludes that providing additional paid leave to all regular employees—contractual and noncontractual, salaried and non-salaried—who are sick or in isolation as a result of an epidemic serves the public purposes of protecting students and staff, and maintaining morale;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of _____ School District authorizes providing additional paid leave for all regular employees—contractual and noncontractual, salaried and non-salaried—who are sick or in isolation as a result of an epidemic ***(and have exhausted available state and local leave days)***;

The authority granted by this resolution to provide additional paid leave for a maximum duration of _____ (e.g., *ten workdays*) unless the Board takes action to authorize leave for a longer duration.

[Include the text below if the District desires to limit the availability of leave to the current school year and/or have the leave contingent on federal leave not available at the time of action.]

This extended leave expires at the end of the 2020-2021 school year ***(and is conditioned on the availability of additional federal leave. If federal leave becomes available after January 1, 2021, the leave provided in this resolution will expire)***.

³ This resolution authorizes additional paid local sick leave for all regular employees who have exhausted available state and local leave days. The district will determine the maximum duration of the leave. Additionally, a district may decide to edit this resolution to authorize only unpaid leave (e.g.: job protection). If the district determines that it will deduct from the employee's daily rate for each day of extended sick leave taken, that information should be reflected in the resolution or accompanying regulations. If desired, the district can revise the resolution to cover extended leave for the care of a member of the employee's immediate family who is sick.

Adopted this _____ (*date*) day of _____ (*month*), _____ (*year*), by the Board of Trustees.

Presiding Officer

Secretary

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/personnel/documents/resolutions-to-extend-local-leave-in-a-pandemic.docx. For more information on this and other school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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