



FLOYD COUNTY BOARD OF EDUCATION
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Date: August 19, 2020

Consent Agenda Item (Action Item): Consider the resolution authorizing COVID-19 related emergency leave.

Applicable State or Regulations: BOE Policy 0.11 Powers and Duties of the Local Board of Education, Policies 3.1236 and 3.2236 and Emergency Regulation 702 KAR 1:190

Budget/Financial Issues: None

Background and Rationale: At the Aug. 6 meeting of the Kentucky Board of Education (KBE), the board adopted Emergency Regulation 702 KAR 1:190, giving local boards of education the authority to approve additional emergency leave (beyond the statutory three-day limit) due to COVID-19. These provisions are very similar to those provided under Senate Bill 177 that were in effect through the end of the 2019-20 school year. This emergency regulation will go into effect immediately upon its filing with the Legislative Research Commission.

KSBA has composed a sample resolution for school boards to grant district employees additional days of COVID-19 related emergency leave.

Recommended Action: Consider the resolution authorizing COVID-19 related emergency leave.

Contact Person(s): Angela Duncan

Principal

Angela Duncan

Director

Danny Adkins

Superintendent

A Resolution of the Floyd County 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 Floyd County 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, District employees ***may use up to 15 work days 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?** The employee is **unable to work (or telework)** due to a need for leave because:
 - a) The employee is subject to a federal, state, or local quarantine or isolation order related to COVI D-19;
 - b) The employee has been advised by a health care provider to self-quarantine because of COVI D-19;
 - c) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
 - d) The employee is caring for an individual subject to or advised to quarantine asdescribed 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, or professional purposes; or
- g) Such other COVID-19 related reasons of an emergency or extraordinary nature as approved by the Superintendent or designee. In such, the Superintendent may consider exceeding 15 days.

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?

Employees who qualify may utilize 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. District employees will be advised of the option to utilize these federal leaves for which they qualify before using CPEL.

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

Attested by _____, Chair of the Board.