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DATE: August 17, 2022
TO: Board of Education
FROM: Dr. Tony Arnold, Assistant Superintendent of Human Resources
RE: Resolution on COVID-19 Leave

The Board of Education Resolution on COVID-19 Leave brought forth last year expired on June 30, 2022. After careful examination of practices and current guidelines, it would be in the best interest of the district to extend another revised resolution through the end of the 2022-23 school year.

MSBA does not recommend that districts amend Board policy for a temporary need because the Board will need to later rescind that same policy. Instead, MSBA recommends that the Board act by resolution with a clear expiration date (June 30, 2023).

The COVID Leave created by this resolution:

- Applies to fully vaccinated employees who have consistently followed all district safety protocols and procedures and who have tested positive for COVID-19
- Applies to employees who are:
 - caring for their child(ren) under the age of 14 who are required to quarantine due to COVID-19 exposure, or
 - caring for their child(ren) who tested positive for COVID-19
- Does not cover absences for the following purposes:
 - to care for a child whose school or daycare is closed;
 - for persons who are particularly vulnerable to the virus, but who have not been exposed; and
 - due to illnesses “substantially similar” to COVID-19.
- Excludes substitute employees
- Allows the district to require more documentation of the absence than was allowed under federal law.
- Allows for the superintendent or designee to deny the use of leave in circumstances where employees are not following district protocol or are violating an isolation order or recommendation or other local, state or federal health order.

Board Resolution on COVID-19 Leave

rev. 8.17.2022

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 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 Board Resolution on COVID-19 Leave provided additional paid leave for more specific COVID-19 related reasons, including the Emergency Paid Sick Leave (EPSL), but that leave expired June 30, 2021; and

Whereas, the Board Resolution on COVID-19 Leave provided additional paid leave for more specific COVID-19 related reasons, including the Emergency Paid Sick Leave (EPSL), but that leave expired December 31, 2021; and

Whereas, the Board Resolution on COVID-19 Leave provided additional paid leave for more specific COVID-19 related reasons, including the Emergency Paid Sick Leave (EPSL), but that leave expired June 30, 2022; 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):** The Board will provide an additional five days of paid leave to full-time employees who are unable to work or telework because the employee:
 - a. Is caring for their child under the age of 14 who is subject to a quarantine or isolation order or has been advised to self-quarantine by a healthcare provider because the child has been identified as a close contact
 - b. Is caring for their child who has tested positive for the COVID-19 virus. For the purposes of this resolution, the term “child” 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 one week of COVID 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 five business days (one week).
3. **Part-time Employees with Varying Hours:** For part-time employees with varying hours, one of two methods for computing the number of hours paid 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 Leave.

5. **Use of Leave:** 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.
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 Leave.
8. **Expiration:** COVID Leave will expire on June 30, 2023. Employees will not be compensated for unused COVID Leave.
9. **Documentation:** Employees taking COVID Leave will be required to provide documentation verifying that the absence is due to a qualifying COVID-19 reason as determined appropriate by the superintendent or designee.
10. **Communication:** The district may require an employee who uses COVID 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 in place at the time, such as wearing masks, social 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 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. **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.
13. **Amendment or Termination:** The Board reserves the right to amend or terminate COVID Leave or any part of this resolution at any time prior to the expiration date provided herein. 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 THIS THE _____ DAY OF _____, 2022

BOARD PRESIDENT

ATTEST:

SECRETARY OF THE BOARD OF EDUCATION

