

Little Rock School District

Board of Education Resolution on

COVID-19 VACCINATION INCENTIVE AND COVID-19 SICK LEAVE

Whereas, the highly transmissible COVID-19 coronavirus variant called delta is present in all 50 states and is already dominant in Arkansas; therefore, the Little Rock School District has an interest in encouraging all of its employees to receive the COVID-19 vaccine as quickly as possible to prevent transmission. In order to further these interests, employees should be incentivized and should not be forced to decide between a paycheck and securing a vaccine to safeguard their wellbeing and promote public health, and

Whereas, all employees providing proof of COVID-19 full vaccination no later than October 1, 2021, will receive a one-time \$300 vaccination incentive. Further, all employees will have access to paid leave for the time it takes to obtain the COVID-19 vaccine and to recover from COVID-19 related illnesses.

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):** Retroactive to July 1, 2021, the Board will provide up to 10 workdays or 80 hours 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;
 - 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).
 - e. Provide a full-time employee up to four hours of COVID-19 Vaccine Leave to obtain each COVID-19 vaccine injection, and up to 8 hours of COVID-19 Vaccine Leave to recover

from any vaccination related side effects. This time is inclusive and not separate and apart from the allocated maximum of 10 workdays for full-time employees. Employee must provide written verification of receipt of a COVID-19 vaccine in order to receive payment for COVID-19 Vaccine Leave.

- f. Provide a part-time employee up to the prorated amount of hours of COVID-19 Vaccine Leave per injection based on the average number of hours worked preceding the injection, and up to the prorated amount of eight hours of COVID-19 Vaccine Leave to recover from any vaccination related side effects.
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. **Substitute Employees:** Substitute employees do not qualify for COVID-19 sick leave. However, LRSD's care workers will qualify for COVID-19 Leave provisions.
 4. **Use of Leave:** Until exhausted, COVID-19 sick leave may be used for subsequent qualifying conditions outlined in this resolution.
 5. **Payment:** COVID-19 sick leave will be paid at the employee's regular rate of pay for qualifying reasons.
 6. **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.
 7. **Expiration:** COVID-19 Sick Leave will expire on December 17, 2021, but subject to an extension upon Board approval. Employees will not be compensated for unused COVID-19 sick leave. If an employee has exhausted available COVID-19 Leave, the employee must use personal leave, vacation, sick leave, or leave without pay during the quarantine period.
 8. **Documentation/COVID-19 Sick Leave Approval:** Employees taking COVID-19 sick leave or vaccine leave are required to complete the appropriate application for 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 Resolution 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.

9. **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.
10. **Good Faith:** If the district becomes aware that an employee is not following best practices as defined by Arkansas Department of Health to minimize transmission and other COVID-19 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.
11. **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 on a regular workday. Supervisors, subject to Superintendent's approval, have been and should continue to, work to identify employees whose 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.

12. **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.
13. **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.
14. **Conflicts:** Nothing in this Resolution shall be interpreted or applied to create any power or duty in conflict with any federal or state law.

ADOPTED THIS THE 22 DAY OF July, 2021



BOARD PRESIDENT

ATTEST:



SECRETARY OF THE BOARD OF EDUCATION