

**EMPLOYEE PAY RESOLUTION
RELATED TO COVID-19 AND ARIZONA'S OPEN FOR LEARNING PLAN**

RESOLUTION NO. 2020- 02 _____

ALHAMBRA ELEMENTARY SCHOOL DISTRICT

WHEREAS, the World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020, the United States Department of Health and Human Services declared a Public Health Emergency on January 31, 2020, related to the COVID-19 outbreak, and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

WHEREAS, as of March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, a declaration of Public Health State of Emergency was issued by the State of Arizona due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, the Governor of the State of Arizona, with advice from the Arizona Department of Health Services, has Declared a State of Emergency in Arizona related to COVID-19, citing that COVID-19 poses a serious public health threat for infectious disease spread to Arizona residents and visitors if proper precautions recommended by public health are not followed; and

WHEREAS, the Arizona Department of Health Services in partnership with the Centers for Disease Control and Prevention (CDC) and local public health departments have implemented disease surveillance, testing and guidance for enhanced mitigation strategies to combat the spread of COVID-19; and

WHEREAS, the Governor has officially declared that he and the Director of the Arizona Department of Health services have reasonable cause to believe the spread of COVID-19 can lead to respiratory illness, disease complications, and even death for Arizona residents, particularly those with underlying medical conditions or the elderly; and

WHEREAS, the Governor has officially declared, and the Superintendent and Governing Board of the Alhambra Elementary School District agree, it is necessary and appropriate to take action to ensure the spread of COVID-19 is controlled and that the residents of Arizona remain safe and healthy; and

WHEREAS, the Governor has officially authorized a Declaration of Emergency pursuant to A.R.S. § 26-303(D) and in accordance with A.R.S. § 26-301(15), declaring a state of emergency as a result of an occurrence of imminent threat of illness or health condition caused by an epidemic that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability; and

WHEREAS, on June 24, 2020, the Governor's Executive Order 2020-41, related to the 2020-2021 School Year, was issued to offer flexibility and funding certainty to schools to ensure that

Arizona students and families would have educational consistency during these unprecedented times; and

WHEREAS, on June 29, 2020, the Governor's Executive Order 2020-44, *Protecting Public Health for Students and Teachers*, was issued to aid in the delivery of education for the 2020-2021 school year in a safe and effective manner while monitoring the impacts of mitigation efforts for COVID-19; and

WHEREAS, on July 23, 2020, the Governor's Executive Order 2020-51, *Arizona: Open for Learning*, was issued to provide further aid and guidance related to the delivery of education for the 2020-2021 school year and included provisions to ensure that properly trained, qualified and experienced personnel continue to be available when in-person classes resume, and authorizing Arizona's public schools to continue to pay their employees during closure or inability to offer in-person classes in a safe manner; and

WHEREAS, in particular, the Superintendent and Governing Board of the Alhambra Elementary School District have no more important responsibility than to ensure the health and safety of the students that attend schools within the school district, and the employees who serve those students' needs; and

WHEREAS, the Governing Board finds and determines that it is necessary to pay its employees, including hourly (classified staff) employees during closure, or during any inability to offer in-person classes in a safe manner, to preserve properly trained, qualified and experienced workforce; and

WHEREAS, the Governing Board further finds and determines that paying employees during such times serves a public purpose of protecting the public school's investment in its workforce; and

WHEREAS, the Governing Board further finds and determines that the District has sufficient revenues anticipated in the 2020-2021 school year to continue such payments due to school building closures or inability to offer in-person classes in a safe manner.

NOW, THEREFORE be it resolved by the Governing Board of Alhambra Elementary School District No. 68 of Maricopa County, Arizona that:

Section 1. The Governing Board authorizes the ongoing payment of wages to all classes of employees during any closure of schools within the District, or during any period of inability to offer in-person classes in a safe manner, due to COVID-19 during the 2020-2021 school year.

Section 2. The Superintendent, or the Superintendent's designee, are authorized to continue regular payroll expenses for all employees, as long as the employee is committed and available to work during the employee's normal work hours and during periods of school building closures or inability to offer in-person classes in a safe manner, whether the work is to be performed in-person or remotely, or the employee is given an alternative work assignment for

which they are qualified to perform, and, as long as, the Superintendent ensures procedures are still in place to ensure compliance with the Fair Labor Standards Act and other local, state or federal employment laws and rules. The Superintendent is authorized to pay hourly employees assigned to supervise students at any onsite in-person learning spaces an amount equal to "time plus ½" of the employee's normal hourly rate (1.5 multiplied by the normal hourly rate) during any periods of school building closures or inability to offer in-person classes in a safe manner to all enrolled students.

Section 3. The Governing Board hereby suspends the provisions of Policy GCCA specifically pertaining to employee use of Personal Time Off (PTO) to authorize and allow the Superintendent, or the Superintendent's designee, to approve more flexible and extended employee use of earned and accumulated PTO for employee's who desire to use accumulated PTO in lieu of accepting available work opportunities or alternative work assignments during any school building closures or inability to offer in-person classes in a safe manner, and to ensure compliance with any provisions of relief offered by the federal Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA). This suspension of portions of Policy GCCA shall remain in effect until June 30, 2020, or until further action by this Governing Board, whichever is sooner.

Passed and adopted this ____ day of August, 2020.

ALHAMBRA SCHOOL DISTRICT No. 68

By:  _____

Its: Governing Board President

Attested by:

Governing Board Member