

**Resolution of the Board of Trustees of the Socorro
Independent School District Regarding Employee
Compensation Plan During District’s Emergency
Closure Over Concerns of Public Health and
Safety During the COVID-19 Pandemic**

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in China and has since reached European Countries, the United States and most recently, El Paso, Texas and its sister city of Ciudad Juarez, Chihuahua, Mexico; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the City of El Paso declared a local state of emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the City of El Paso confirmed among its residents its first presumptive positive case of COVID-19; and

WHEREAS, the emergence and spread of COVID-19 within El Paso poses an imminent threat of widespread illness resulting from an epidemic that requires emergency action; and

WHEREAS, the Superintendent of the Socorro Independent School District (or the “District”) is authorized by Policy EB (Local) to close schools for reasons of public health; and

WHEREAS, on March 13, 2020, the Superintendent in fact declared an emergency closure for the purpose of emergency preparedness, scheduled immediately following the previously set Spring Break, and beginning on March 15, 2020 through April 6, 2020, in an effort to protect the health and safety of students and campus community (hereinafter the District’s “Emergency Closure”); and

WHEREAS, on March 14, 2020, the Department of Public Health for the City of El Paso (“Department of Public Health”) issued to all El Paso area school

districts guidance and directives related to concerns over COVID-19, to include a directive that students not return to school until April 6, 2020; and

WHEREAS, the Superintendent has since extended the duration of the District's Emergency Closure for an extended period of time and until further notice, pursuant to the guidance and directives issued by the Department of Public Health and Governor of the State of Texas Executive Order No. GA-14; and

WHEREAS, the Board of Trustees of the Socorro Independent School District (the "Board") is authorized by Texas Education Code section 45.105 to expend funds of the District for purposes necessary in the conduct of the public schools as determined by the Board; and

WHEREAS, the Board acknowledges that during the Emergency Closure, District employees may be instructed not to report for work; and

WHEREAS, the Board acknowledges that during the Emergency Closure, most District employees are instructed not to report for work, and other employees may be called upon to provide auxiliary or emergency-related services remotely from home or physically on site; and

WHEREAS, the Board finds that a need exists to address wage payments for employees who were idled and those remotely working from home or physically on site required to work to complete essential duties during the District's Emergency Closure; and

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay if the District is closed unless the workdays are made up at a later date; and

WHEREAS, the Board concludes that continuing compensation or wage payments to all District employees as identified during the meeting of the Board of Trustees on March 16, 2020 as a result of the Emergency Closure—whether contractual and noncontractual, salaried and non-salaried District employees on the District's payroll—who would otherwise suffer a loss in pay due to the District's Emergency Closure serves the public purposes of minimizing further community spread of COVID-19 in the El Paso County region, maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopen; and

WHEREAS, as to nonexempt essential employees who are called to remotely or physically report to work to complete essential duties during the Emergency

Closure, the Board further concludes that payment of certain employees at a premium rate as provided at DEA (LOCAL) (the “Premium Rate”), serves the public purposes of maintaining morale, providing equity between idled employees and employees who provide auxiliary or emergency-related services during the Emergency Closure, and further recognizes the services of essential staff; and

WHEREAS, pursuant to District policy, nonexempt essential employees are called on to work during the Emergency Closure must still obtain prior approval from their supervisor before working remotely from home more than 25 hours in a given week and/or more than 40 hours in any given week physically onsite during the Emergency Closure (“overtime hours”); and

WHEREAS, any overtime hours actually worked in excess of 40 hours in any given week during the Emergency Closure shall be paid and calculated in accordance with District policy and in conformance with the Federal Fair Labor Standards Act; and

WHEREAS, the Socorro Independent School District declared the Emergency Closure on March 15, 2020, due to concerns over the growing possibility of community spread of the COVID-19; and

WHEREAS, certain employees were instructed not to work during the District’s Emergency Closure; and

WHEREAS, certain employees were (or will be) called on and reported (or will report) to work remotely or physically and provided (or will provide) auxiliary or emergency-related services from home or onsite during the District’s Emergency Closure; and

WHEREAS, the Board of Trustees will consider the financial burden on the District in the event that the Emergency Closure is further extended, and limit the premium pay as necessary to a portion of the extended closure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Socorro Independent School District authorizes continued wage payments to all employees as specified during the Board meeting on March 16, 2020 as a result of the Emergency Closure — whether contractual and noncontractual, salaried and non-salaried on the District’s payroll during the Emergency Closure.

BE IT FURTHER RESOLVED, that nonexempt essential employees covered by Policy DEA (Local), who were or will be required to remotely or physically report to work to complete essential duties during the Emergency Closure, shall

be paid at the Premium Rate described by that policy during the period of time from March 15, 2020, until the date set forth in this Resolution or until otherwise revised by additional Board action.

BE IT FURTHER RESOLVED, as to nonexempt essential employees covered by Policy DEA (Local), who were called on to work remotely or physically during the Emergency Closure, payment of these employees at a Premium Rate, as provided in this resolution, serves the public purposes of maintaining morale, providing equity between idled employees and employees who provide auxiliary or emergency-related services on or off site, and further recognizes the services of essential staff.

BE IT FURTHER RESOLVED, that pursuant to District policy, nonexempt essential employees who are called on to work remotely or physically during the Emergency Closure must still obtain prior approval from their supervisor before working more than 25 hours and 40 hours, respectively in any given week during the Emergency Closure. Any overtime hours worked in excess of 40 hours in any given week during the Emergency Closure shall be paid and calculated in accordance with District policy and in conformance with the Federal Fair Labor Standards Act.

BE IT FURTHER RESOLVED, that in the event that the Emergency Closure is further extended by the Superintendent, the Board of Trustees hereby suspends the application of that portion of Policy DEA Local that provides for premium pay during a closure as specified herein. Specifically, this suspension of the premium pay portions of Policy DEA Local shall begin on May, 30 2020 and continue until further action or revision of this Resolution by the Board of Trustees. The Board, at such time, will consider the financial burden on the District and shall address premium pay as necessary to any extended closure.

The authority granted by this resolution related to wage payments to idled employees is limited to the period of the District's Emergency Closure as initially declared by the Superintendent on March 13, 2020, and beginning on March 15, 2020, to continue until further action or revision of this Resolution by the Board of Trustees; and further authorizes Premium Rate payment to nonexempt employees who provide auxiliary or emergency-related services on or off site during the District's Emergency Closure beginning on March 15, 2020, until the premium pay portions of Policy DEA Local are suspended beginning on May 30, 2020.

Adopted this 16 day of April, 2020, by the Board of Trustees.

Cynthia Najera
Board President
Socorro ISD

Paul Guerra
Board Secretary
Socorro ISD

Dr. Jose Espinoza
Superintendent
Socorro ISD

Approved as to form:

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