

## MONTHLY AGENDA – Tuesday, October 27, 2020

A Public Session of the Elysian Charter School of Hoboken Board of Trustees will be held on Tuesday, October 27, 2020 via Zoom video conference at 6:30 p.m.

Sunshine statement: Pursuant to Section 5 of the Open Public Meetings Act, notice of this meeting was advertised as directed by resolution adopted April 28, 2020. Notice of the meeting was published in the Public Notice Section of the Jersey Journal, posted on the Elysian Charter School website at [www.ecsnj.org](http://www.ecsnj.org) and at the Elysian Charter School located at 1460 Garden Street, Hoboken, NJ, 07030.

Call to Order by Board Chair -

### I. Roll Call

Voting Members	Role	Present	Absent
Chris DeFilippis	Chair		
Brian Blake	Vice-Chair		
Daniel Glynn	Treasurer		
Andrea O'Connor	Trustee		
Maria Badali	Trustee		
Diane Sasso	Trustee		
Erin Curtiss	Trustee		
Michael Gazaleh	Trustee		
Jaime Marchand	Trustee		

Non - Voting Members	Role	Present	Absent
Susan Grierson	Director		
Diane M Macon	Business Manager		
Abra Kessler	Faculty Representative		
Regan Michaels	Faculty Representative		

### 2. Motion for Elysian Charter Board of Trustees to accept the minutes from September 29, 2020

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O'Connor						Jaime Marchand					
Maria Badali											

### 3. Public Comment

The meeting is open to the public for comment on items on or off the agenda.  
*(Limited to 5 minutes per person).*

### 4. Friends of Elysian Presentation – Jenifer Semenza

**5. Director’s Report**

- Renewal Debrief
- Hybrid Model Check-In
- Susan Gilberttown – Lunch Program

**6. Business Manager’s Report**

**7. Presentation of Committee Reports**

- Facilities Committee
- Finance Committee
- Personnel Committee

**8. Faculty Representative’s Report**

Upon recommendation of the Director of Elysian Charter School the following resolutions are presented for approval:

**9. Finance:**

Pursuant to N.J.A.C. 6:23-2.11(a)4, the Board of Trustees acknowledges receipt of the secretary’s certification, and after review of the monthly financial report (appropriations section) certifies that, to the best of its knowledge, as of October 30, 2020, no major account or fund has been over expended in violation of N.J.A.C. 6A:23-2,11(b), and that sufficient funds are available to meet the school’s financial obligations for the remainder of the fiscal year.

- 9.1 Resolved that the Board of Trustees approves the Payroll Report of September 15, 2020 in the amount of \$37,537.64
- 9.2 Resolved that the Board of Trustees approves the Payroll Report of September 30, 2020 in the amount of \$18,154.41
- 9.3 Resolved that the Board of Trustees approves the October Check Register from September 24, 2020 – October 23, 2020 in the amount of. \$472,653.73
- 9.4 Resolved that the Board of Trustees approves the Board Secretary and Treasurer Reports for September 2020 as per attached

Roll Call Vote Resolutions 9-1 – 9-4

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O’Connor						Jaime Marchand					
Maria Badali											

**10. Personnel:**

**11. Governance/Policy:**

**12. Curriculum/Special Education:**

**13. Facilities:**

**14 Miscellaneous:**

14.1 Resolved that the Board of Trustees approves the termination of the school lunch vendor contract with Red Rabbit LLC as of October 30, 2020 due to COVID-19 related issues.

Roll call vote Resolution 14.1

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O'Connor						Jaime Marchand					
Maria Badali											

14.2 Resolved that the Board of Trustees approves the School Food Authority Emergency Non Competitive Procurement Commercial Vendor Contract with Genuine Foods for commercial vended meals Beginning November 1, 2020 through June 30, 2021 Now, therefore be it resolved with the following per meal/snack prices:

Per Meal Lunch Price \$3.33  
Per Meal Breakfast Price N/A  
Per Snack After School Snack Price: N/A  
Per Meal At Risk After School Meal Price N/A

Roll call vote Resolution 14.2

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O'Connor						Jaime Marchand					
Maria Badali											

- 14.3 Resolved that the Board of Trustees approves submitting an application to apply for the Seamless Summer Food Service Program (SFSP) in order to provide free meals to all children aged 18 and under, at no charge, for the duration of the school year, to minimize the continued challenges of meal service during COVID-19.

Roll call vote Resolution 14.3

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O'Connor						Jaime Marchand					
Maria Badali											

**15. New Business**

Roll Call Vote - Adjournment of Meeting of Tuesday, October 27, 2020 – Time: \_\_\_\_\_

Voting Members	Motion	Aye	Nay	Abstain	Absent	Voting Members	Motion	Aye	Nay	Abstain	Absent
Chris DeFilippis						Diane Sasso					
Brian Blake						Erin Curtiss					
Daniel Glynn						Michael Gazaleh					
Andrea O'Connor						Jaime Marchand					
Maria Badali											

# FIRST READ

## ECS Child Care Leave of Absence

Both the Federal Family Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA) provide time off for parents in connection with the birth of your child or the placement of an adopted or foster child within your home. Both of these laws protect your job and benefits during a qualified leave and they are both unpaid entitlements.

### Eligibility for Leave

To be eligible for FMLA leave, you must have worked at ECS at least 12 months and 1,250 hours of work in the 12 months immediately preceding the start date of the requested leave. To be eligible for NJFLA, you must have worked at ECS for at least 12 months and has worked at least 1,000 hours in the 12 months immediately preceding the start date of the requested parental leave.

### Circumstances for Leave

Under the FMLA, you may take up to 12 weeks of leave every 12 months to care for the birth or placement of a child, for your own serious health condition (including a health condition associated with pregnancy and/or childbirth) or for the care of immediate family with a serious health condition.

Under the NJFLA, you may take up to 12 weeks of leave every 24 months to bond with a new child and/or to care for an immediate family member with a serious health condition. Under both laws, you must take the leave within 12 months of the birth, placement or adoption of a child.

### Leave Provisions

If you are pregnant, there is a legal presumption that you are disabled for thirty (30) calendar days before the baby's due date and thirty (30) calendar days following the baby's birth. You may use any accrued sick days during this time period. If your doctor writes a letter documenting a longer period of disability, you may use additional accrued sick days during this time of disability. Following the use of permitted sick days during the pregnancy disability, ECS will begin to count FMLA/NJFLA weeks. Any FMLA and NJFLA taken for the same qualifying reason (i.e., bonding with a newborn child), are counted concurrently for a total of twelve (12) weeks.

Under the FMLA, **and the NJFLA** the 12 weeks of leave may be taken intermittently. However, under NJFLA it may not be taken intermittently.

You may also utilize the balance of any accrued personal and/or, where applicable, vacation days during your leave. Note that any FMLA/NJFLA Leave runs concurrently with the use of any accrued personal and/or vacation days

### Notifying ECS of a Planned Leave

To notify ECS of the need for a child care leave, you should submit a letter to the ECS Board of Trustees stating the need for a child care leave and including the estimated timing and duration of such leave. This letter should be submitted, where feasible, at least 30 calendar days in advance of the need for child care leave.

Prior to the conclusion of your child care leave, you may request an additional unpaid leave of absence from the ECS Board of Trustees. A child care leave, including sick leave, FMLA/NJFLA leave and any additional unpaid leave, may not exceed one calendar year.

## **Health Benefits During a Child Care Leave**

If you are enrolled in the ECS approved health plan, you are entitled to have your health coverage continued at the expense of ECS while on FMLA/NJFLA leave and/or while utilizing accrued paid sick leave. You must pay any normally required premium payment or health benefits contribution to ECS. If you request, and are granted, an unpaid leave of absence following the expiration of your FMLA/NJFLA leave you may continue health coverage under the ECS approved health plan for 20 biweekly pay periods. During the 20 biweekly pay period time you must pay full cost of the coverage to ECS.

## **New Jersey Family Leave Insurance**

NJ Family Leave Insurance (NJFLI) applies to employment covered under the NJ Unemployment Compensation Law. NJFLI does not protect your employment or health benefits but may provide income during an unpaid NJFLA leave for up to ~~six (6)~~ **twelve (12)** weeks. NJFLI may provide up to ~~six (6)~~ **twelve (12)** weeks of NJFLI benefits in a twelve (12) month period. The amount of money received depends upon your average weekly wage and is determined by the State of New Jersey. For information concerning NJFLI, please visit the Department of Labor and Workforce Development's website at <http://www.nj.gov/labor/fli/fliindex.html>.

## **Example of a Child Care Leave**

For a pregnant employee -- Thirty (30) calendar days before the birth of the baby and thirty (30) calendar days following the birth of the baby are paid sick days with benefits (assuming the employee has enough sick days accrued).

For all employees -- After sixty (60) calendar days of paid sick leave (if applicable), the employee may have up to twelve (12) unpaid work weeks of FMLA/NJFLA. The employee is entitled to benefits and will be billed for the contributory portion of health benefits. During this time the employee may be eligible for ~~six~~ **twelve** weeks of NJFLI payments from the state. Following the FMLA/NJFLA leave period, the employee may request an additional unpaid childcare leave at the discretion of the ECS Board of Trustees.

## **Family Medical Leave Act (FMLA)**

Eligible employees may take up to 12 workweeks of unpaid, job protected leave under the Family and Medical Leave Act ("FMLA") in a 12-month period for specified family and medical reasons.

To be eligible for FMLA leave, you must have worked for Elysian Charter School for at least 12 months and worked at least 1250 hours during those 12 months. FMLA leave may be taken for any of the following reasons:

1. The birth of an employee's child and to care for the newborn child, **or after placement of the child with employee for adoption or foster care.**
2. The placement and care for a newly adopted or recently placed foster child;
3. To care for a spouse, child, or parent (but not parent-in-law) who has a serious health condition; or on; or

4. An employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of his or her job.

## Duration of Leave

Eligible employees may receive up to 12 workweeks of unpaid leave during a "rolling" 12-month period, measured backward from the date of any FMLA leave. FMLA leave for the birth or placement of a child for adoption or foster care must be completed within 12 months of the birth or placement.

## Use of Accrued Paid Leave

Any unused paid leave that is available at the time of the request for the FMLA leave will be applied concurrently and at the beginning of an employee's FMLA leave. Except for any paid leave that is applied, any employee is not entitled to any compensation during the FMLA leave.

## Intermittent Leave

Employees may request intermittent leave or reduced schedule leave to care for a family member with a serious health condition or if you have a serious health condition that warrants such a request.

An employee must make a reasonable effort to schedule intermittent or reduced scheduled leave to minimize disruption to work, consistent with the health care provider's treatment plan. When an employee utilizes intermittent or reduced schedule leave for planned medical treatment, Elysian Charter School may temporarily transfer the employee to an alternative position with equivalent pay and benefits, which will be less disruptive to the Elysian Charter School during the period that intermittent or reduced-schedule leave is utilized.

## ~~Pay During FMLA Leave~~

## New Jersey Temporary Disability Insurance ("TDI")

~~An employee may be eligible to receive New Jersey Temporary Disability Insurance (TDI) benefits during the time that the employee is out on medical leave for the employee's own serious health condition. TDI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with leave under the FMLA and/or NJFLA.~~

## New Jersey ~~Paid~~ Family Leave Act (NJFLA)

~~Under New Jersey's Paid Family Leave Act, New Jersey provides eligible employees with up to six (6) twelve (12) weeks of unpaid, job-protected leave in a defined twenty-four (24) month period for the following reasons: Family Leave Insurance benefits from either the New Jersey State Plan or an approved employer-provided private plan to:~~

- ~~the birth of a child and in order to care for such child;~~
- ~~the placement of a child with the employee for adoption or foster care;~~

c. in order to care for the family member of the employee who is suffering from a serious health condition; or

d. because of any qualifying exigency arising out of the fact that the employee's family member is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

To be eligible for NJFLA leave, an employee must have: (i) worked for the School for at least twelve (12) months; and (ii) worked at least 1,000 hours in the twelve (12) months immediately preceding commencement of the leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or FLA leaves.

~~Family Leave Insurance benefits from either the New Jersey State Plan or an approved employer-provided private plan to:~~

- ~~1. Bond with a child during the first twelve months after the child's birth, if the employee or the domestic partner or civil union partner of the employee is a biological parent of the child;~~
- ~~2. Bond with a child during the first twelve months after the placement of the child for adoption with the employee; or~~
- ~~3. Care for a child, spouse, domestic partner, civil union partner or parent with a serious health condition supported by a certification provided by a health care provider.~~

~~To be eligible for paid NJFLA leave benefits, an employee must have worked at least twenty (20) weeks in covered employment or earned at least one thousand (1,000) times the New Jersey minimum wage during the twelve (12) months preceding the leave.~~

This program is financed by employee contributions. Elysian Charter School deducts the contributions from employee wages. **As of July 1, 2020, FLI claimants are paid 85% of their average weekly wage.** ~~During paid leave, eligible employees may receive up to two-thirds of their average weekly wage, up to a weekly maximum of \$524. \$881.~~

~~NJFLA leave runs concurrently with leave under the FMLA and/or NJFLA~~

## Use of Paid Time Off

**During any period of FMLA leave for the employee's own serious health condition, the employee will be required to utilize any accrued paid sick leave, vacation, and/or personal leave. The use of paid leave shall run concurrently with the commencement of the FMLA leave. An employee may not apply for temporary disability insurance ("TDI") benefits unless and until all accrued paid leave has been exhausted.**

During any period of FMLA/NJFLA leave for any other reason, such as to care for a family member suffering from a serious health condition or bonding with a newly-born child, the employee will be required to utilize any accrued vacation and/or personal leave. The use of paid leave shall run concurrently with the commencement of the FMLA/NJFLA leave.

Notwithstanding the foregoing, if any employee applies for and is deemed eligible for New Jersey Family Leave Insurance (“FLI”) benefits, he/she **may, but will not be required to utilize any accrued vacation and/or personal leave** ~~is required to use up to two (2) weeks of accrued paid sick, vacation, and/or personal leave~~ prior to receiving FLI payments. ~~This paid leave shall reduce the employee’s maximum FLI benefit entitlement accordingly.~~ Determinations as to an employee’s eligibility for TDI/FLI benefits is within the sole discretion of the New Jersey Department of Labor and Workforce Development

Paid time off, seniority and other employment benefits will not accrue during any period of unpaid leave taken under FMLA and/or NJFLA. Employees will, of course, retain any benefits they had earned, including seniority, prior to the beginning of their leave.

**Use of paid personal or sick days and/or receipt of TDI, FLI or Workers’ Compensation benefits during FMLA leave will not extend an employee’s eligibility for FMLA leave beyond the maximum allotment of twelve (12) weeks in a 12-month period (measured on a rolling look-back basis. The time off will run concurrently.**

**During FMLA leave, including intermittent leave, no paid sick, personal or vacation time off will accrue.**

## **Workers’ Compensation**

**Employees who are injured or become ill on the job, may be eligible to receive Workers’ Compensation insurance benefits.**

~~Elysian Charter School provides workers’ compensation coverage for its employees.~~

**Employees who suffer from any work-related injury or illness must immediately report it to the School, regardless of how minor the injury/illness may be.** An employee may be eligible for payment of medical expenses incurred if he/she is injured on the job or develops a job-related illness. An employee may receive some salary compensation if he/she is unable to work due to a job-related injury or illness.

If you are injured on the job **regardless of how minor the injury/illness may be**, you **must** immediately notify the school nurse or Business Office about your work related injury so that a report be filed on your behalf. Together with the nurse ~~or Director~~ you ~~should~~ **will** call QualCare at 1-800-425-3222 to report the claim. A delay in reporting your claim might result in a loss of benefits. Every accident must be reported whether or not you need medical treatment or miss time from work.

**Employees may, but are not required to use any accrued School provide paid personal, sick or vacation time off during the period of time that they are not able to work due to their medical condition and during which they are waiting for a determination as to their eligibility for Workers’ Compensation benefits from the carrier. The employee will otherwise not be compensated by the School during the time that they are out of work as a result of the medical condition.**

**The time off during which an employee is eligible for Workers’ Compensation benefits will run concurrently with other applicable leaves of absence such as an employee’s FMLA leave, if applicable and/or available and if the condition qualifies for FMLA Leave, all FMLA requirements will apply during the FMLA leave.**

## **COVID-19 ADDENDUM**

### **Emergency Paid Sick Leave Act**

In response to the COVID-19 pandemic, the federal government passed the Emergency Paid Sick Leave Act, which provides emergency paid sick leave benefits to eligible employees. Eligible employees include employees at companies with fewer than 500 employees.

An employee is eligible for paid sick time to the extent that the employee is unable to work (or telework) because:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- (2) The employee has been advised by a health care provider to self-quarantine due to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

An employee is eligible for up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 above, up to \$511 daily and \$5,110 total; or
- 2/3 for qualifying reasons #4-6 above, up to \$200 daily and \$2,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Eligibility for such emergency paid sick leave shall end on December 31, 2020, unless extended by law.

### **Expanded FMLA**

In response to the COVID-19 pandemic, the federal government passed the Emergency Family and Medical

Leave Expansion Act (“EFMLEA”), which amends the FMLA in response to widespread and potentially prolonged school closures.

An employee at a company with fewer than 500 employees may be eligible for such leave if the employee has been employed for at least thirty (30) calendar days by the employer with respect to whom leave is requested.

Eligible employees are entitled to twelve (12) weeks of job-protected leave if the employee cannot work (or telework) due to a need to care for their minor child(ren) whose school or place of care is closed due to COVID-19 or whose child care provider is unavailable due to COVID-19.

The first two (2) weeks or ten (10) work days for which the employee takes leave are unpaid. An employee may elect, but is not required, to substitute EPSLA leave or any accrued leave for the two-week period of unpaid leave.

Following the initial first two (2) weeks, paid leave shall be provided for each subsequent day of leave for up to ten (10) weeks, which is to be calculated as:

- An amount not less than two-thirds of an employee’s regular rate of pay (not to exceed \$200 per work day and \$10,000 in aggregate); and
- The number of hours the employee would otherwise normally be scheduled to work (or, for varying schedule, the average/expected number of hours the employee would have worked).

On return from leave due to COVID-19, as described, an employee is entitled to be restored to:

- The position of employment held when the leave commenced; or
- An equivalent position with equivalent benefits, pay and terms.

The restoration requirements do not apply to employers who employ fewer than 25 employees if:

- The position held by the employee when the leave commenced no longer exists due to economic conditions or changes in operating conditions of the employer: (i) that affect employment AND (ii) are caused by the public health emergency.
- The employer makes reasonable efforts to restore the employee to an equivalent position.
- The employer makes reasonable efforts to contact the employee if an equivalent position becomes available.

Eligibility for such expanded FMLA leave shall end on December 31, 2020, unless extended by law.