



Board of County Commissioners Agenda Request



Requested Meeting Date: 1/05/2021

Title of Item: Personnel Committee Recommendations

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
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Submitted by: Bobbie Danielson	Department: HR
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Presenter (Name and Title): Bobbie Danielson, HR Director	Estimated Time Needed: 10 minutes
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Summary of Issue:

The Personnel Committee unanimously recommends:

1. Update the Interim COVID-19 policy, as attached. This includes 80 hours County emergency paid sick leave for employees who qualify due to Covid matters from 1/1/2021 - 3/31/2021.
2. Authorize a temporary hire (part-time/temp employee) to administer the State COVID relief package that passed on 12/14/2020. The economic development committee is meeting on this agenda deadline date, so more information will be available at the 1/5/2021 board meeting. The cost will not exceed \$7k which is the amount we will receive in administrative fee dollars from the state for this purpose.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Motion to approve the Interim COVID-19 policy as presented.
 Motion to authorize hiring a temporary part-time employee to administer the State COVID relief package.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No

Please Explain:

Noted above.

County Board adopted 4/28/2020, last revised 6/25/2020, 1/5/2021



**Interim Policy:
COVID-19 Program for Employees**

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Appendix A EMERGENCY RESPONDER AND HEALTHCARE PROVIDER LIST 11¶
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RESPONDER/WORKERS AND HEALTHCARE PROVIDER¶

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**Aitkin County
Interim Policy: COVID-19 Program for Employees**

Article I. PURPOSE:

Section 1. Aitkin County believes in the importance of a healthy workplace and wellness and wants to work together with employees to ensure essential functions are operational, services can be provided, and employees are supported. In order to assist employees with health concerns and issues related to the current public health environment, this COVID-19 Policy will be in place until abolished by the County Administrator.

We recognize that the evolving nature of the pandemic will likely create the need for this policy to be amended, updated, and replaced. This policy is dated in order to identify the most current policy.

Section 2. Paid Leave under the Federal Families First Coronavirus Response Act (FFCRA) ended on December 31, 2020. Aitkin County is extending emergency paid sick leave (EPSL) to employees who are unable to work (or telework) due to a need for leave because of the Covid-related matters listed below.

These provisions go into effect January 1, 2021.

(A) Aitkin County Emergency Paid Sick Leave (EPSL):

Emergency Paid Sick Leave (EPSL) is available for employees who are unable to work (or telework) due to a need for leave 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 concerns related to COVID-19.
- 3) The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- 4) The County will also provide up to two weeks of paid sick leave at partial pay, (2/3 rate), up to a specified cap, when an employee is unable to work because of a need to care for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- 5) The County will also provide up to two weeks of paid sick leave at partial pay, up to a specified cap, when an employee needs to care for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 related reasons.

Documentation from the clinic or healthcare provider, supporting the request, including the employee's name and date, is required in order to qualify for emergency paid sick leave (EPSL).

Deleted: Aitkin County is charged with implementing the requirements of the Families First Coronavirus Response Act, which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The following are a general summary of each of the Acts.

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Emergency Paid Sick Leave

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Full-time employees may not exceed 80 hours of emergency paid sick leave April 1, 2020 – March 31, 2021 (FFCRA and County EPSL, combined), pro-rated for part-time employees.

Aitkin County emergency paid sick leave (EPSL) will sunset on March 31, 2021.

Full-time employees will be paid for up to 80 hours of work. Part-time employees who have a normal weekly schedule are entitled up to the number of hours of Paid Sick Leave equal to the number of hours that the employee is normally scheduled to work over two workweeks. Part-time employees who lack a normal weekly schedule will be paid up to the number of hours they worked on their last pay period.

Paid emergency sick leave is paid at 100% for an employee's own isolation, diagnosis, or treatment and at 2/3 pay for any other qualifying reason. An employee may choose to supplement their paycheck with available paid leave hours.

Emergency Paid Sick Leave (EPSL) will be utilized prior to other leaves that may be available.

Aitkin County's emergency paid sick leave (EPSL) will run concurrent with FMLA.

Article II. UTILIZATION OF PAID LEAVE DURING A PUBLIC HEALTH EMERGENCY
Board adopted 3/18/2020. County Administrator Jessica Seibert declared this policy to be active on March 18, 2020.

Section 1. Policy

Conditions may occur where a disease, such as influenza, respiratory illness or other contagious disease, has been declared by the World Health Organization (WHO), Centers for Disease Control (CDC), or Minnesota Department of Health (MDH) to be a public health emergency, indicating widespread human infection. When one or more of the above declarations have been enacted, the County Administrator shall have discretion to declare this policy as active.

If the County Administrator declares this policy to be active, exceptions to the collectively bargained paid leave benefits and related county policies would be permitted to the benefit of employees, as follows:

- A. Full-time employees who have exhausted all paid leave will be allowed to go into the negative of up to 15 days of paid leave (up to a maximum of 120 hours, unless a greater amount is approved at the discretion of the County Administrator) for absence from work due to an infection of the public health emergency or to care for an immediate family member due to an infection of the public health emergency. Pro-rated for part-time employees, see attached form. Refer to the policy manual or applicable contract for definition of immediate family member under the sick leave provision.
- B. Full-time employees may use any available paid leave (and go into the negative up to 120 hours), in the event where a child's school or place of daycare has been closed due to public health

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¶ (B) **Expanded Family and Medical Leave Act:** ¶
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The Expanded Family and Medical Leave Act is available for employees who are unable to work (or telework) to take care of children due to school or childcare closings. Prior to approval of this leave, every effort will be made to allow the employee to work from home. The Bill expanded application of the Family and Medical Leave Act to cover employees who have been employed for the previous 30 days. This expansion of FMLA allows up to 12 weeks of paid time off for an employee caring for a son or daughter if the school or place of care of the son or daughter has been closed. In the event that the employee takes time off for a school closing, the first 10 days is unpaid, but the employee may elect to use Emergency Paid Sick Leave (2/3 pay), as stated above, or with available paid leave hours. The remaining leave must be paid at 2/3 of the employee's hourly salary up to \$200 per day and \$10,000 in the aggregate.¶
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An employee may choose to supplement their paycheck with available paid leave hours.¶
Please note that these benefits and requirements as outlined in federal law are intended to be limited in time. They are intended to expire at the end of the year, December 31, 2020. Pursuant to federal law, these bene...

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emergency and their presence is required to provide care for the family member. Pro-rated for part-time employees, see attached form.

- C. Up to a maximum of 120 hours negative balance may be arrived at in combination between reasons (A) and (B) above, but shall not exceed 120 hours when combined for a full-time employee. Pro-rated for part-time employees.

All other provisions of the collective bargaining agreements remain intact, including but not limited to those pertaining to paid leave benefits.

Section 2. Scope

This policy applies to all County employees and is only in effect upon declaration by the County Administrator and it will remain in effect until the County Administrator declares it to be inactive. In making the decisions to invoke and end this policy, the County Administrator will consult with the Directors of Public Health & Human Services and Human Resources.

Section 3. Responsibilities

Employees will receive a copy of this policy at the time that a declaration is made by the County Administrator that the policy is being activated. Supervisors will be asked to discuss the policy with their employees.

Section 4. Background

Among prevention strategies associated with influenza and respiratory illnesses, some of the best ways to prevent infection is to avoid being exposed to the virus that causes it. The Minnesota Department of Health strongly encourages people to stay home if they are feeling sick, especially if they are experiencing influenza-like or respiratory symptoms associated with widespread transmission.

Unique circumstances may exist during a declared public health emergency that our collectively bargained agreements and policies do not provide adequate guidance. An example of this may be an immediate family member's school or care provider being closed due to a declared public health emergency.

Section 5. Procedures

An employee can go into the negative up to 15 days (120 hours) of paid leave who meet the criteria below. The actual number of paid leave hours will be based on the employee's usual work schedule exclusive of overtime and may not exceed 120 hours, unless a higher level is approved by the County Administrator.

- A. County Administrator has declared activation of this policy consistent with a public health emergency declaration by the World Health Organization, Centers for Disease Control or by the Minnesota Department of Health; and
- B. Employee has an immediate family member affected as a result when a school or place of care has been closed due to public health emergency and their presence is required to provide care for the family member; or

County Board adopted 4/28/2020, last revised 6/25/2020, 1/5/2021

- C. Employee is experiencing symptoms consistent with the public health emergency, or is caring for an immediate family member experiencing these symptoms; and
- D. Employee is within the time period the County Administrator has declared this policy to be active; and
- E. Employee has exhausted all of his/her accumulated sick leave, vacation leave, personal leave, PTO, and compensatory time; and
- F. Employee has not already received the maximum balance allowed under this policy; and
- G. Employee has requested the paid leave hours to go into the negative in writing using the attached form.

The negative hours will automatically be taken from the employee's future accruals. This shall be accomplished by employees receiving half their paid leave accrual for available use while the other half is applied towards the advanced paid leave hours. Once the negative hours are paid back, all leave accruals will again be credited to the employee's balance at their full accrual rate. In the event the employee separates from Aitkin County before the negative hours have been repaid, the county will deduct the value of the remaining hours (number of hours owed times the employee's hourly rate of pay at separation) from the employee's last pay check.

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Aitkin County
Request for Negative Sick Leave (or PTO) during a declared Public Health Emergency

Name (print): _____ Department: _____

I am requesting negative sick leave (or PTO) accrual because:

- I am experiencing symptoms consistent with the declared public health emergency, or am needed to care for an immediate family member experiencing these symptoms; or my child's school or daycare has been closed and I am needed to provide care; *and*,
- I am within the period the County Administrator has declared this policy to be active; *and*
- I have exhausted all of my accumulated sick leave, vacation leave, personal leave, PTO, extended sick leave, and compensatory time; *and*
- I have not already received the maximum allowed of 120 hours (or pro-rated hours, if a part-time employee) based on my regular work schedule.

The number of negative sick leave hours I am requesting is:

Select one:

- A maximum of 120 hours. I normally work full-time, 40 hours per week on average, excluding overtime, or 80 hours per pay period.
- A maximum of _____ pro-rated hours based on Policy / Union Contract. I normally work part-time. E.g. A maximum of 87 hours for an employee who works 29 hours per week on average, or a maximum of 60 hours for an employee who works 20 hours per week on average.
- Other, specify: A maximum of _____ hours (not to exceed 120 hours for full-time employees, or pro-rated for part-time employees).

I agree that the actual number of hours within the maximum specified above will be limited to the actual number of hours needed for this purpose and that they may not be accumulated, transferred, or used for any other purpose.

I agree that negative hours will automatically be taken from my paid leave (vacation/sick or PTO) accruals. This shall be accomplished by having half of my paid leave accruals available for use while the other half is applied towards the advanced paid leave hours. Once the negative hours are paid back, all leave accruals will again be credited to my balance at the full accrual rate.

I agree that if I separate from Aitkin County employment before the negative hours are fully paid back, Payroll will deduct the value of those hours (number of hours owed times my hourly rate of pay at separation) from my last pay check(s). I agree to immediately pay any additional amount owed that is not covered by the final payroll withholding to Aitkin County.

Employee's Signature: _____ Date: _____

Supervisor: _____ Approved Denied, reason _____

Department Head: _____ Approved Denied, reason _____

Internal Use Only: HR/Payroll Comments:

[Full Paid leave accruals: _____ Vac, _____ Sick, _____ PTO]

[Half applied towards pay back: _____ Vac, _____ Sick, _____ PTO]

Article III. SCHEDULE CHANGES AND WORKING REMOTELY FROM HOME

Section 1.

Department Heads will make arrangements to ensure critical/essential functions will continue. Telecommuting and working from home is not appropriate for all positions, and no employee is guaranteed the opportunity to work from home. Based on business need, staff will be given assignments and may be required to have Virtual Private Network (VPN) access in order to work from home or another remote location when assigned by their supervisor. This may include staff who are subject to quarantine. Staff may be reassigned to perform other duties remotely as needed. Schedules, approved leave, and other situations may require changes or adjustments based on essential business needs.

Any work done remotely must meet business needs, follow the Aitkin County Personnel Policies, Remote Access Agreement, and any applicable departmental policies, and be approved in advance by the Supervisor, Department Head, and/or designee. (Remote Access requires approval of IT and the County Administrator.)

Article IV. SENDING EMPLOYEES HOME WHO APPEAR TO BE SICK

Board adopted 3/18/2020. Revised below.

Section 1

- A. To minimize the spread of the COVID-19 virus, supervisors may send employees home who exhibit COVID-19 symptoms at work, after consultation between the employee, supervisor or department head, HR Director, and a health care professional. To be eligible for Aitkin County emergency paid sick leave (EPSL), a health care professional must be consulted. If the employee does not wish to contact a healthcare provider, they may consult with an Aitkin County Public Health Nurse who will conduct a screening of symptoms prior to making a final determination. When the public health nurse screening is utilized, the employee is not eligible for paid emergency sick leave, but may utilize their accrued time as stated below. See also Appendix B.
- B. Aitkin County Public Health Nurses or healthcare providers who conduct the screening will state to the employer whether their assessment indicates the employee can remain at work or should go home.
- C. Remote work may be available to employees who are sent home, but are still well enough to work, or the employee may use paid leave until authorized by an Aitkin County Public Health Nurse or healthcare provider to return to work. For the purposes of this section (c), paid leave is defined as comp time, PTO, vacation, sick leave, or personal leave. Return to work will be dependent on duration and severity of the employee's symptoms, and could be 7 calendar days or more. This return-to-work determination will be made in consultation with the employee, supervisor or department head, HR Director and/or a health care provider (or public health nurse as noted in Section 1A above). Household members who work for Aitkin County may also be required to isolate for 14 calendar days (includes incubation period).

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Article V. POST-TRAVEL MONITORING as revised by Administrator Seibert 6/25/2020:

Board adopted 3/18/2020, revised 4/28/2020, revised. This revised policy will be in effect until declared inactive by the County Administrator.

Section 1

- A. Employees who travel out-of-state are required to notify their department head to determine if they will be required to remain at home for 14 calendar days after return, for post-travel monitoring. Department heads will take into consideration the location of travel and precautions being taken to minimize exposure to COVID-19. Refer to the COVID Preparedness Plan, page 3, for practices asymptomatic employees should follow prior to and during their work shift (pre-screen, regular monitoring, wear a mask, social distance, disinfect and clean work spaces).
- B. When quarantined, every effort will be made to allow for remote work. If remote work is not an option, the employee shall utilize paid leave balances. For the purposes of this section (b), paid leave is defined as comp time, PTO, vacation, or personal leave. Utilization of sick leave is not authorized under this section (b), unless or until the sick leave utilization criteria contained in policy or collective bargaining agreement language is met.

~~Deleted: POST-TRAVEL MONITORING~~
~~Board adopted 3-18-2020. This revised policy will be in effect until declared inactive by the County Administrator.~~

~~Section 1~~
~~Non-essential out-of-state travel is not recommended. Employees who travel out-of-state by airline will be required to remain at home for 14 calendar days after return, for post-travel monitoring. Every effort will be made to allow for remote work. If remote work is not an option, the employee shall utilize paid leave balances. For the purposes of this section (b), paid leave is defined as comp time, PTO, vacation, or personal leave. Utilization of sick leave is not authorized under this section (b), unless or until the sick leave utilization criteria contained in policy or collective bargaining agreement language is met.~~

~~Department heads may make exceptions to this post-travel monitoring policy in instances where employees need to drive out-of-state and they will be in limited contact with others.~~

~~Article V.~~

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Article VI. NOTIFYING OTHER EMPLOYEES OF A CONFIRMED CASE OF COVID-19

Section 1

Department heads and immediate supervisors are required to notify the HR Director when employees are experiencing Covid-19 related matters.

Employees who test positive for COVID-19 are required to immediately (within 2 hours of results notice) notify their immediate supervisor and report their close contacts to the Aitkin County HR Director via 24-hour phone, voicemail, or text at _____. As recommended by the CDC, if an employee is confirmed to have COVID-19, Aitkin County will inform close contacts, including fellow employees, of their possible exposure to COVID-19 in the workplace, but protect privacy as required by state and federal law. Aitkin County will not identify by name an individual who has contracted the disease. Employees exposed to co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure. Aitkin County will work closely with healthcare providers and rely on guidance from federal and local authorities about transmission risk and containment.

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Article VII. WORKERS COMPENSATION

Section 1

COVID-19 will be treated the same as other illness or injury. If an employee contracts COVID-19 from exposure at work, the supervisor must be notified and a First Report of Injury will be filed and submitted. The insurer will review the information to make a compensability determination.

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Effective January 1, 2021, First Reports of Injury will automatically be submitted on the MCIT portal for Covid-positive employees covered by the temporary COVID-19 Presumption under the Minnesota Workers' Compensation Act. County employees covered by the presumption include licensed peace officer, nurse, corrections officer and jail sergeant working in the secure detention facility. This submittal is not a guarantee of coverage; MCIT makes coverage determinations on a case-by-case basis. For non-presumption employees who contract COVID-19, a First Report of Injury will not be submitted to MCIT unless the employer knows the employee contracted it from employment or the employee alleges they contracted it from work.

BY: Aitkin County COVID-19 Unified Command Center

Board Chair _____ Date _____
Aitkin County Board of Commissioners

Jessica Seibert _____ Date _____
Aitkin County Administrator

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 **Interim Policy COVID-19 Program for Employees bo**

William Pratt,

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Appendix A

EMERGENCY RESPONDER AND HEALTHCARE PROVIDER LIST

Emergency responders and healthcare providers are critical to the State's response to COVID-19. The MN Governor's Executive Order 20-02 and US Department of Labor issued guidance on the definition these, see Appendix C.

List of emergency responders and healthcare providers exempt from the Expanded Family and Medical Leave Act under this policy include:

Aitkin County has opted not to exempt any job classifications from the FFCRA paid emergency sick leave provision

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Appendix B

FFCRA AND ORDER 20-02 DEFINITION OF EMERGENCY RESPONDER AND HEALTHCARE PROVIDER

FFCRA definition of emergency responder and healthcare provider [as of 4/8/2020].