

Board of Perry County Commissioners

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April 1, 2020

The Perry County Commissioners met in a regular session on April 1, 2020 and passed the following resolution.

(20-0401-13)

Moved by Mr. O'Brien.

The Perry County Commissioners approve a Temporary Emergency Paid Sick Leave Policy effective April 1, 2020 until December 31, 2020.

Seconded by Mr. Owen.

With no further discussion, roll call vote taken:

Jim O'Brien	: Yes
Scott Owen	: Yes
Ben Carpenter	: Yes

The undersigned Clerk of the Board of Commissioners of Perry County, Ohio, certifies that the foregoing is a true and correct copy of the agreement that the Perry County Board of Commissioners adopted on April 1, 2020 and appearing upon the official records of the Board.



Carol Middaugh, CLERK
Commissioners Office, Perry County, Ohio

This Institution is an equal opportunity provider and employer

I. TEMPORARY EMERGENCY PAID SICK LEAVE POLICY

All eligible employees shall be entitled to emergency paid sick leave in compliance with the 2020 Families First Coronavirus Response Act as follows:

A. Use of Leave.

All full-time and part-time employees may use emergency paid sick leave if they are unable to work (or telework) before using other accrued paid leave for the following reasons:

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 professional to self-quarantine because of COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee has a bona fide need to care for an individual who has been ordered or advised to quarantine or isolate;
5. To care for a child under 18 years old due the unavailability of school or childcare for COVID-19 reasons; or
6. For similar conditions as determined by the Secretary of Health and Human Services.

B. Length of Leave and Compensation.

1. Employees taking leave for reasons 1-3 as set forth above are entitled to two weeks of emergency sick leave at full pay. Part-time employees are entitled to the equivalent of the hours they work on average in a two-week period. This sick leave will not be deducted from an employee's accrued sick leave balance.
2. Employees taking leave for reasons 4-6 as set forth above will receive two-thirds of their regular rate of pay or two-thirds of minimum wage, whichever is greater. Part-time employees are entitled to the equivalent of hours they work on average in a two-week period. For part-time employees who do not work a regular schedule, the two week equivalent will be based on an average number of hours worked in the previous six months.
3. Full-time employees are entitled to eighty (80) hours of pay at their regular rate (up to \$511 per day and \$5,110 in total) for leave taken for reasons 1, 2, and 3 as described above and two-thirds of their regular rate of pay if emergency sick leave is used for reasons 4, 5, and 6 as described above (up to \$200 per day and \$2,000 in total).

4. Employees who exhaust their two weeks of leave under this policy for reasons 1-3 as set forth in section A and are unable to return to work due to that reason may apply for Family Medical Leave pursuant to the County's Family Medical Leave Act provided the employee is otherwise eligible.
5. Employees taking emergency sick leave for reason number 5 in Section A and are unable to return to work after this period due to the unavailability of school or childcare for COVID-19 reasons may apply for FMLA leave provided by the FFCRA as set forth in County policy.
6. Employees are entitled to a total of two weeks of emergency sick leave under this policy regardless of the reason(s) for the leave.

C. Employee Notification.

When an employee is unable to report to work due to illness or other acceptable sick leave reason under the FFCRA, they shall notify their supervisor as instructed by the Appointing Authority or Agency Head. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absences where the employee has been granted a set period of leave.

Employees taking leave under this policy are expected to engage in conduct consistent with their need for such leave. If circumstances change, employees must notify their supervisor of the new facts so a determination can be made concerning the appropriate leave, if any, that is available to the employee.

D. Exemptions.

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this policy pursuant to the FFCRA. Each appointing authority shall designate those health care providers or emergency responders who are exempt from this policy.

E. Medical Information.

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the [Designee Position Title, Phone Number].

F. Retaliation.

An employee will not be retaliated against for exercising her right to emergency sick leave in accordance with this policy.

G. Expiration.

This policy is temporary and is in effect from April 1, 2020 until December 31, 2020. Emergency paid sick leave accrued under this policy may not be carried over past December 31, 2020. Any unused emergency sick leave will not be paid out under any circumstances.

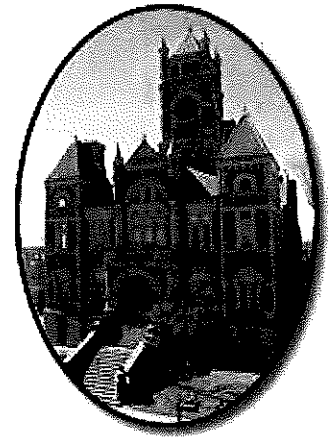
Additional Information: The Department of Labor's website maintains a continually updated listing of Frequently Asked Questions and other relevant information for employers regarding the Temporary Emergency Paid Sick Leave and Families First Coronavirus Response Act ("FFCRA"). The web address for the Department of Labor's "Coronavirus Resources" is:

<https://www.dol.gov/coronavirus>

All members are encouraged to make use of available legal and consulting resources to the extent that specific issues and questions arise in your County.

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April 1, 2020

The Perry County Commissioners met in a regular session on April 1, 2020 and passed the following resolution.

(20-0401-14)

Moved by Mr. Owen.

The Perry County Commissioners approve a Temporary Family Medical Leave Act (FFCRA) Policy effective April 1, 2020 through December 31, 2020.

Seconded by Mr. O'Brien.

With no further discussion, roll call vote taken:

Scott Owen : Yes
Ben Carpenter : Yes
Jim O'Brien : Yes

The undersigned Clerk of the Board of Commissioners of Perry County, Ohio, certifies that the foregoing is a true and correct copy of the agreement that the Perry County Board of Commissioners adopted on April 1, 2020 and appearing upon the official records of the Board.



Carol Middaugh, CLERK
Commissioners Office, Perry County, Ohio

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I. TEMPORARY FAMILY MEDICAL LEAVE ACT (FFCRA) POLICY

A. Statement of Policy.

Under the Families First Coronavirus Response Act (FFCRA), eligible employees may request up to twelve (12) weeks of emergency family and/or medical leave for qualifying reasons related to COVID-19 with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy. This policy is temporary and is in effect between April 1, 2020 and December 31, 2020.

The expanded FMLA leave provided by this policy is not in addition to FMLA leave available for other FMLA qualifying conditions, such as an employee's serious health condition, a serious health condition of an employee's immediate family member (spouse, child or parent), upon the birth, adoption or foster placement of a child or for certain military leave related reasons. The 12-month period applicable for traditional FMLA leave is applicable to the leave requested by employees under this policy.

B. Definitions.

As used in this policy, the following terms and phrases shall be defined as follows:

1. "Qualifying need related to a COVID-19": employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed or the child care provider of such son or daughter is unavailable due to COVID-19.

C. Eligibility.

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the County for at least thirty (30) days.
2. Otherwise be entitled to FMLA leave during the 12 month period defined by the County's FMLA policy.
3. Spouses who are both employed by the County are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for childcare purposes. Employees who are both employed by the County may not take leave under this policy at the same time.
4. An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this policy pursuant to the FFCRA. Each appointing authority is responsible for designating health care workers and emergency responders who are exempt from this policy.

D. Use of Leave.

Leave under this policy is limited to circumstances where an employee is unable to work (including telework) due to the need to care for the employee's minor child because the child's school or place of childcare has been closed or the child care provider of the child is unavailable due to COVID-19.

Employees taking leave under this policy must be present with the minor children during regular work hours and otherwise act in a manner consistent with the need for such leave.

E. Procedures for Requesting Emergency Sick Leave

Requests for FMLA leave must be submitted in writing as soon as practicable prior to the commencement of the leave. The employee must follow the regular reporting procedures for each absence.

F. Compensation.

Employees eligible for expanded FMLA pursuant to the FFCRA in order to care for the employee's minor child as outlined in Paragraph D above shall be eligible for up to twelve (12) weeks of paid emergency sick leave and expanded family and medical leave paid at two-thirds the employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work (with a maximum payment of \$200 per day and \$12,000 total).

G. Intermittent/Reduced Schedule Leave.

An employee may take FMLA leave on an intermittent or reduced work schedule basis for a qualifying need related to a COVID-19 with the employer's approval. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing as soon as practicable.

H. Reinstatement.

Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

I. Retaliation.

Employee will not be retaliated against for exercising their rights to leave in accordance with this policy.

J. Expiration.

This policy is temporary and will be effective April 1, 2020 and expire on December 31, 2020.

Additional Information: The Department of Labor's website maintains a continually updated listing of Frequently Asked Questions and other relevant information for employers regarding the Temporary Emergency Paid Sick Leave and Families First Coronavirus Response Act ("FFCRA"). The web address for the Department of Labor's "Coronavirus Resources" is:

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All members are encouraged to make use of available legal and consulting resources to the extent that specific issues and questions arise in your County.