

WORKING MEETING

March 24, 2020

Convened: 1:00 pm

Roll Call was requested by Chairman Gordon

Present: Commissioner Gordon, Commissioner Matthew, Commissioner Norris, Commissioner Kolcz and Commissioner Hazelbaker all via remote video access

Also Present: Wendy Gensch, Juvenile Court; Sheriff Pollack; Undersheriff Eichler; Joe Best, Airport Manager (via video access). County Clerk Kubasiak and Administrator Norman (Commissioners Boardroom)

The Agenda was approved.

PERSONNEL, PLANS & POLICY (Commissioner Norris)

Request for Personnel – Juvenile Court

Wendy Gensch, Juvenile Court Administrator/Referee submitted a request to fill a Youth Specialist position that was vacated on March 20, 2020. This position is a full-time SEIU-Probate Court union level 8 position, with a starting wage of \$15.68 per hour and new hire benefits. A Youth Specialist works exclusively with the Branch County Day Treatment Program. Gensch noted that it critical to have two specialists at the day treatment program, at all times. The Committee Recommends:

Motion by _____ seconded by _____ that approval is given to hire a full-time Youth Specialist at the SEIU union level 8 rate of \$15.68 per hour, with new hire benefits, effective immediately.

Request for Personnel – Sheriff Department

The Sheriff submitted a request to fill a part-time Security Officer position. This position is a non-union position, with a wage of \$15.00 per hour, with no benefits. The Committee Recommends:

Motion by _____ seconded by _____ that approval is given to hire a part-time Security Officer at the non-union rate of \$15.00, effective immediately.

County Policies - #30 - #34

The Administrator submitted several policies for review and approval. With the COVID-19 Pandemic it was necessary to implement several interim policies regarding conducting meetings, business procedures, employee travel, etc. Policies #30 - #34 are shown below:

**BRANCH COUNTY EMPLOYEE EMERGENCY
PANDEMIC COVID-19 (CORONAVIRUS)
INTERIM LEAVE POLICY**

Policy Subject: Emergency Pandemic COVID-19 Interim Leave Policy	
Policy Number: 30	Page: 1 of 4
Authorized by: Board of Commissioners	
Approved:	Effective: March 20, 2020
Revised:	Effective:
Revised:	Effective:

PURPOSE:

The purpose of this Policy is to define the emergency leave provided to the employees of Branch County during the Pandemic outbreak of COVID-19, Coronavirus.

APPLICATION:

This policy applies to all Branch County regular full-time and part-time employees with the exception of Elected Officials.

RESPONSIBILITY:

The Branch County Administrator will have the responsibility for implementing and administering and overseeing the Policy.

PROCEDURE:

1. The County will provide leave pay for all regular full-time and part-time employees at their current rate of pay if an employee is asked not to come to work or sent home from work because they are symptomatic, meet screening criteria, or they are diagnosed with COVID-19 or any of the listed items below. This coverage will also include caring for a member of their immediate family in their household who is diagnosed with COVID-19.

Emergency Family and Medical Leave Expansion Act

The Emergency Family and Medical Leave Expansion Act (“EFMLA”) amends the Family Medical Leave Act of 1993 to address qualifying needs related to the public health emergency created by COVID-19. Under the EFMLA, eligible employees will now be able to take up to 12 weeks of partially paid leave if they are unable to work or telework because they must care for their child(ren) under the age of 18. This applies if: 1) the employee’s child’s school or childcare facility is closed, or 2) the child’s care provider is unavailable due to COVID-19.

Unlike the FMLA, to be eligible for EFMLA, an employee needs only to have been employed for “at least thirty calendar days by the employer with respect to whom leave is requested.” The EFMLA applies to all public sector employers regardless of size of workforce unlike the FMLA. The Department of Labor has authority to issue regulations exempting all healthcare providers and emergency responders from the law. Moreover, public and private employers have the authority to elect to exclude healthcare providers and emergency responders from this mandate.

Although the first 10 days of EFMLA leave are unpaid, for most public employees pay will be mandated by the requirements of the Emergency Paid Sick Leave Act or employees may be eligible to use employer paid accrued leave to cover this 10 day period. Beginning on the 11th day, employers are responsible for providing paid leave at two-thirds of the employee’s regular rate of pay for the balance of the

employee's 12-week leave. Employers are not required to pay more than \$200.00 per day in wages or to exceed \$10,000.00 total to each employee. Like EMLA, employers must restore an employee's employment to the same or equivalent position upon their return to work.

We are awaiting further guidance for the Department of Labor regarding two issues of particular importance to public bodies. First, it is unclear how narrowly or broadly the Department of Labor will define "emergency responders" who may be excluded. Specifically, we do not know if it is the intent of the Act to include police, fire and ambulance workers, or other positions critical to the provision of essential services such as 9-1-1 dispatch or corrections employees. Given the circumstances, public employers would be prudent to weigh excluding such employees from the EFMLA leave provisions. Second, the Act does not specify whether the 12 weeks under the EFMLA count against an employee's statutory 12-week FMLA entitlement, or if it is an additional period. We will update you of any regulatory developments in these areas.

Based on the guidance above, the County is excluding essential services staff.

The EFMLA goes into effect April 2, 2020 and will remain in effect until December 31, 2020.

Emergency Paid Sick Leave Act

The Emergency Paid Sick Leave Act ("EFSLA") applies to all public employers. Employees are eligible for the benefits regardless of their length of employment. Full-time employees are eligible for up to 80 hours of paid emergency sick leave; and, for part-time employees, the paid emergency sick leave hours are the number of hours the employee works, on average, over a 2-week period. Under EFSLA, employees are entitled to receive paid sick leave if the employee is unable to work or telework due to any of the following reasons:

1. The employee is subject to a Federal, State, or local quarantine or isolation order.
2. The employee has been advised by their healthcare provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is actively seeking a medical diagnosis.
4. The employee is caring for an individual who (a) is subject to a Federal, State, or local quarantine or isolation order, or (b) has been advised by their healthcare provider to self-quarantine.
5. The employee is caring for their child (a) whose school or place of care has been closed, or (b) whose care provider is unavailable due to COVID-19.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services in consultation with the Secretary of the Treasurer and the Secretary of Labor.

Employees taking leave for reasons 1 through 3 above are entitled to paid leave at the lesser of their regular rate of pay or \$511.00 per day, not to exceed \$5,100.00 per employee. Employees taking leave for reasons 4 through 6 above are only entitled to the lesser of two-thirds of their normal rate of pay or \$200.00 per day, not to exceed \$2,000.00 per employee. Employers may pay benefits in excess of the limits, but any paid leave provided by an employer before the Act is effective (April 2, 2020) cannot be

credited against the employee’s paid leave entitlement under this Act. Employees have the right to choose to use paid emergency sick leave before using other employer paid time off benefits, including, but not limited to, PTO, Vacation, sick days, and compensatory time. Additionally, an employer may not require any employee to use banked paid time prior to the use of Paid Sick Leave Act leave. There is no carryover of unused EPSLA hours into subsequent years or payout upon termination of employment.

Under the EFMLA, employers may exempt healthcare providers or emergency responders.

The EPSLA goes into effect April 2, 2020 and will remain in effect until December 31, 2020.

Employers will be required to post a notice regarding employee rights under these laws. A model notice will be made available by the Federal Government to employers for this purpose.

- (a) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
 - (b) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (c) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - (d) The employee is caring for an individual who is subject to an order as described in reason for use (1) or has been advised as described in reason for use (2) (as described above).
 - (e) 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.
 - (f) 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.
2. Full-time employees will receive their full base wages for up to 21 scheduled work days. Part-time employees will receive up to 21 sick days at their base pay at their Board approved budgeted FTE.
 3. Employees must contact Administration and/or Payroll as soon as possible after they come down with COVID-19 symptoms or have been diagnosed with COVID-19 to receive the leave benefits.
 4. If a full-time employee exhausts their 21 day leave allotment, they may apply for short term disability and the Family Medical Leave Act (FMLA). Part-time employees after exhausting the 21-day allotment may use annual leave bank hours and apply for FMLA.

**BRANCH COUNTY INTERIM MEETINGS POLICY
DURING PANDEMIC COVID-19 (CORONAVIRUS)**

Policy Subject: Branch County Interim Meetings Policy During Pandemic COVID-19	
Policy Number: 31	Page: 1 of 1
Authorized by: Board of Commissioners	
Approved:	Effective: March 20, 2020
Revised:	Effective:
Revised:	Effective:

PURPOSE:

The purpose of this Policy is for Branch County business procedures concerning the conduct of meetings.

APPLICATION:

This Policy applies to all county departments and employees.

RESPONSIBILITY:

The Branch County Administrator will have the responsibility for implementing and administering and overseeing the Policy.

PROCEDURE:

Effective March 20, 2020 all meetings will be conducted either virtually and/or by maintaining a physical meeting that ensures each member is seated six feet from another member and does not compromise that distance throughout the meeting. The County strongly encourages virtual meetings or a combination of the two methods to ensure the distance is maintained.

**BRANCH COUNTY INTERIM BUSINESS TRAVEL POLICY
DURING COVID-19 (CORONAVIRUS)**

Policy Subject: Branch County Interim Business Travel During COVID-19 Policy	
Policy Number: 32	Page: 1 of 1
Authorized by: Board of Commissioners	
Approved:	Effective: March 20, 2020
Revised:	Effective:
Revised:	Effective:

PURPOSE:

The purpose of this Policy is to address employee travel for County business during the COVID-19 situation.

APPLICATION:

This Policy applies to all Branch County employees.

RESPONSIBILITY:

The Branch County Administrator will have the responsibility for implementing and administering and overseeing the Policy.

PROCEDURES:

1. Effective immediately; there will be no travel outside of Branch County without reporting to and getting approval from the Department Official.
2. If an employee must travel outside of the County for emergency purposes, they must record and report the travel to their Department Official.

**BRANCH COUNTY INTERIM EMPLOYEE TRAVEL POLICY
DURING COVID-19 (CORONAVIRUS)**

Policy Subject: Branch County Interim Employee Travel During COVID-19 Policy	
Policy Number: 33	Page: 1 of 1
Authorized by: Board of Commissioners	
Approved:	Effective: March 20, 2020
Revised:	Effective:
Revised:	Effective:

PURPOSE:

The purpose of this Policy is to address employee travel during the COVID-19 situation.

APPLICATION:

This Policy applies to all Branch County employees.

RESPONSIBILITY:

The Branch County Administrator will have the responsibility for implementing and administering and overseeing the Policy.

PROCEDURES:

1. The Employee must report their individual travel plans to their Elected or Department Official if they intend to travel out of the State of Michigan with the exception of Elkhart, Steuben, or LaGrange, Indiana. They must also report their individual travel plans to their Elected or Department Official if they intend to travel within the State of Michigan and into or through the counties to include Wayne, Oakland, Jackson, Kent, Macomb, Eaton, Ingham, Washtenaw, Otsego, Leelanau, St. Clair, Charlevoix, Clinton, Genesee, Livingston, Midland, Montcalm, Ottawa, and Monroe. The Elected or Department official will report the plans to Administration.
2. The travel may affect their status to return to work upon the employee's return from travel; i.e., required to get a physician's approval that there is no threat to the employee or others and it is safe to return to work, or quarantine for a minimum of 14 days before return to work. Travel to or through those counties with 25 or more confirmed positive cases will result in the requirement to get a physician's approval that there is no threat to the employee or others and it is safe to return to work, or quarantine for a minimum of 14 days before returning to work. These counties are Oakland, Wayne, Macomb, and Washtenaw. The Elected or Department Official must review and verify the physician's approval or confirm with the employee that they currently, or within the last 14 days, experienced symptoms of COVID-19 before returning to work. Employees traveling to or through counties with less than 25 confirmed cases must report their travel to their Elected or Department Official and in turn report it to Administration.
3. The County strongly discourages travel outside of the State of Michigan and to, or through, the Michigan counties that currently have confirmed COVID-19 cases.

**BRANCH COUNTY EMERGENCY PANDEMIC COVID-19
INTERIM ESSENTIAL SERVICES
POLICY**

Policy Subject: Emergency Pandemic COVID-19 Interim “Essential Services” Policy	
Policy Number: 34	Page: 1 of 2
Authorized by: Board of Commissioners	
Approved:	Effective: March 23, 2020
Revised:	Effective:
Revised:	Effective:

PURPOSE:

The purpose of this Policy is to define the expectations of the “Essential Services” concept.

APPLICATION:

This policy applies to all Branch County regular full-time and part-time employees with the exception of Elected Officials.

RESPONSIBILITY:

The Branch County Administrator will have the responsibility for implementing and administering and overseeing the Policy.

PROCEDURE:

1. The County implemented the “Essential Services” concept effective March 23, 2020. This was a precautionary step intended to ensure continuity of operations. It was not intended to alert or inappropriately alarm County employees.
2. Departments have implemented this accordingly to ensure continuing operations. The concept includes the ability to replace personnel or the “essential services” team, increase physical distance, and maintain a rotation strategy to ensure active participation and operational capability of all employees.
3. The employee not serving on the “essential services” staff at any time must be available at their home at a minimum from 8:00 AM – 5:00 PM each workday (M-F) to work from home to assist the “essential services” staff with information or guidance to ensure operational continuity and be available to immediately replace a member of the “essential services” staff. Immediately is defined as reporting for replacement within one hour.
4. The Elected Official or Department Official must ensure communication with all employees daily regardless of their status or location to ensure their availability and well-being during this COVID-19 situation.
5. The Elected Official or Department Official must notify Administration if any of their employees, regardless of the status encounters COVID-19, experiences symptoms of COVID-19 to include cough, fever, and shortness of breath, or comes into contact with someone with COVID-19 or experiencing the symptoms.

Motion by _____ seconded by _____ to approve the Bills and Accounts in the amount of \$314,425.04 and to allow the Administrator to pay the bills as presented.

Unexpected Payroll Funds-Sheriff Department

The Sheriff stated that he has five vacancies for deputies and has received six applications. Two individuals are interested in the positions, but they will need to attend the academy. The Sheriff is requesting to transfer funds from his employee wages line item (above the line) to his employee training line item (below the line) to pay for the training. He noted that his 2020 budget was approved with funds to pay for two new deputies and since he hasn't hired yet the funds are still available. The cost would be \$8000 each, not to exceed \$16,000. It was noted that this is a special situation and would not set a precedent. The Committee Recommends:

Motion by _____ seconded by _____ to approve the transfer an amount not to exceed \$16,000 from the Employee Wages line item to the Employee Training line item in the Sheriff's 2020 General Fund budget to pay for academy training for two new employees.

Streetwise System – 911

911 is requesting to purchase the Streetwise Mobile Response software. This is a system that will link the CAD to the RMS, allowing for the use of cell phones and their media to receive and disburse information between local fire departments. The cost of the software subscription is \$12,000. If all local departments are interested in connecting to the system, the cost could be less. Coldwater, Quincy and Bronson are on board. It has been offered to Lakeland, Sherwood Twp. and Union City. 911 has asked that this be acted on immediately, so it was moved and seconded to suspend board rules and vote on the request.

Motion by Commissioner Hazelbaker, seconded by Commissioner Norris, to approve the request by 911 to purchase the Streetwise software, not to exceed \$12,000.

LEGISLATIVE **(Commissioner Norris)**

Resolution - Oppose Governor Whitmer's Road Bonding (Kalkaska County)

The committee will review a resolution from Kalkaska County opposing the Governor's plan to increase bond debt by millions to repair roads.

Resolution – Support HB 5330 and SB 730 (Grand Traverse)

The committee will review a resolution from Grand Traverse County supporting the passage of HB 5330/SB 730.

These bills will allow for local government to have a voice whenever a DDA or similar authority seeks to continue to capture tax revenue that is critical to fund necessary services.

The meeting was adjourned at 2:12pm.

Submitted by: Commissioner Gordon Commissioner Matthew Commissioner Kolcz
 Commissioner Hazelbaker Commission Norris