

RESOLUTION 21-02

A resolution temporarily amending the Woodson County Employee Handbook to respond to COVID-19

Whereas, a State Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and has been extended several times in 2020.

Whereas, the Woodson County Board of County Commissioners declared a local public health emergency in Woodson County, Kansas on March 16th, 2020 and on July 14th, 2020 extended that declaration indefinitely.

Whereas, on July 14th, 2020 the Commissioners deemed it advisable to adopt Woodson County Resolution No. 2020-12, establishing an employment policy in response to the COVID-19 crisis.

Whereas, Woodson County Resolution No. 2020-12 expired on December 31st, 2020.

Whereas, the Commissioners deem it advisable to re-establish an employment policy in response to the COVID-19 crisis so as to protect employees' health and continue to provide necessary services to the citizen of Woodson County, Kansas.

Now Therefore, be it resolved by the governing Board of Woodson County, Kansas that the following provisions are added to the Woodson County Employee Handbook:

1. It is the policy of Woodson County, Kansas during the COVID-19 Pandemic to allow Elected Officials to permit employees to telework in an effort to practice social distancing. It is the responsibility of the Elected Official to ensure that employees who are teleworking, are able to complete services that are necessary to that employee's department. Employees who are teleworking are expected to remain at home during the time that they are being paid. Failure to abide by social distancing policy during work hours could result in discipline up to and including termination. Non-elected Department Heads do not have the authority to allow employees to telework.
2. It is the policy of Woodson County, Kansas to temporarily extend the benefits provided by the Federal Families First Coronavirus Response Act (FFCRA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) and adopted by the Commissioners on April 28th, 2020, until July 1st, 2021.
3. If an employee has previously used their two weeks of paid leave under either the FFCRA or the EFMLEA they are not eligible for additional paid leave under this resolution.

There are Two Types of Leave Covered Under FFCRA

Emergency Paid Sick Leave (EPSLA)

Emergency paid sick leave will be available for an employee who is unable to work or work remotely 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 because of COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual subject (or advised) to quarantine or isolation;
5. The employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Eligibility for EPSL

All employees, regardless of their tenure with the organization, with full-time or part-time status are eligible to receive this benefit.

Paid Benefits for EPSL

Eligible employees will receive up to two weeks of paid sick leave.

- Full-time employees: 80 hours at their regular rate of pay.
- Part-time employees: the number of hours that the employee works, on average, over a two-week period.

Return to Work Following EPSLA

Employees are required to follow guidelines established by the Centers for Disease Control and Prevention as it relates to ceasing home isolation practices.

B) Emergency Family Medical Leave Act (EFMLEA) Expansion

Employees will be entitled to take up to 12 weeks of job-protected leave if an employee is unable to work (or remote work) due to caring for the employee's son or daughter (who is under 18) because the child's school or place of care has been closed or his or her childcare provider is unavailable due to the public health emergency.

Generally, an employee does not need to take such leave if another suitable individual- such as a co-parent, co-guardian, or the usual child care provider is available to provide the care the employee's child needs.

C) Eligibility for EFMLEA

Under this policy, full-time and part-time employees who have been on Woodson County, Kansas's payroll for 30 days, prior to taking the leave, are eligible for leave. However, if an

employee has previously used 12 weeks of FMLA time during the last 12 months they may not be eligible for the EFMLA.

D) Paid Benefits for EFMLEA

The EFMLEA provides for a combination of unpaid and paid leave.

- The first 10 days of EFMLEA may be unpaid. An employee may choose to take any PTO during the 10-day unpaid period, or the 10 days may be paid under emergency paid sick leave, if taken for a qualifying reason. After the 10-day period the employee will be paid 2/3 of their salary.
- After ten days of unpaid leave, employees are entitled to 10 weeks of paid job-protected leave. Part-time employees are entitled to be paid their usual pay based on the average number of hours worked for the six months prior to taking the leave. After the 10-day unpaid period, the part-time employee will be paid 2/3 of their salary.

Excluded Employees Under EPSLA and EFMLEA

Pursuant to 29 CFR 826.30 Woodson County has excluded health care providers and emergency responders from leave requirements under the FFCRA Act so that they may continue to provide essential services for the community in this emergency.

- Health Care Providers - Anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health provider, any facility that performs laboratory or medical testing, pharmacy, OR any similar institution, employer, or entity.
- Emergency Responders - Includes military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

Procedures for EPSLA and EFMLEA

Notification to Employer

Employees should request their need for emergency paid leave as soon as possible, by notifying their immediate supervisor, department head and the County Clerk and filling out a request form indicating the specific qualifying reason and date of requested leave. If an employee is incapacitated, the employee's representative should give verbal notice as soon as possible. Calling in "sick" does not qualify as adequate notice. An employee must provide sufficient information regarding the reason for an absence for the County to know that protection and benefits may exist under this policy.

Insurance Benefit Continuation During FFCRA Leave

Coverage under group health insurance will continue while on leave, but employees must continue to pay their portion of the premium. Other employment benefits (such as group life insurance, AD&D, etc.) will also be continued during the leave, as long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

Certification for FFCRA Leave

Generally, the County will require certification to verify the qualifying reason for the leave. Employees should be prepared to provide documentation such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).

Rights Upon Return from FFCRA Leave

An employee who takes leave under this policy may be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if he or she had continued to work. Therefore, an employee may be affected by a layoff, reorganization, furlough, change in job duties or other change in employment if the action would have occurred had the employee remained actively at work.

4. These provisions are applicable from January 19th, 2021 until July 1st, 2021.

RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WOODSON COUNTY, KANSAS THIS 19th day of January, 2021.

**BOARD OF COUNTY
COMMISSIONERS WOODSON
COUNTY, KANSAS**

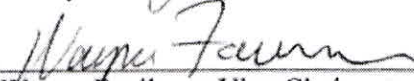
ATTEST:



Tesla Bayles, County Clerk



Monty Barnett, Chairman



Wayne Faulkner, Vice Chairman



Justin Clark