



Office of the Board of County Commissioners

Cassia County, Idaho

COURTHOUSE

www.cassiacounty.org

1459 Overland Ave., Room 210
Burley, Idaho 83318

Leonard M. Beck, *Chair*
Commissioner Dist. 1
lbeck@cassiacounty.org

Robert "Bob" Kunau
Commissioner Dist. 2
bob.kunau@cassiacounty.org

Main: 208-878-7302
Fax: 208-878-3510

Kent R. Searle
Commissioner, Dist. 3
ksearle@cassiacounty.org

March 26, 2020

TO: Cassia County Employees and Elected Officials

RE: COVID-19 Coronavirus Pandemic Employee Policy during Emergency Declaration

We, the Cassia County Board of Commissioners, express our sincerest appreciation for each of you as you serve and work as employees and elected officials in your individual capacities on behalf of the citizens of Cassia County during the COVID-19 coronavirus pandemic. We understand the stress and pressure you feel in caring for your work responsibilities, in addition to your familial and civic duties and responsibilities during these extraordinary times. Thank you for your diligence in caring for all matters within your respective realms of influence.

On Friday, March 20, 2020, the Board of County Commissioners declared an emergency in relation to the COVID-19 coronavirus pandemic. In response to COVID-19, the Board of County Commissioners have approved, effective immediately, the following measures in regards to providing public services and the continued delivery of public services while balancing, and providing for, the health and safety of employees, elected officials, and the public:

1. Based upon Governor Little's March 25, 2020, 21-day statewide stay-home order due to his declaration of an extreme emergency regarding the COVID-19 coronavirus pandemic, the Board of County Commissioners hereby authorizes the payment of full salaries to each employee or elected official throughout the duration of the Governor's stay-home order, and any extension thereof, who is not required to work in order to provide essential state and local government functions. The Board has classified all employees and elected officials of Cassia County as serving essential local functions.

2. All employees and elected officials will be paid for their regular work schedule during each pay period affected during Governor Little's 21-day statewide stay-home order, and any extension thereof, regardless of whether an employee or elected official performs work or not and/or whether they work a complete work schedule. Payroll issues will be handled as follows:

A. The Board classifies all employees as being in an "on-call" status during the timeframe of Governor Little's stay-home order, and any extension thereof.

An "on-call" employee may be called in to work at their physical location or at home through teleworking as directed by their respective department head or elected official. Each employee's "on-call" status is only for their regular work schedule during a pay period (i.e. 8:00 A.M. to 5:00 P.M. each day) unless otherwise authorized and directed by a department head or elected official. The Board expects every department will be staffed during the department's regular working hours during Governor Little's 21-day order, and any extension thereof. The respective department head or elected official will have discretion regarding staffing assignments to meet minimum staffing requirements to ensure each department is operating as required by the Board and by applicable law.

B. If a department head or elected official determines to staff their respective department at less than full-staff during the Governor's order, or any extension thereof, then the employees who are at home and not teleworking will code their time in the payroll system as follows: "Admin" with comment "SHO" for their regular work schedule (i.e. 40 hours per week for an 40 hour per week employee). If a department head or elected official requires an employee to work at their physical location or by teleworking, then an employee will clock into the payroll system when beginning a work shift and clock out when finishing a work shift. If said employee is short of their regular work week hours, then additional hours that are needed to meet their regular work week hours shall be entered into the payroll system as follows: "Admin" with comment "SHO" to make up the difference (i.e. a 40 hour per week employee who works 25 hours during the week will have their time card reflect the worked time and then add 15 hours as "Admin" with comment "SHO" to have 40 hours per week).

3. If during Governor Little's 21-day order, and any extension thereof, an employee qualifies for paid sick leave as required by the Families First Coronavirus Response Act, as outlined below, they are no longer considered to be "on-call." In this event, the employee must notify their respective department head or elected official and the Auditor's Office of their change of status from an "on-call" employee to that of an employee on sick leave due to COVID-19. The respective department head or elected official must work with the Auditor's Office to ensure correct coding for payroll purposes. Any other use of accrued time by an employee shall be coded pursuant to County policy as currently adopted during Governor Little's 21-day order, and any extension thereof.

4. The provisions of this memorandum apply to payroll compensation only, unless otherwise noted within a specific paragraph in this memorandum, and are effective at 12:01 A.M on March 27, 2020 through the duration of Governor Little's 21-day order, and any extension thereof.

5. Cassia County will provide paid sick leave as required by the Families First Coronavirus Response Act enacted into law by President Trump and the U.S. Congress on March 18, 2020 and effective April 1, 2020. The U.S. Department of Labor will provide additional rules and guidelines to all employers regarding the administration of the paid sick leave. In addition, the

U.S. Department of Labor will provide materials to Cassia County to post in all departments regarding the provisions of this law. In summary, the law provides up to 80 hours of paid sick leave to employees with certain qualifications to determine eligibility. An employee must satisfy the new law's conditions and qualifications for paid sick leave in order to receive this benefit. This sick leave is in addition to any accrued time off an employee has accumulated under County policy. Until April 1, 2020, any time off taken by an employee will be required to use accrued time that said employee had available to him or her under the existing County policy.

A. The Families First Coronavirus Response Act provides the additional qualifications and benefits regarding the paid sick leave:

i. This Act now allows an eligible employee to take paid sick leave because the employee is:

1. subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. advised by a health care provider to self-quarantine due to COVID-19 concerns;
3. experiencing COVID-19 symptoms and seeking medical diagnosis;
4. caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
5. caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or
6. 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.

ii. Cassia County may elect to exempt healthcare providers or emergency responders from this Act. Healthcare providers and emergency responders will be further defined at a later date.

iii. Paid sick leave wages are limited to \$511 per day up to \$5,110 total per employee for their own use (items #1-3, above) and to \$200 per day up to \$2,000 total to care for others and any other substantially similar condition (items #4-6, above).

iv. Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking paid sick leave. Employees who have worked for less than six months prior to leave are entitled to the average number of hours the employee would normally be scheduled to work over a two-week period. A business employing fewer than 500 employees is required, at the

request of the employee, to pay a full-time employee for 80 hours of mandated emergency paid sick leave instead of the initial 10 days of unpaid leave permitted by the Emergency Family and Medical Leave Expansion Act (Cassia County must provide this option as it is employing fewer than 500 people).

v. This paid sick leave will not carry over to the following year and may be in addition to any paid sick leave currently provided by employers. This paid sick leave expires on December 31, 2020.

6. Cassia County will also provide Family Medical Leave (FMLA) as required by federal law. The Families First Coronavirus Response Act enacted by the federal government on March 18, 2020 and effective on April 1, 2020 amends and expands the Family and Medical Leave Act of 1993 to assist employees affected by COVID-19. The U.S. Department of Labor is also drafting additional rules and regulations regarding FMLA in response to COVID-19 and will provide materials to Cassia County to post in all departments. In summary, the expansion of FMLA provides any individual employed by Cassia County for at least 30 days before the first day of leave may take up to 12 weeks of job-protected leave to allow an employee, who is unable to work or telework, to care for the employee's child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency. This is the only basis for qualifying for the expanded FMLA for COVID-19. Until, April 1, 2020, any FMLA requested by an employee will be under the FMLA of 1993.

A. The Families First Coronavirus Response Act provides the additional benefits regarding the expanded FMLA:

i. The first 10 days (rather than 14 days) of Emergency FMLA may be unpaid. During this 10-day period, an employee may elect to substitute any accrued paid leave (like vacation, paid-time off, or sick leave) to cover some or all of the 10-day unpaid period. After the 10-day period, the employer generally must pay full-time employees at two-thirds the employee's regular rate for the number of hours the employee would otherwise be normally scheduled. The new Act now limits this pay entitlement to \$200 per day and \$10,000 in the aggregate per employee.

ii. Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking Emergency FMLA. Employees who have worked for less than six months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

iii. Employers with 25 or more employees will have the same obligation as under traditional FMLA to return any employee who has taken Emergency FMLA to the same or equivalent position upon the return to work.

iv. Cassia County may elect to exempt healthcare providers or emergency responders from this Act. Healthcare providers and emergency responders will be further defined at a later date.

v. This expanded FMLA expires on December 31, 2020.

7. If an employee is planning to use any of the federally-approved paid sick leave and/or the federally-approved expanded FMLA leave as described in this memorandum, the employee must notify his or her respective department head or elected official and notify, and work with, the Auditor's Office prior to using said leave. The department head or elected official supervising said employee must also notify, and work with, the Auditor's Office regarding the employee's intent to utilize either the federally-approved paid sick leave and/or federally-approved expanded FMLA leave. If an employee uses the expanded FMLA leave, then a job description is not required to be provided to the Auditor's Office. If an employee is planning to use FMLA for reasons other than provided for expanded FMLA leave, then the standard Auditor's Office procedures apply, including providing a job description.

8. If any time is taken off by an employee for any reason prior to April 1, 2020, including at the recommendation or order of a medical health professional, then the employee will be required to use accrued time pursuant to the Cassia County Personnel Policy Handbook in order to be paid any missed wages. If time is taken off by an employee on April 1, 2020 or later, then said employee may choose to use the paid sick time provided by law or any available accrued time. FMLA is also available to any employee after the exhaustion of accrued time provided by County policy and the paid sick leave provided by federal law.

9. The Cassia County Personnel Policy Handbook stays in effect throughout the duration of any federal, state (including IDHW), county, or city declaration of emergency related to the COVID-19 coronavirus pandemic. Notably, the policy handbook does not provide for accrued time off to be a negative number. Once an employee has exhausted their respective accrued time to zero hours, then they will need to utilize other avenues to continue to take time off while staying employed (i.e. FMLA and/or federal sick paid time).

10. Any employees required to work additional shifts or hours as a result of a department head/elected official directive to manage the operation of a department with lowered staffing capabilities (because other employees are required to stay home in response to the COVID-19 coronavirus pandemic) will be paid for every hour worked. If an employee works more than 40 hours in a week, then said employee will be paid pursuant to law (i.e. paid time and a half after 40 hours). In addition, effective from the date of the Board's emergency declaration regarding COVID-19 on March 20, 2020, the Board is amending, and adopting, new policies regarding the Cassia County Personnel Policy Handbook in the following manner for County employees during the duration of any federal, state, or county emergency declaration:

A. The cap on compensatory time is removed, and there is no cap as to the amount of compensatory time an employee may accrue.

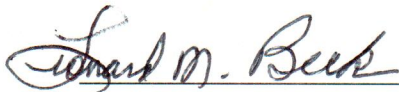
B. The cap on vacation time and personal-time off (PTO) is removed, and there is no cap as to the amount of vacation time and PTO an employee may accrue.

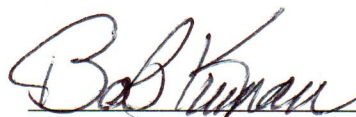
C. If there is sufficient budgetary money amounts in a respective department, a department head is authorized to pay overtime to an employee rather than accrue compensatory time.

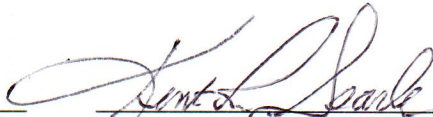
Due to the ever-changing nature of the COVID-19 coronavirus pandemic and the respective government and public health responses to the same, the Board of County Commissioners may review and change the contents of this memorandum from time to time and will review this memorandum within 30 days of the date of its signing.

The Board expresses its gratitude for your efforts in serving in your individual capacities. As a reminder, please follow all recommendations of government leaders and public health officials in being healthy and safe.

Respectfully,


Leonard M. Beck, Chair


Robert "Bob" Kunau


Kent R. Searle