

Richland County Finance and Personnel Committee

Agenda Item Cover

Agenda Item Name: Amending the Families First Coronavirus Response Act Policies

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|-------------------------|----------------|-----------------------|-------------------------|
| Department | Administration | Presented By: | Clinton Langreck |
| Date of Meeting: | 27 Oct 2020 | Action Needed: | Vote |
| Disclosure: | Open Session | Authority: | Committee Structure (E) |
| Date submitted: | 21 Oct 2020 | Referred by: | |

Recommendation and/or action language:

Motion to accept proposed changes to the Families First Coronavirus Response Act Policies regarding employee eligibility exemption language:

from: “Pine Valley Community Village nurses and all staff”

to: “Pine Valley Community healthcare providers including: Director of Nursing, Registered Nurse Manager, Social Service Supervisor, Social Worker, Registered Nurse Supervisor, Registered Nurse, Licensed Practical Nurse, Medication Aide, Unit Clerk, Certified Nursing Assistant, CBRF Unit Clerk, Activity Aide, Personal Care Worker, Resident Assistant”

effective 11 September 2020.

Background: *(preferred one page or less with focus on options and decision points)*

President Trump signed legislation on March 18, 2020 which modifies the requirements of the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act), expands access to Unemployment Compensation Insurance Benefits (Emergency Unemployment Insurance Stabilization and Access Act of 2020) and creates paid sick leave (Emergency Paid Sick Leave Act) for employees while the employee or his/her family members are impacted by COVID-19.

When creating this policy, language under the eligible exemptions of healthcare providers and emergency responders was interpreted to include all Pine Valley nurses and staff. The Department of Justice later amended guidance on exempted positions regarding healthcare facilities specifying, “A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals, building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital of a similar health care facility.”

As such, it is proposed to change the Policy language, listing exempted positions, for both Paid Sick Leave Act (PLSA) and Emergency Family and Medical Leave Expansion Act (EFMLEA); from “Pine Valley Community Village nurses and all staff” to “Pine Valley Community healthcare providers including: Director of Nursing, Registered Nurse Manager, Social Service Supervisor, Social Worker, Registered Nurse Supervisor, Registered Nurse, Licensed Practical Nurse, Medication Aide, Unit Clerk, Certified Nursing Assistant, CBRF Unit Clerk, Activity Aide, Personal Care Worker, Resident Assistant” effective 11 September 2020” in order to maintain compliance with Department of Labor guidance.

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Attachments and References:

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|---------------------------|---|
| Proposed Language Changes | https://www.dol.gov/agencies/whd/pandemic/ffcra-questions |
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Financial Review:

(please check one)

| | | | |
|-------------------------------------|----------------------|-----------------------|-------------|
| <input checked="" type="checkbox"/> | In adopted budget | Fund Number | Pine Valley |
| <input type="checkbox"/> | Apportionment needed | Requested Fund Number | |
| <input type="checkbox"/> | Other funding Source | | |
| <input type="checkbox"/> | No financial impact | | |

(summary of current and future impacts)

Utilization and payments to eligible employees will impact service hours, by allowing for PLSA and EFMLEA credited hours of pay versus utilization of accrued benefit times. Budget impacts may be experienced in additional overtime and compensatory expenses resulting from covering employees utilizing this benefit.

Approval:

Review:

Clinton Langreck

Department Head

Administrator, or Elected Office (if applicable)

RESOLUTION NO.20- _____

A Resolution Retroactively Approving Richland County’s Compliance With The Families First Coronavirus Response Act.

WHEREAS Congress enacted what is known as Families First Coronavirus Response Act, effective April 2, 2020 and expiring on December 31, 2020, which modifies the requirements of the Family and Medical Leave Act, expands access to unemployment compensation insurance benefits and creates paid sick leave for employees while the employee or his or her family are impacted by Covid-19, and

WHEREAS County Administrator Clinton Langreck has brought this new Federal law to the attention of the Personnel and Finance Committee and the Committee is now presenting this Resolution to the County Board for its consideration.

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NOW THEREFORE BE IT RESOLVED that Richland County, as an employer, hereby adopts, as of April 2, 2020, the temporary policies contained in the Federal Families First Coronavirus Response Act which modifies the requirements of the Family and Medical Leave Act, expands access to unemployment compensation insurance benefits and creates paid sick leave for eligible employees while the employee or his or her family are impacted by Covid-19, and

BE IT FURTHER RESOLVED that eligible County employees can obtain an online Richland County Families First Coronavirus Response Request form and complete that form and email it or fax it to the County Clerk's office, and

BE IT FURTHER RESOLVED that this Resolution shall be effective as of April 2, 2020 and it shall expire on December 31, 2020.