

RESOLUTION

NO: 2020-04-083

LIVINGSTON COUNTY

DATE: April 1, 2020

Resolution Authorizing Extended, Additional and/or Modified Temporary Emergency Employment Provisions in Response to COVID-19 for Employees Not Excluded/Exempted From Families First Coronavirus Response Act - County Administration

WHEREAS, the State of Michigan has issued Interim Recommendations for COVID-19 Community Mitigation Strategies (“State Recommendations”), including strategies for workplaces; and

WHEREAS, the State Recommendations include encouraging employees to stay home when sick, encouraging staff to tele-work when feasible, particularly individuals at risk of severe illness, and other measures to encourage social distancing to limit the spread of the virus; and

WHEREAS, on March 23, 2020, the Governor of Michigan issued Executive Order No. 2020-21 (“Exec. Order 2020-21”) addressing temporary requirements to suspend activities that are not necessary to sustain or protect life, which further limited County operations; and

WHEREAS, on March 18, 2020, the Families First Coronavirus Response Act (“FFCRA”) was signed into law. The FFCRA includes two (2) distinct provisions that provide emergency COVID-19 related leave to certain employees covered by the FFCRA: (1) the Emergency Paid Sick Leave Act (“EPSLA”); and (2) the Emergency Family and Medical Leave Expansion Act (“EFMLEA”). It is the current understanding that the Department of Labor (“DOL”) will provide clarifying regulations in the near future following the FFCRA’s effective date of April 1, 2020.

WHEREAS, on April 1, 2020, the provisions of the FFCRA go into effect; and

WHEREAS, Livingston County is taking reasonable measures to safeguard the health of our employees and the people we serve while maintaining limited operations in an effective and efficient manner and continuing to perform critical and essential services to the public.

THEREFORE BE IT RESOLVED in light of the partial County closure effective March 17, 2020 to April 13, 2020, Exec. Order 2020-21, or to continue to be effective in accordance with other social distancing requirements of a State of Michigan Governor’s Executive Order or through April 30, 2020, whichever is sooner, and as a reasonable mitigation strategy in response to COVID-19: As to those regular full-time and part-time employees who are deemed by their applicable department head or Elected Official as non-essential/non-critical and who are directed by their applicable department head or Elected Official not to report because of a temporary closure, partial closure, or reduction in services, and who are not approved to telecommute -- the Livingston County Board of Commissioners authorizes continuation of these employees’ regular pay and benefits in accordance with social distancing requirements of a State of Michigan Governor’s Executive Order or through April 30, 2020, whichever is sooner. As a condition of this continued pay and benefits, employees are expected to remain ready and able to work if called to do so by their department head or Elected Official.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners hereby extends approval of the previously approved Temporary Emergency Telecommuting Arrangement as a tool for departments to utilize in response to COVID-19 to continue to be effective in accordance with social distancing requirements of a State of Michigan Governor’s Executive Order or through April 30, 2020, whichever is sooner.

BE IT FURTHER RESOLVED that the granting of, extension or compensation status of any COVID-19 related leave on or after April 1, 2020 for those County employees not exempted by the County or by law from coverage under the FFCRA shall be considered exclusively under the requirements, terms, conditions and procedures provided by applicable law including, but not limited to, the EFMLEA, the EPSLA, the Family and Medical Leave Act and/or appropriate collective bargaining agreement leave provisions (for unit employees) or County leave policies (for non-unit employees). As provided by law, EPSLA expires on Dec. 31, 2020, and employees may not carry over leave from one year to the next and employees are not entitled to reimbursement for unused EPSLA leave upon termination, resignation, retirement, or other separation from employment.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners hereby repeals, revokes and rescinds such provisions of Resolution 2020-04-083 and/or the Temporary Emergency Leave Policy as to the granting of additional COVID-19 sick related-leave or compensation as to applicable leaves granted on or after, or which extend past, April 1, 2020, as applied to those County employees who not exempted from coverage under the FFCRA.

BE IT FURTHER RESOLVED that the eligibility for, application of, or procedures for granting of or compensation of COVID-19 related compensation or leave under the FFCRA may be modified by County Administration to comply with the amendments in such laws and/or anticipated future DOL regulations.

BE IT FURTHER RESOLVED that the provision of certain benefits not mandated by law may be subject, as to certain employees, to notice and/or possible bargaining requirements and Administration is authorized to provide such notice and satisfy such requirements to effectuate this Resolution.

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MOVED: W. Green
SECONDED: R. Bezotte
CARRIED: Roll Call Vote: Yes (7): W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, C. Griffith, G. Childs and K. Lawrence; No: (0) None; Absent (1): D. Dolan