

RESOLUTION

NO: 20230-12-306

LIVINGSTON COUNTY

DATE: December 23, 2020

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## **Resolution Reauthorizing and Modifying Emergency Temporary COVID-19 Leave Benefits For Eligible County Employees--County Administration**

**WHEREAS,** in response to COVID-19 Pandemic, in March and April 2020 the Board of Commissioners proactively authorized and, to comply with law, subsequently modified the provision of emergency temporary COVID-19 leave benefits for certain classes of eligible County employees which:

- (i) were afforded statutory coverage under the Emergency Paid Sick Leave Act (“EPSLA”) and/or,
- (ii) are classified as Livingston County Emergency Responders and/or Healthcare Providers excluded from coverage of the EPSLA (“County EPSLA Exempt Employees”)

See, Resolutions 2020-03-80 (superseded), 2020-04-83 and 2020-04-84; and

**WHEREAS,** unless extended by an act of Congress, the statutory EPSLA benefit is set to expire on December 31, 2020. By law, EPSLA eligible employees may not carry over EPSLA leave from one year to the next and are not entitled to reimbursement for unused EPSLA leave upon termination, resignation, retirement, or other separation from employment. It is possible that Congress may act to extend EPSLA leave benefits past December 31 or provide a replacement COVID leave law, but it has not yet done so; and

**WHEREAS,** the additional non-statutory emergency temporary COVID-19 leave benefits authorized by the Board of Commissioners in 2020 to be provided to County EPSLA Exempt Employees under the terms of the Temporary Emergency COVID-19 Leave Policy Applicable to Exempted/Excluded Emergency Responders and HealthCare Providers likewise expires on December 31, 2020. Under this authorized policy, County EPSLA Exempt Employees may likewise not carry over County emergency temporary COVID-19 leave from one year to the next and are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment; and,

**WHEREAS,** County Administration is recommending the reauthorization of a emergency temporary COVID-19 leave benefit due to: i. the continuation of the COVID-19 pandemic; ii. the fact that Congress has to reauthorize or extend the EPSLA; iii. in recognition of the efforts and needs of the County Emergency Responders and Healthcare Providers; iv. to foster and support prudent decisions by staff to treat or quarantine; and,

**THEREFORE BE IT RESOLVED** the Livingston County Board of Commissioners hereby reauthorizes for 2021 the grant of up to fourteen (14) calendar day regularly scheduled work period of paid COVID-19 leave Temporary Emergency COVID-19 to Exempted/Excluded Emergency Responders and HealthCare Providers. This leave is non-cumulative with leave granted or utilized in calendar year 2020 and is further subject to the terms and conditions Temporary Emergency COVID-19 Leave Policy Applicable to

Exempted/Excluded Emergency Responders and HealthCare Providers which is likewise extended. These authorizations shall automatically terminate when the COVID-19 Pandemic is over, or December 31, 2021, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is soonest.

**BE IT FURTHER RESOLVED**, that application of the Temporary Emergency COVID-19 Leave Policy Applicable to Exempted/Excluded Emergency Responders and HealthCare Providers shall be extended, on a temporary basis, to provide coverage to eligible County employees who were afforded statutory EPSLA benefit coverage prior to December 31, 2020. This authorization shall automatically terminate when the COVID-19 Pandemic is over, or December 31, 2021, upon Congress extending/reauthorizing or providing a replacement to, in whole or in part, the expiring leave provisions of the EPSLA, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is soonest.

If Congress does act to provide extended or replacement COVID leave benefits to eligible County employees, than the provision of leave for eligible County employees shall be exclusively governed by and subject to the requirements, terms, conditions and procedures provided by applicable law and/or appropriate collective bargaining agreement leave provisions (for unit employees) or County leave policies (for non-unit employees).

**BE IT FURTHER RESOLVED** that the eligibility for, application of, or procedures for grant or compensation of COVID-19 related compensation or leave may be modified by Administration to comply with changing circumstance, staffing requirements, and/or to comply with applicable law.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorize any budget amendment to effectuate the above.

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**MOVED:**

**W. Green**

**SECONDED:**

**R. Bezotte**

**CARRIED:**

**Roll Call Vote: Yes (9): W. Green, W. Nakagiri, D. Helzerman, R. Bezotte, J. Gross, G. Childs, J. Drick, C. Griffith and, K. Lawrence; No (0): None; Absent (0): None**