

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a Fourth Revised
Temporary Administrative Policy in Response to
COVID-19 (Coronavirus)

ORDER NO. 41-2020

WHEREAS, on March 13, 2020, the Board of County Commissioners adopted Resolution No. 25-2020, "In the Matter of Declaring a Local State of Emergency Due to COVID-19 (Coronavirus)"; and

WHEREAS, COVID-19 is a highly contagious and novel Coronavirus, for which there is no vaccine, and the public, including Columbia County employees, are at risk for contracting the disease; and

WHEREAS, COVID-19 is spreading rapidly throughout Oregon, the nation and the world, and to slow the spread of the disease, health experts are emphasizing the importance of social distancing, which includes avoiding large gatherings and close contact with other people; and

WHEREAS, on March 18, 2020, the Board of County Commissioners adopted Order No. 28-2020, "In the Matter of Adopting a Revised Temporary Administrative Policy in Response to COVID-19 (Coronavirus)"; and

WHEREAS, on March 23, 2020, the Office of the Governor issued Executive Order No. 20-12 "Stay Home, Save Lives" which implements workspace restrictions for State Government buildings, among other requirements applicable to all persons in the State of Oregon; and

WHEREAS, in response to the Executive Order, Columbia County adopted a Second Revised Temporary Administrative Policy to implement the Executive Order by Order No. 32-2020 on March 25, 2020; and

WHEREAS, Congress passed H.R. 6201 including the Emergency Family and Medical Leave Expansion Act, and the Emergency Paid Sick Leave Act, effective April 2, 2020 (the "Acts") ; and

WHEREAS, in response to the Acts, Columbia County adopted a Third Revised Temporary Administrative Policy by Order No. 33-2020 on March 30, 2020; and

WHEREAS, in response to H.R. 6201 Federal guidance has been issued; and

WHEREAS, it is necessary to revise the Temporary Administrative Policy to clarify and simplify Federal and State leave policies to address COVID-19;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS:

1. The Fourth Revised Temporary Administrative Policy, attached hereto as Exhibit A and incorporated herein by this reference is hereby adopted.
2. The Fourth Revised Temporary Administrative Policy shall be effective on adoption, and unless sooner revoked by the Board by order, the policy shall remain in effect for the duration of the County emergency declaration, adopted under Resolution No. 25-2020, including any extensions.

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3. Order No. 33-2020, "In the Matter of Adopting a Third Revised Temporary Administrative Policy in Response to COVID-19 (Coronavirus)", is hereby repealed.

DATED this ___ day of April, 2020.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: Alex Tardif
Alex Tardif, Chair

By: Margaret Magruder
Margaret Magruder, Commissioner

By: Henry Heimuller
Henry Heimuller, Commissioner

Approved as to form

By: Sara S. Deane
Office of County Counsel

Exhibit 1

FOURTH REVISED TEMPORARY ADMINISTRATIVE POLICY

April 29, 2020

PURPOSE: The purpose of this temporary policy is to recognize that the novel coronavirus, also known as COVID19, may impact Columbia County locally. Our employees are at the forefront of our concern as we work to adapt quickly to this emerging public health threat and navigate new business practices in order to continue to serve our community to the best of our abilities. It is in times like these that our community may need our services the most. This Temporary Administrative Policy applies to all County employees.

DEFINITIONS:

Novel Coronavirus / COVID-19: A respiratory disease caused by a novel (new) coronavirus. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID- 19").

Child Care provider: A provider who receives compensation for providing child care services on a regular basis, including an "eligible child care provider" as defined in section 658P of the Child Care and Development Block Grant Act of 1990.

COVID-19 Symptoms: Fever of 100.4 or higher, dry cough and possibly, shortness of breath.

Curtailed Operations: A change or reduction to the routine services, service levels, activities and functions of any given office, department or division.

Emergency Responder: 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, child welfare workers and service providers, 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.

Medical Advice: Information or advice received from a medical professional.

Public Health Emergency: An emergency with respect to COVID-19 declared by a Federal, State or local authority.

Quarantine: Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

School: An elementary school, or secondary school as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965.

Social Distancing: Measures taken to restrict when and where people can gather to stop or slow the spread of infectious diseases. Social distancing measures include limiting large groups of people coming together, closing buildings, and canceling events.

Son or Daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time the leave commences.

Telecommuting: A work arrangement in which the employee works outside the normal work site, often working from home.

POLICY:

The County is adhering to the recommendations of Oregon Health Authority (OHA) and the Local Public Health Authority (LPHA) regarding preventative measures including social distancing, quarantines, and curtailment of operations for non-essential County functions. The County will continue to adjust as the recommendations of these agencies change.

1. Leave Due to COVID-19.

1.1 Beginning April 1, 2020, employees who are eligible for leave due to COVID-19, as described below, may use leave provided by the Federal Families First Coronavirus Response Act (“COVID-19 School/Child Care Act”) and the Federal Emergency Paid Sick Leave Act (“COVID-19 Sick Leave Act”) (referred to collectively as “COVID-19 Federal Leave”)

1.2 School/Childcare COVID-19 Leave. Managers are encouraged to be flexible with employees who need to retain alternative childcare services on short notice. However, except as granted in COVID-19 Federal Leave, employees are expected to work their scheduled shifts. For any employee who is otherwise ineligible for COVID-19 Federal Leave and unable to make appropriate arrangements for dependents, that employee may utilize sick leave (either accrued or transferred) or any other available and accrued leave for the leave necessary to care for a child. For any employee who must take leave without pay related to School/Childcare Closure due to COVID-19, the leave will not affect the retention of health/life insurance benefits, leave accruals, eligibility dates or other benefits.

1.3 Other COVID-19 Leave. Except as granted in COVID-19 Federal Leave, employees must utilize their accruals per the County's existing Personnel Rules and Regulations or other County policies or procedures if they need to be absent from work. For any employee who must take leave without pay due to a non-school/childcare situation related to COVID-19, the leave will not affect the retention of health/life insurance benefits, leave accruals, eligibility dates or other benefits.

1.4 Federal Paid Sick-Leave for COVID-19. If an employee is unable to work or telework due to Qualifying COVID-19 Category, the employee is eligible for Federal Paid Sick Leave, subject to the following:

1.4.1 Accrual: Accrual for full-time employees who work 40 hour work weeks is 80 hours. Accrual for full-time employees who work 37.5 hour work weeks is 75 hours. Accrual for part-time employees will be calculated using the average number of hours works in the prior six months in accordance with H.R. 6201 Section 5102. Unused Federal Paid Sick-Leave for COVID-19 will not carry over past December 31, 2020. Employees will not be paid for the value of unused Federal Paid Sick-Leave upon separation from the County for any reason.

1.4.2. Qualifying COVID-19 Categories:

- (1) *Quarantine* — to comply with a federal, Oregon or local quarantine or isolation order related to COVID-19. This does not include situations where a city or county orders its residents to “shelter in place” or “stay at home”.
- (2) *Self-Quarantine* — to self-quarantine, if the employee has been advised to do so by a local healthcare provider.
- (3) *Diagnosis or Treatment* — to obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19.
- (4) *Care for a Quarantined Individual* — to care for an individual required to be quarantined or advised to be quarantined.
- (5) *Child Care* — to care for an employee’s son or daughter if the son or daughter’s school or child care provider has been closed or is unavailable due to COVID-19-related issues.
- (6) *Substantially Similar Care* — to care for a substantially similar condition, as determined by the secretary of health and human services.

1.4.3 Verification of Federal COVID-19 Sick Leave. Employees are expected to provide verification of the need for Federal COVID-19 Paid Sick Leave upon request, as follows:

- (1) *Quarantine* — A copy of the order from a federal, Oregon or local government entity requiring quarantine or isolation relating to COVID-19. This order must include the Employee’s name or other identifying information sufficient to allow the County to conclude that the order affects a particular employee.
- (2) *Self-Quarantine* — Written verification of the need to self-quarantine from the employee’s healthcare provider.
- (3) *Diagnosis or Treatment* — Written verification from the employee’s medical provider of the employee’s effort to receive a medical diagnosis for COVID-19 or treatment if the employee is experiencing symptoms of COVID-19.
- (4) *Care for a Quarantined Individual* — A copy of the order or other documentation from a federal, Oregon, or local government regarding the individual’s requirement to be quarantined that includes the individual’s name, or written verification of the need to quarantine from the individual’s health care provider.
- (5) *Child Care* — No verification is required for school closures due to COVID-19 issues if evidence of closure is publicly available. Written verification from the child care provider about unavailability to provide child care due to COVID-19-related issues is required.
- (6) *Substantially Similar Care* — Written verification of the employee’s need to stay home from work from the employee’s health care provider.

1.4.4 Intermittent Federal COVID-19 Sick Leave may be allowed by the County, in the County’s discretion upon request of the Employee.

1.4.5 Exception For Emergency Responders. The County may deny Federal COVID-19 Sick Leave to Emergency Responders if the need for the Leave is Qualifying COVID-19 Category 5. Emergency Responders are enforcement deputies, corrections deputies, or any other employee included in the definition of “Emergency Responder” provided that the County documents that the employee is essential to the County’s ability to respond to the public health emergency. Such documentation shall be provided, at the time of the determination, to the bargaining unit which represents such employee(s), if any. An employee who has been denied Federal COVID-19 leave under Category 5 may appeal that decision by submitting a written explanation why the employee is not essential to the County’s ability to respond to the public health emergency. The appeal must be received by the Human Resources director

within five business days after the denial is made. The County will respond to an appeal within 5 business days of receipt. The County's decision is final. During the appeal the employee is required to report to work.

1.4.6 Sick Leave Caps. Sick leave payments will be capped, as follows:

1.4.6.1 COVID-19 Qualifying Categories 1-3. An employee will earn the employee's regular rate of pay, capped at \$511 per day, for a maximum of \$5,110.

1.4.6.2 COVID-19 Qualifying Categories 4-6. An employee will earn 2/3 of the employee's regular rate of pay, capped at \$200 per day, for a maximum of \$2,000.

1.4.7 Use of Supplemental Leave. Employees who receive federal COVID-19 Paid Sick Leave that is less than their regular daily pay, may supplement this pay with accrued sick, vacation, or comp leave to meet their full salary expectations, but they will not be paid from both federal COVID-19 Paid Sick Leave and vacation/sick leave for the same hours.

1.5 Supplemental Federal Leave for School/Childcare Closures ("Federal School Closure Leave"). In addition to the Federal COVID-19 Sick Leave, eligible employees may receive time off when the employee is unable to work or telework due to a need to care of a son or daughter if their school childcare is closed due to a public health emergency.

1.5.1 Eligibility Requirements. Eligibility may be met under FMLA or OFLA, or both.

1.5.1.1 FMLA: Employees who have worked for the County in the 30 calendar days leading up to the start of the School Closure Leave.

1.5.1.2 OFLA: Employees who have been employed for at least 180 days and worked an average of at least 25 hours per week leading up to the start of the School Closure Leave.

1.5.2 Length of Leave. Length of leave depends on whether eligible under FMLA or OFLA.

1.5.2.1 FMLA: Up to 12 weeks of paid leave, to be taken any time during the period of April 1, 2020, and December 31, 2020. If a FMLA leave under this addendum is started on December 1, 2020 (for example), the employee will not be allowed to continue the leave past December 31, 2020, even if the employee still has available FMLA leave. An employee's ability to take FMLA leave for other purposes before or after School Closure Leave depends on the employee's "eligibility" under FMLA.

1.5.2.2 OFLA: Eligible employees may take up to 12 weeks of unpaid leave, to be taken any time during the period of March 18, 2020, to September 13, 2020. The 12 weeks of School Closure Leave must be used before September 13, 2020. No available School Closure Leave may be used after September 13, 2020.

1.5.3 School Closure Leave under FMLA and OFLA will run concurrently, where applicable. The County will apply the law that is most generous to the employee if the School Closure Leave runs concurrently.

1.5.4 Notice and Verification

1.5.4.1 FMLA: Where the necessity for School Closure Leave is foreseeable, an employee shall provide the employer with as much notice as practicable.

1.5.4.2 OFLA: Employees must provide at least 30 days' notice before School Closure Leave is to begin if the reason for leave is foreseeable. If 30 days' notice is not foreseeable or practical, an employee must give verbal or written notice to the County within 24 hours of commencement of the leave.

1.5.5 Under both FMLA and OFLA School Closure Leave, no verification is required for school closures due to a public health emergency if evidence of closure is publicly available. Written verification from the "place of care" about its/his/her unavailability to provide child care due to a public health emergency is required.

1.5.6 Benefits During Leave

1.5.6.1 FMLA: The first ten days of leave are unpaid; employees may, however, use federal COVID-19 Paid Sick Leave or any other accrued paid leave during this period. After the first ten days of School Closure Leave, and for each day thereafter the County will provide paid leave calculated at two-thirds of an employee's regular rate of pay and the number of hours the employee would otherwise be normally be scheduled to work. Paid leave will not exceed \$200 per day, or \$10,000 in the aggregate.

1.5.6.2 OFLA: OFLA School Closure Leave is unpaid. Employees may, however, use any accrued paid leave during the period of OFLA School Closure Leave.

1.5.6.3 Employees who receive School Closure Leave may supplement their pay with sick, vacation or comp leave under the County's policies, to meet their full salary expectations, but they will not be paid from both School Closure Leave and COVID-19/vacation/sick/comp leave for the same hours.

1.5.6.4 If an employee is on approved School Closure Leave under either or both laws, the County will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved School Closure Leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the School Closure Leave. The County's Temporary Administrative Leave Policy, as revised, has special, additional, provisions related to the continuing accrual of leave benefits. The leave period will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the County's benefit plans.

1.5.7 Job Protection. Under both FMLA and OFLA School Closure Leave, an employee returning from leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

1.5.8 Employee Responsibility. Employees are expected to promptly return to work when the circumstances requiring School Closure Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated School Closure Leave period, reinstatement may not be available unless the law requires otherwise.

1.6 Pay codes: Pay Codes:

For employees utilizing Federal Paid sick leave under Categories 1-3 above, use pay code FED10C19

For employees utilizing Federal Paid sick leave under Categories 4-6 above or employees utilizing School Closure leave beyond the Federal Paid sick leave allowed, use pay code FEDOTHERC19

1.7 NO RETALIATION. The County will issue discipline, up to and including termination, to anyone who retaliates against an employee who asks about, requests or uses School Closure Leave or federal COVID-19 Paid Sick Leave.

1.8 Federal COVID-19 Leave is subject to Department of Labor rules and regulations. Employees are encouraged to become familiar with the Department of Labor FAQs which are available at <https://www.dol.gov/agencies/whd/fmla/pandemic>.

2. Telecommuting. The County shall facilitate telework and work-at-home by employees, to the maximum extent possible, as follows:

2.1 When an employee is in a position with telecommuting capabilities, he/she shall talk with their supervisor to gain approval and make appropriate arrangements for telecommuting.

2.2 When telecommuting, employees must be available via computer or phone and provide a contact phone number where they can be easily and readily reached during their regular work day while working remotely from the work site. While telecommuting, employees are expected to work of the hours recorded in their timecards. Timecards shall be accurately kept.

2.3 Employees will sign a Telecommuting Agreement upon request and shall comply with all telecommuting policies.

2.4 Any employee utilizing Federal COVID-19 leave for other than their own illness may be required by the supervisor to work from home to the extent feasible.

3. Verification: The County may verify any use of Federal COVID-19 Leave, as described in Section 1. Any claim found to be false or any misuse of this leave may result in discipline, up to and including dismissal.

4. Exceptions: Exceptions to this temporary policy may only be granted by the Board of County Commissioners or designee. Exceptions may be requested through the Human Resources Director. Any situation or circumstance not covered in this temporary policy shall be governed by existing County Personnel Rules, collective bargaining agreements or other County policies and procedures.

5. Implementation: This Temporary Policy is approved as an exemption under the County's Personnel Rules.

6. Suspension of the Personnel Rules and Regulations: Elected officials, department directors and all supervisory staff are responsible for implementing this policy within their respective departments. Observance of this policy is mandatory for all County employees and violation may result in disciplinary action, up to and including dismissal.

7. Review: This temporary policy shall be reviewed by the Board of County Commissioners at least every 14 days and updated or revoked as necessary. This Temporary Policy is only in effect during the time period covered by the COVID-19 Emergency Declaration issued by the County, except that the Federal COVID-19 Leave does not terminate until December 31, 2020.

8. Travel. Non-essential travel is prohibited until further notice. "Travel" does not include field work that would normally be done in the course of business.

9. County Staff shall follow the Governor's Executive Order No. 20-12 "Stay Home, Save Lives", including, but not limited to mandatory social distancing. Each department shall establish, implement, and enforce social distancing policies for its department, consistent with guidance from the OHA.
10. County meeting rooms will be closed to public use.
11. Committees. Only essential committee meetings shall be held. Whether such a meeting is necessary shall be determined by the Department Head overseeing the committee.
12. Break Rooms; Common Snacks. Personnel shall use good hygiene and follow social distancing guidelines while in break rooms or with common snacks.
13. Enhanced Cleaning of common touchpoints shall continue as directed by the Board.
14. Department Heads and supervisors shall prepare for building closures.
15. Meetings. Non-essential, in-person meetings shall be cancelled, postponed or held telephonically or through other technical means. Internal, small meetings may be held with the necessary precautions, including attention to social distancing guidance.
16. COVID-19 Symptoms. If an employee is sick with COVID-19 symptoms, the employee shall not return to work on site for 72 hours after fever has stopped without the use of medication, or as otherwise directed by a physician or public health department.
17. Maximum Accrual Limits for Vacation Leave. Employees who are defined by their supervisor as "essential" and cannot utilize accrued vacation leave during the time these rules are in place are exempt from the maximum vacation accrual limits until this Temporary Administrative Policy terminates at which time a plan to bring the accrual balance under the maximum limit will be prepared and a date by which the balance will be brought below maximum agreed to by the Human Resources Director. Supervisors shall report such approved requests to the Human Resources Director.
18. Use of Vacation Leave within First Six Months of Employment. Employees who are within their first six months of hire and unable to utilize paid vacation leave are authorized to use such accrued vacation leave during that first six months for leave if eligible for Federal COVID-19 Leave.
19. PPE. The County will continue to provide all required personal protective equipment (PPE) for employees, provided such equipment is available, and will modify duties, if needed, if required PPE is not available to perform those duties.
20. Stay At Home. Any employee who is using paid Federal COVID-19 Leave as set forth in Section 1, for any reason, is expected to Stay at Home. This means the employee using that leave is expected to stay at home, take social distancing measures and be readily available to respond to calls/contact related to work during regular work hours to the extent feasible. Any employee found in non-compliance may face consequences which could include discipline. Stay at Home means staying at home except for essential trips such as for groceries or medical appointments.
21. Existing Rules. This Temporary Administrative Policy, as revised, does not replace the County's existing Personnel Rules related to FMLA, OFLA, or sick leave, and should be read in conjunction with those polices and does not replace or change any of the provisions of any collective bargaining agreement.
22. Questions. Questions about this Temporary Administrative Policy shall be addressed to the Columbia County Human Resources Director.

23. Reporting Leave. If taking Federal COVID-19 Leave under this Policy, employees shall notify their supervisors and shall keep in contact with regular updates as to status according to the County's personnel rules and collective bargaining agreements.

- ATTACHMENT A

Columbia County employees who need to be absent from work due to reasons outlined in the categories described below, must complete and submit this form. Federal Paid leave will not be authorized without this form along with any required documented verification, as outlined below.

Form Instructions:

1. Fill in the requested information below, making sure to mark which of the reasons you feel applies to you.
2. Submit the form via email to your supervisor. Supervisors will forward the form to the Human Resources Director along with the written verification required, as outlined below.

Qualifying Reasons for COVID-19 Paid Sick Leave

- 1) Quarantine — to comply with a federal, Oregon or local quarantine or isolation order related to COVID-19. This does not include situations where a city or county orders its residents to “shelter in place” or “stay home”.
- 2) Self-Quarantine — to self-quarantine, if the employee has been advised to do so by a local healthcare provider.
- 3) Diagnosis or Treatment — to obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19.
- 4) Care for a Quarantined Individual — to care for an individual required to be quarantined or advised to be quarantined.
- 5) Child Care — to care for an employee’s son or daughter if the son or daughter’s school or child care provider has been closed or is unavailable due to COVID-19-related issues.
- 6) Substantially Similar Care — to care for a substantially similar condition, as determined by the secretary of health and human services.

Employees must provide verification of the need for federal COVID-19 Paid Sick Leave, as follows:

- 1) Quarantine — A copy of the order from a federal, Oregon or local government entity requiring quarantine or isolation relating to COVID-19. This order must include the Employee’s name or other identifying information sufficient to allow the County to conclude that the order affects a particular employee.
- 2) Self-Quarantine — Written verification of the need to self-quarantine from the employee’s healthcare provider.
- 3) Diagnosis or Treatment — Written verification from the employee’s medical provider of the employee’s effort to receive a medical diagnosis for COVID-19 or treatment if the employee is experiencing symptoms of COVID-19.
- 4) Care for a Quarantined Individual — A copy of the order or other documentation from a federal, Oregon or local government regarding the individual’s requirement to be quarantined that includes the individual’s name, or written verification of the need to quarantine from the individual’s health care provider.
- 5) Child Care — No verification is required for school closures due to COVID-19 issues if evidence of closure is publicly available. Written verification from the child care provider about unavailability to provide child care due to COVID-19-related issues is required.
- 6) Substantially Similar Care — Written verification of the employee’s need to stay home from work from the employee’s health care provider.

Leave Requested Under Qualifying Reason # _____ above for Dates: _____

Name:	_____	Department:	_____
Position:	_____	Supervisor:	_____
Date	_____	Received	by _____
Submitted:	_____	HR:	_____