

ORDINANCE NO. 04-06-20-C

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY
AMENDING ORDINANCE NO. 03-27-20-C, APPROVING THE TERMS OF
THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

WHEREAS, the Congress of the United States has passed the Families First Coronavirus Response Act ("the Act"); and,

WHEREAS, the Federal government has also approved additions to the Family Medical Leave Act (FMLA), which are included in the Federal Emergency Family Medical Leave Expansion Policy (FEFML).

WHEREAS, the Board of Commissioners of Hamilton County desires to pass an Ordinance to comply with the Act and to add such sections, which the Board of Commissioners deems reasonable.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

1. The terms and conditions of the Act, as modified by Hamilton County, are attached hereto, are ratified and approved.
2. The benefits provided to all full and part-time employees of Hamilton County by the Act shall be temporarily included in the Personnel Policy of Hamilton County effective April 1, 2020, through December 31, 2020, unless the terms of the Act are extended by the Federal government.
3. Requests for leave under Section 4 of this Ordinance shall be on a signed COVID-19 Leave Affidavit form as provided by the Payroll Department of the Auditor's Office. All forms must be returned to the Elected Official/Department Head for approval; forwarded to the Payroll Department of the Auditor's Office on the bi-weekly payroll voucher; and copied to the Human Resources Department upon completion.
4. The modifications to the Federal FMLA which are included in the FEFML, which are attached hereto are ratified, approved, and made part of the Hamilton County Personnel Policy effective upon passage through December 31, 2020, unless the terms of the FEFML are extended by the Federal government.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County this 6th day of

April, 2020.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY

Christine Altman

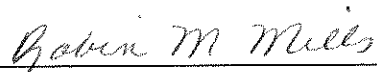


Mark E. Heirbrandt



Steven C. Dillinger

ATTEST:



Robin M. Mills, Auditor

Families First Coronavirus Response Act (FFCRA)

EFFECTIVE APRIL 1, 2020

This policy is developed in response to the Families First Coronavirus Response Act (FFCRA) and shall become effective on and after April 1, 2020. This policy is effective through December 31, 2020. Families First Coronavirus Response Act shall be provided to Hamilton County employees in addition to the County's regular sick leave policy as follows:

1. The County shall provide full-time employees (regardless of the employee's duration of employment) with eighty (80) hours of paid leave under this policy for the following only:
 - a) To comply with employer directive to leave work as a result of a temperature of 100.4 degrees Fahrenheit or higher or other at-risk factors as determined by the employer related to COVID-19; or
 - b) If an employee is subject to a federal, state or local quarantine or isolation order related to COVID-19; or
 - c) An employee is advised by a health care provider to self-quarantine due to COVID-19 concerns; or
 - d) An employee is experiencing COVID-19 symptoms and seeking medical diagnosis; or
 - e) To care 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; or
 - f) To care for the employee's child under eighteen (18) years old if the child's school or place of care has been closed or the child's care provider is unavailable due to public health emergency, or to care for a disabled child more than eighteen (18) years old; or
 - g) An employee is 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; or
 - h) A member of an employee's household or **immediate family*** is presenting or experiencing symptoms of COVID-19; or
 - i) An employee or member of an employee's household or **immediate family*** has tested positive for COVID-19; or
 - j) An employee or member of an employee's household or **immediate family*** work(s) or goes to school with someone who has tested positive for COVID-19; or
 - k) An employee or member of an employee's household or **immediate family*** has been informed by a public health agency that they have been exposed to another person who has tested positive for COVID-19; or
 - l) An employee or member of an employee's household or **immediate family*** recently returned from a foreign country that has received a CDC Level 3 Travel Health Notice; or
 - m) An employee has an elevated health risk due to pregnancy, age (over 60), compromised immune system or chronic disease and has been advised by a health care provider to self-quarantine.

Full-Time employees shall receive:

- Full-time employees shall receive eighty (80) hours of leave under this policy, beginning April 7, 2020.

Part-Time Employees:

Employees working a part-time schedule shall receive leave under this policy as follows:

- Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee “worked” during the six-month period prior to taking this leave
 - Employees who have worked less than six months prior to leave are entitled to the average number of hours the employee would normally be “scheduled” to work in a two-week period
2. As directed by the Center for Disease Control (CDC), employees with COVID-19 Coronavirus or who have been in isolation or quarantine due to COVID-19 Coronavirus may return to work under the following circumstances:
 - Employees not tested for COVID-19 Coronavirus must have had no fever for at least 72 hours (without the use of medicine that reduces fever); other symptoms must have improved; and must have been at least 7 days since the employee’s symptoms first appeared.
 - Employees tested for COVID-19 Coronavirus must have had no fever (without the use of medicine that reduces fever); other symptoms must have improved; and received two negative tests in a row, 24-hours apart).
 3. This temporary Federal emergency paid leave shall run concurrently with the current Family and Medical Leave Act (FMLA), the Emergency Family Medical Leave Expansion and the Americans with Disability Act as defined in the County Handbook.
 - a. Employees must complete and return all appropriate forms for compliance of the Family and Medical Leave Act (FMLA), the Emergency Family Medical Leave Expansion Act and the Americans with Disabilities Act (ADA) to the Human Resources Department when applicable under this leave provision.
 4. All leave authorized under the Families First Coronavirus Response Act (FFCRA) and taken by an employee will be deducted from his or her FFCRA leave bank.
 5. Approved requests for leave under this policy shall be on a signed Families First Coronavirus Response Act (FFCRA) Affidavit form as provided by the Payroll Department of the Auditor’s Office. All forms must be returned to the Elected Official/Department Head for approval and forwarded to the Payroll Department of the Auditor’s Office on the bi-weekly payroll voucher and to the Human Resources Department upon completion.
 6. The Families First Coronavirus Response Act (FFCRA) leave may be taken prior to the use of an employee’s PTO or sick leave.
 7. Elected Officials and Department Heads are encouraged to seek opportunities for employees to Work from Home and/or develop a Flexible work schedule to meet departmental staffing needs and balance work/life needs. All time working from home and/or adjusting a flex time schedule is subject to approval from the employees Elected Official and/or Department Head.

8. This Federal paid emergency leave under the Families First Coronavirus Response Act (FFCRA) will not carry over to the following calendar year.
9. Employees will not be paid for unused Families First Coronavirus Response Act (FFCRA) leave benefits while they are employed or at termination.
10. Under the Families First Coronavirus Response Act (FFCRA), a “son or daughter” is an employee’s own child, which includes a biological, adopted, or foster child, stepchild, legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child.
11. Under the FFCRA, a “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

FEDERAL EMERGENCY FAMILY MEDICAL LEAVE EXPANSION POLICY (FEFML)

Effective April 1, 2020

This policy is developed in response to the Families First Coronavirus Response Act and shall become effective on and after April 1, 2020. This Federal Emergency Family Medical Leave Expansion policy is effective through December 31, 2020. Emergency Family Medical Leave shall be in addition to the County's regular FMLA policy.

1. The County shall provide Federal Emergency Family Medical Leave Expansion to employees employed by the County for at least 30 days [before the first day of leave] for up to 12 weeks of job-related leave to allow an employee, who is unable to work or work remotely, to care for the employee's child under eighteen (18) years old if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency or to care for a disabled child more than eighteen (18) years old.
2. The first 10-days of Federal Emergency Family Leave may be unpaid unless the employee elects to substitute any paid leave (including leave under the Families First Coronavirus Response Act) to cover some or all of the 10-day unpaid period.
 - a. After the 10-day period, the County will pay full-time employees at the employee's regular rate for the number of hours the employee would otherwise be normally scheduled.
 - b. Employees who work a part-time or irregular schedule are entitled to be paid at their regular rate based on the average number of hours the employee worked for the six months prior to taking leave under this policy.
3. Paid wages under the Federal Emergency Family Medical Leave Expansion policy is limited to \$200 per day and \$10,000 in the aggregate per employee.
 - a. 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.
4. On return from Federal Emergency Family Medical Leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
5. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, shall accrue while an employee is on leave under this policy.
6. Any health plan, including self-insured plans, provided by the County will be continued for the employee on Federal Emergency Family Medical Leave on the same terms that would have been provided if the employee had continued his or her working during the period that he or she was on approved leave.
7. Employees are responsible for paying their normal share of the premium costs while on Federal Emergency Family Medical Leave.
8. Under the Families First Coronavirus Response Act (FFCRA), a "son or daughter" is an employee's own child, which includes a biological, adopted, or foster child, stepchild, legal

ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child.

9. Under the FFCRA, a “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

This Federal Emergency Family Medical Leave Expansion shall run concurrently with paid leave under the Families First Coronavirus Response Act and unpaid leave under the Family and Medical Leave Act (ADA-ADAAA).