

March 26, 2020

Salmon, Idaho

The Board of County Commissioners met in special session pursuant to recess of the March 23, 2020 with Ken Miner Chairman appearing by telephone, Richard Snyder and Brett Barsalou present.

Brett Barsalou moved and Rick Snyder seconded to go into executive session pursuant to Idaho Code 74-206(b) to discuss personnel issues. Roll call vote was held. Miner -AYE: Snyder – AYE: Barsalou – AYE:

After reconvening in regular session there were no discussions to be made.

IN THE MATTER OF EMERGENCY COVID-19 POLICY

After some deliberation, Brett Barsalou moved and Rick Snyder seconded to adopt the Emergency COVID 19 Policy by Resolution 2020 - 7. All were in favor. Policy was adopted.

Resolution 2020-7

WHEREAS the President of the United States, the Governor of the State of Idaho, and the Lemhi County Board of Commissioners have declared an emergency related to the threat of COVID-19; and

WHEREAS the United States Congress has enacted the Families First Coronavirus Response Act; and

WHEREAS the Director of the Idaho Department of Health and Welfare has ordered Idahoans to self-isolate in his March 25, 2020 Order to Self-Isolate; and

WHEREAS the Lemhi County Board of County Commissioners desires to schedule the time of County employees in a way that maximizes community safety and complies with applicable mandates;

NOW THEREFORE, be it resolved by the Board of Commissioners of Lemhi County, that the “Emergency COVID-19 Policy (Effective 4-1-20)” attached hereto is hereby adopted.

DATED this 26th day of March, 2020.

LEMHI COUNTY BOARD OF COMMISSIONERS

/s/Ken Miner, Commissioner Chairman

/s/ Brett Barsalou, Commissioner

/s/Rick Snyder, Commissioner

ATTEST: /s/ Brenda Armstrong, Clerk

Emergency COVID-19 Policy

The Lemhi County Elected Officials met and drafted the following Emergency Policy based upon the needs of Lemhi County related to the COVID- 19 virus. The policy is subject to change based on the constantly-evolving situation as well as Federal and State declarations, guidelines and mandates.

All Employees are encouraged to speak with their Department Head or Elected Official to discuss the following conditions:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID- 19. (Paid COVID- 19 leave for up to 80 hours; or equivalent hours for part-time employees. Employees should indicate "Admin Leave" on their time sheets and enter "COVID- 19" in the notes.)
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. Submit written note from healthcare provider by email to the county clerk. (Paid COVID-19 leave for up to 80 hours; or equivalent hours for part-time employees. Employees should indicate "Admin Leave" on their time sheets and enter "COVID- 19" in the notes.)
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. (Paid COVID-19 leave for up to 80 hours; or equivalent hours for part-time employees. Employees should indicate "Admin Leave" on their time sheets and enter "COVID-19" in the notes.)
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2). (Paid COVID-19 leave for up to 80 hours; or equivalent hours for part-time employees. Employees should indicate "Admin Leave" on their time sheets and enter "COVID-19" in the notes.)
- (5) Sick non-COVID-19 symptomatic employees may be asked or required to go or stay home. (Paid COVID-19 leave for up to 80 hours; or equivalent hours for part-time employees. Employees should indicate "Admin Leave" on their time sheets and enter "COVID-19" in the notes.)

The County will pay a maximum of up to 80 hours for any combination of the above conditions. The County reserves the right to request supporting documentation for any of the above.

- (6) Alternative work schedules: Employees may be asked to work reduced or alternative work schedules or work from home at the discretion of the Elected Official to be re-evaluated every two weeks. Employees will be paid regular pay for actual hours worked and/or hours normally scheduled to work. (Employees should indicate actual hours worked and "Admin Leave" on their time sheets and enter "COVID-19" in the notes if applicable.)
- (7) Full or partial department shutdowns: In the event a department or a division is partially or entirely shutdown, at the discretion of the Elected Official, employees will be paid regular pay for hours normally scheduled to work. Such a shutdown will be re-evaluated every two weeks. (Employees should indicate actual hours worked and "Admin Leave" on their time sheets and enter "COVID- 19" in the notes if applicable.)

Effective immediately, all events at the Lemhi County Fairgrounds are cancelled until further notice.

Effective immediately, all discretionary County business travel is suspended until further notice.

Employees are strongly discouraged from traveling out of state during this emergency until further notice.

Employees are encouraged to follow the recommendations of the East Idaho Public Health District. Those recommendations include avoiding gatherings of more than 10 people, washing hands often, practicing social distancing (keeping 6 or more feet between people) and staying home when sick.

Dated this 26 day of March, 2020.

LEMHI COUNTY BOARD OF COMMISSIONERS

/s/ Ken Miner, Commissioner Chairman

/s/ Brett Barsalou, Commissioner

/s/ Richard W. Snyder, Commissioner

ATTEST: /s/ Brenda Armstrong, Clerk

Emergency Family and Medical Leave Expansion Act Policy

Starting on April 1, 2020, you will be able to take leave under the Emergency FMLA policy. All leaves under this policy will end on December 31, 2020.

Eligible Employees:

If you have worked for us for 30 days, you are eligible to take leave under this policy.

Qualifying Reasons for Taking Leave:

If you are unable to work or telework because you need to care for a son or daughter under the age of 18 because the child's school or place of care has been closed, or the child care provider for the child is unavailable due to a public health emergency.

A childcare provider is anyone that receives compensation for providing childcare services on a regular basis, it doesn't need to be a formal "day care." School is an elementary or secondary school.

A "son or daughter" is defined by the FMLA regulations as 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 FMLA leave is to commence.

Length of Leave:

You can take up to 12 weeks of leave. If you have already taken any FMLA during our designated period, you may not have all 12 weeks available to use for Emergency FMLA.

Pay During Leave:

The first 10 days of emergency leave is not paid. You may substitute any paid time off that you have available for use, including the new Emergency Paid Sick Leave.

After the 10 days of unpaid leave, you will be paid not less than two-thirds (2/3) your regular rate of pay under the Fair Labor Standards Act (FLSA) for the amount of hours you would have normally been scheduled to work during the week you take leave. Pay under the leave is capped at \$200 per day, and a total of \$10,000 overall.

Employees Who Work a Variable Schedule:

If your scheduled hours vary, we will use one of the following methods to determine the potential hours to be paid:

1. The average number of hours you are scheduled per day over the previous 6-month period ending on the date you requested to start leave. The average number of hours would include all paid time off taken during those 6 months.

2. If you haven't worked for the company for 6 months, then you will be paid the average number of hours of work per day that was reasonably expected at the time the you were hired.

Reasonable Notice of Need for Leave:

If you need to take Emergency FMLA, you need to provide us with as much notice as possible and that is practicable under the specific circumstances of your situation for requesting the leave.

Protections While on Leave:

When you return from leave under this policy, we will return to the same job, or one that is nearly identical (equivalent). We will also continue your health insurance benefits while you are on leave. We will also continue your health insurance benefits while you are on leave.

Federal Emergency Paid Sick Leave Act (EPSL) Policy

Starting on April 1, 2020 you will have EPSL immediately available for use. The available EPSL ends on December 31, 2020 and does not carry over into 2021.

Qualifying reasons to take leave:

You may only use your EPSL for the following reasons:

1. You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. You are experiencing symptoms of COVID-19 and are seeking medical diagnosis.
4. You are caring for an individual who is subject to an order as described in 1 or 2 above.
5. You are caring for your child because the child's school or place of care has been closed due to COVID-19 or your childcare provider is unavailable due to COVID-19 precautions.
6. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Service in consultation with the Secretary of the Treasury and the Secretary of Labor.

Child means 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 EPSL starts.

Pay during leave:

Full-time employees¹: If you are a full-time employee you will receive 80 hours of EPSL paid at your regular rate of pay² with the following restrictions:

- a. If you are absent for reasons 1, 2, or 3 above you will be paid at your regular rate of pay, up to \$511 per day, up to a maximum of \$5,110.
- b. If you are absent for reasons 4, 5, or 6 above, you will be paid at two-thirds (2/3) of your regular rate of pay, up to \$200 per day, up to a maximum of \$2,000.

Part-time employees³: If you work a part-time schedule you will receive a prorated amount of hour of EPSL paid at your regular rate of pay with the following restrictions:

- a. You will receive EPSL hours that equal the number of hours that you work on average over a 2-week period.

¹ Full time would be how you define them in your handbook. In general, the definition in your handbook is something like "those working over 35 hours per week" or "those regularly scheduled for a 40-hour week."

² Remember, under the law you must pay the highest of 1) the employee's regular rate of pay, 2) federal minimum wage, or 3) the state or local minimum wage rate where the employee works.

³ Part-time employees are everyone who isn't a full-time employee but has a regularly established work schedule. As a result, whether they work 5 hours per week or 34 hour per week, if they aren't defined as fulltime under your policies you calculate their hours owed this way.

- b. If you are absent for reasons 1, 2, or 3 above you will be paid at your regular rate of pay, up to \$511 per day, up to a maximum of \$5,110.
- c. If you are absent for reasons 4, 5, or 6 above, you will be paid at two-thirds (2/3) of your regular rate of pay, up to \$200 per day, up to a maximum of \$2,000.

Employees with Variable Schedules:⁴ If you work a variable schedule you will receive a prorated number of hours of EPSL, paid at your regular rate of pay with the following restrictions:

- a. You will have your available hours of EPSL calculated in one of the following methods, whichever is most applicable:
 - i. The average number of hours you are scheduled per day over the previous 6-month period ending on the date you request to start leave. The average number of hours would include all paid time off taken during those 6 months.
 - ii. If you haven't worked 6 months, then you will be paid the average number of hours of work per day that was reasonably expected at the time the you were hired.

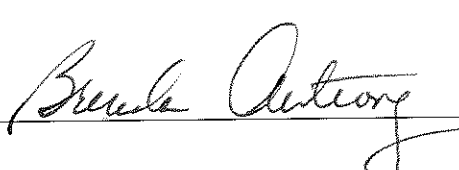
Reasonable Notice of Need for Leave:


If you need to use your EPSL, you need to provide us with as much notice as possible and that is practicable under the specific circumstances of your situation for requesting the leave.

Use of other Paid Time Off:

If you would like to supplement the wages paid under EPSL to bring your paid time off up to as close to 100% of your wages as possible, please talk with us about using any accrued available paid time off that you may have.

There was no further business, the board adjourn until Monday April 13, 2020 @ 7:30 a.m.

ATTEST: , Clerk

, Chairman