1. Agenda Outline

   Documents:

   2020 04 07 BOC SPECIAL MEETING AGENDA OUTLINE.PDF

2. Agenda Full Version

   Documents:

   2020 04 07 BOC SPECIAL MEETING AGENDA FULL VERSION.PDF

In accordance with ADA regulations, persons in need of an accommodation to participate in the meeting should notify the County Manager's office at 828-764-9350 at least forty-eight (48) hours prior to the meeting.

Burke County
Board of Commissioners
Special Meeting
Cisco Webex Virtual Meeting
Tuesday, April 7, 2020
4:00 PM

---

1. **Call to Order**
2. **Approval of the Agenda**
3. **Items for Decision**
   1. HR – Families First Coronavirus Response Act – Emergency Family Medical Leave Exclusions - Presented by Rhonda Lee, HR Director
4. **Adjourn**

Important Information

To obtain meeting connection credentials, please contact Kay Draughn, Clerk to the Board, at 828.764.9354 or kay.draughn@burkenc.org by 1 p.m. on Monday, April 6, 2020. First come first served.

Burke County
Board of Commissioners
Special Meeting
Cisco Webex Virtual Meeting
Tuesday, April 7, 2020
4:00 PM

---

1. **Call to Order**
2. **Approval of the Agenda**
3. **Items for Decision**
   1. HR – Families First Coronavirus Response Act – Emergency Family Medical Leave Exclusions - Presented by Rhonda Lee, HR Director
4. **Adjourn**

Important Information

To obtain meeting connection credentials, please contact Kay Draughn, Clerk to the Board, at 828.764.9354 or kay.draughn@burkenc.org by 1 p.m. on Monday, April 6, 2020. First come first served.

Burke County, North Carolina

Agenda Abstract

Meeting Date: April 7, 2020

Items for Decision

Subject Title: HR – Families First Coronavirus Response Act – Emergency Family Medical Leave Exclusions

Presented By: Rhonda Lee

Summary of Information: The President signed the Families First Coronavirus Response Act (FFCRA) on March 18th. This Act requires certain employers to provide their employees with paid sick leave and expanded family medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

Employers covered under the Act (Burke County is a covered employer) must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, of the applicable State or Federal minimum wage, at:

- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

In general, employees of Burke County are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework because the employee:

1. Is subject to a Federal, State, or Local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or
6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services

The FFCRA allows for covered employers to exclude healthcare providers and emergency responders from the Emergency FMLA provisions and/or the Emergency Sick Leave provisions of the Act. The US Department of Labor defines an emergency responder as follows: "For the purposes of employees who may be excluded from paid sick leave or expanded family and medical leave by their employer under the FFCRA, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to 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, 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. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19."

The County Manager, Human Resources Director and Deputy County Manager/Finance Director conferred with each Department Head who supervise employees classified as Emergency Responders. The Department Heads, unanimously, recommended an exclusion for Emergency Responders from the Emergency FMLA provisions of the FFCRA only. This recommendation will exclude Emergency Responders from up to 10 weeks more of paid sick leave and expanded family medical leave paid at 2/3 if the employee is unable to work because the employee is caring for his or her child whose school or place of care is closed. This recommendation is based solely on the importance of maintaining critical staffing levels and emergency services to our citizens during the pandemic.

The State and other community partners have established childcare options for essential emergency responders to consider in order to assist them during this time.

Budgetary Effect: No anticipated increase; has potential for savings.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To authorize the exclusion of Emergency Responders, as defined by the U.S. Department of Labor, from the emergency FMLA provisions of the Families First Coronavirus Act effective April 1, 2020 through December 31, 2020.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

Attachment: FFCRA_Poster_WH1422_Non-Federal (002) (3029 : HR - EFMLA Exclusion)

Need urgent child care?

COVID-19 NC RESPONSE

If you are a parent who provides necessary services to, or cares for, members of our communities and your child care has fallen through or is unavailable because of COVID-19 closures, **call 1-888-600-1685** to be connected with the right fit for you and your child.

- Care options are for parents whose typical child care arrangements are unavailable due to school or child care closings and who cannot access other care.
- Options are available for infants up to children age 12.

CALL

1-888-600-1685

Under the direction of Governor Cooper, the NC Department of Health and Human Services, the NC Department of Public Instruction, the North Carolina Child Care Resource and Referral Network and our partners across the state are working together provide these vital child care options.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

North Carolina Department of PUBLIC INSTRUCTION

www.ncdhhs.gov | www.ncpublicschools.org | NCDHHS and NCDPI are an equal opportunity employer and provider. | 3/20

Attachment: Childcare-Flier_English (3029 : HR - EFMLA Exclusion)