



**ROWAN COUNTY COMMISSION AGENDA  
SPECIAL MEETING**

**March 30, 2020 - 3:00 AM**

**J. Newton Cohen, Sr. Room**

**J. Newton Cohen, Sr. Rowan County Administration Building  
130 West Innes Street, Salisbury, NC 28144**

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Call to Order

Invocation

- Provided By: Chaplain Michael Taylor

Pledge of Allegiance

Consider Additions to the Agenda

Consider Approval of the Agenda

*Board members are asked to voluntarily inform the Board if any matter on the agenda might present a conflict of interest or might require the member to be excused from voting.*

- 1 Discussion Regarding eFMLA and Families First Sick Leave Act
- 2 Adjournment

*Citizens with disabilities requiring special needs to access the services or public meetings of Rowan County Government should contact the County Manager's Office three days prior to the meeting by calling (704) 216-8180.*

**ROWAN COUNTY**  
**A COUNTY COMMITTED TO EXCELLENCE**



**130 West Innes Street - Salisbury, NC 28144**  
**TELEPHONE: 704-216-8180 \* FAX: 704-216-8195**

**MEMO TO COMMISSIONERS:**

**FROM:**

**DATE:**

**SUBJECT:** Provided By: Chaplain Michael Taylor

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**ATTACHMENTS:**

**Description**

**Upload Date**

**Type**

No Attachments Available

**ROWAN COUNTY**  
**A COUNTY COMMITTED TO EXCELLENCE**



**130 West Innes Street - Salisbury, NC 28144**  
**TELEPHONE: 704-216-8180 \* FAX: 704-216-8195**

**MEMO TO COMMISSIONERS:**

**FROM:** Kelly Natoli, Human Resources Director  
**DATE:** March 30, 2020  
**SUBJECT:** Discussion Regarding eFMLA and Families First Sick Leave Act

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On March 18<sup>th</sup>, the “Family First Coronavirus Response Act” (H.R. 6201) was passed. Employers received implementation guidance from the Department of Labor and the North Carolina School of Government (SOG) this past week. Just a few minutes ago, the SOG released further guidance. The Act becomes effective on April 1, 2020, making it necessary for Rowan County to adopt two temporary employment policies that will remain in effect until December 31, 2020. Immediate adoption of these new policies by the Board of Commissioners is necessary in order to be in compliance with this new legislation by April 1st.

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Emergency Paid Sick Leave	3/30/2020	Cover Memo
Emergency FMLA	3/30/2020	Cover Memo

## **Proposed New Temporary Policy: Emergency Paid Sick Leave**

### **I. Policy**

The Families First Coronavirus Response Act (FFCRA or Act) requires Rowan County to provide full-time and part-time employees with emergency paid sick leave for specified reasons related to COVID-19. This policy is effective for the period of April 1, 2020 through December 31, 2020.

### **II. Definition**

The term “first responder/healthcare responder” for the purposes of this policy includes the following job titles: Animal Enforcement Manager, Animal Enforcement Officer I-II, Captain, Deputy, Detective, Detention Lieutenant, Detention Officer, Detention Sergeant, EM Division Chief, EM Training Officer, EM Chief, EMS Battalion Chief, EMS Captain, EMS Division Chief, EMS Lieutenant, EMT, Fire Division Chief, Fire Inspector/Investigator, Lieutenant, Local Health Administrative Services Manager, Major, Master Deputy, Master Detention Officer, Nurse Practitioner, Paramedic, Pharmacy Technician, Public Health Director, Public Health Nurse I-III, Public Health Nursing Director I-II, Public Health Nursing Supervisor I-II, Sergeant, Sheriff, Telecommunication Battalion Chief, Telecommunications Deputy Chief, Telecommunications Chief, Telecommunicator, and/or any other employee deemed by the County Manager (or designee) as necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19.

### **III. Eligibility**

A. Emergency paid sick leave is available to the following:

1. All employees who are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. All employees who have been advised by a health care provider to self-quarantine because of COVID-19;
3. All employees who are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. All employees who are caring for an individual who is subject to a federal, state or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
5. All employees (with the exception of first responders/healthcare responders as defined in Section II above) who need to care for a child under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable due to a state of emergency with respect to COVID-19 as declared by a federal, state, or local authority. A “childcare provider” under the Act is defined as one who provides childcare services on a regular basis, receives compensation for those services, and is a licensed childcare provider. It excludes the situation where a family member or other acquaintance has been providing childcare and is no longer available.
6. All employees who are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

### **IV. Leave Rules**

A. Leave for reasons 1-4 in Section III.A above will be at the employee’s regular rate of pay for 10 working days as follows:

1. Full-time employees are entitled to up to 80 hours of pay at their regular pay rate.
2. Part-time employees are entitled to pay equal to the number of hours the employee works, on average, over a two-week period at their regular pay.

## **Proposed New Temporary Policy: Emergency Paid Sick Leave**

- B. Leave for reasons 5 and 6 in Section III.A above is limited to 2/3rds of the employee's regular pay for 10 working days with a cap of \$200/day. In the aggregate, an employee will not be paid more than \$2,000.
  - C. For leave reasons 5 and 6 in Section III.A above, employees may elect to use accrued comp time, floating holiday, vacation or sick time to supplement the other 1/3<sup>rd</sup> of pay. However, in no case shall pay exceed 100% of the employee's regular pay.
  - D. No employee shall be required to use emergency paid sick leave.
  - E. No leave taken prior to April 1, 2020 may be credited against an employee's emergency paid sick leave entitlement.
  - F. Emergency paid sick leave cannot be carried over after December 31, 2020.
- V. Requesting Leave  
Employees who need to take emergency paid sick leave shall notify their supervisor and Human Resources as soon as possible. Normal call-in procedures apply to all absences from work.
- VI. Expiration  
Emergency paid sick leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

## **Proposed New Temporary Policy: Emergency Family Leave**

### **I. Policy**

The Families First Coronavirus Response Act (FFCRA or Act) requires Rowan County to provide full-time and part-time employees with expanded emergency family and medical leave for specified reasons related to COVID-19. This policy is effective for the period of April 1, 2020 – December 31, 2020.

### **II. Definition**

The term “first responder/health care responder” for the purposes of this policy includes the following job titles: Animal Enforcement Manager, Animal Enforcement Officer I-II, Captain, Deputy, Detective, Detention Lieutenant, Detention Officer, Detention Sergeant, EM Division Chief, EM Training Officer, EM Chief, EMS Battalion Chief, EMS Captain, EMS Division Chief, EMS Lieutenant, EMT, Fire Division Chief, Fire Inspector/Investigator, Lieutenant, Local Health Administrative Services Manager, Major, Master Deputy, Master Detention Officer, Nurse Practitioner, Paramedic, Pharmacy Technician, Public Health Director, Public Health Nurse I-III, Public Health Nursing Director I-II, Public Health Nursing Supervisor I-II, Sergeant, Sheriff, Telecommunication Battalion Chief, Telecommunications Deputy Chief, Telecommunications Chief, and Telecommunicator, and/or any other employee deemed by the County Manager (or designee) as necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19.

### **III. Eligibility**

All employees (with the exception of first responders/health care responders as defined in Section II above) who have worked for Rowan County for at least 30 days prior to the designated leave are eligible for emergency FMLA.

### **IV. Reason for Leave**

- A. Emergency FMLA provides 12 weeks of leave when an employee is unable to work, either onsite or remotely, due to a need to care for a child under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable due to a state of emergency with respect to COVID-19 as declared by a federal, state, or local authority.
- B. A “childcare provider” under the Act is defined as one who provides childcare services on a regular basis, receives compensation for those services, and is a licensed childcare provider. It excludes the situation where a family member or other acquaintance has been providing childcare and is no longer available.
- C. Leave taken under emergency FMLA is paid leave after a 10-day waiting period. An employee may choose to use the following types of accrued paid leave for the 10-day waiting period: emergency paid sick leave (if eligible), comp time, floating holiday, vacation, or sick leave.
- D. After the 10-day waiting period, the employee will be paid 2/3rds of their regular rate of pay for the number of hours the employee would otherwise be normally scheduled. However, the Act limits this pay entitlement to \$200 per day. In the aggregate, an employee will not be paid more than \$10,000.
- E. After the initial 10-day waiting period, employees are no longer eligible to elect the use of accrued leave balances while on emergency FMLA leave to supplement the other 1/3<sup>rd</sup> of pay.

## **Proposed New Temporary Policy: Emergency Family Leave**

- F. Employees who work a part-time or an irregular schedule are entitled to be 2/3rds of pay based on the average number of hours the employee worked for the six months prior to taking leave. Employees who have worked for less than 6 months prior to leave are entitled to 2/3rds pay for the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

### **V. Leave Rules**

- A. Employees are limited to a total of twelve weeks of FMLA and emergency FMLA combined within a 12-month period.
- B. Employees who have already used up their FMLA allotment for the year are not entitled to emergency FMLA leave.
- C. Where the need for leave is foreseeable, employees must provide the County with as much advance notice as practicable.

### **VI. Requesting Leave**

Employees who need to take emergency FMLA leave shall notify their supervisor and Human Resources as soon as possible. Normal call-in procedures apply to all absences from work.

### **VII. Expiration**

Emergency FMLA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, emergency FMLA leave cannot be carried over after December 31, 2020.