





4/20/2020

Aitkin County Auditor  
Kirk Peysar  
307 2<sup>nd</sup> St NW, Room 121  
Aitkin, MN 56431

Dear Mr. Peysar,

We have considered a potential tax settlement delay (as per your April 3, 2020 Memo). The City of Aitkin has financial capability to cover anticipated expenses through July of 2020.

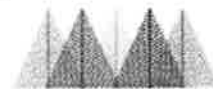
We understand the reason for the extension and would support helping those folks that are negatively affected by the COVID-19 closures.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Gary Tibbitts  
Mayor





# **Interim Policy: COVID-19 Program for Employees**

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**Aitkin County  
Interim Policy: COVID-19 Program for Employees**

**Article I. PURPOSE:**

Section 1. Aitkin County believes in the importance of a healthy workplace and wellness and wants to work together with employees to ensure essential functions are operational, services can be provided, and employees are supported. In order to assist employees with health concerns and issues related to the current public health environment, this COVID-19 Policy will be in place until abolished by the County Administrator.

We recognize that the evolving nature of the pandemic will likely create the need for this policy to be amended, updated, and replaced. This policy is dated in order to identify the most current policy.

Section 2. Paid Leave under the Federal Families First Coronavirus Response Act (FFCRA)  
Aitkin County is charged with implementing the requirements of the Families First Coronavirus Response Act, which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The following are a general summary of each of the Acts.

**These provisions go into effect April 1, 2020.**

(A) Emergency Paid Sick Leave Act:

Emergency Paid Sick Leave is available for employees who are unable to work (or telework) due to a need for leave because:

- 1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- 3) The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- 4) The FFCRA also provides up to two weeks of paid sick leave at partial pay, up to a specified cap, when an employee is unable to work because of a need to care for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- 5) The FFCRA also provides up to two weeks of paid sick leave at partial pay, up to a specified cap, when an employee needs to care for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 related reasons.
- 6) The employee is experiencing a substantially similar condition, as specified by the Secretary of Health and Human Services.

Full-time employees will be paid for up to 80 hours of work. Part-time employees who have a normal weekly schedule are entitled up to the number of hours of Paid Sick Leave equal to the number of hours that the employee is normally scheduled to work over two workweeks. Part-time employees who lack a normal weekly schedule will be paid in accordance with calculations found in the FFCRA federal regulations.

Paid emergency sick leave is paid at 100% for an employee's own isolation, diagnosis, or treatment and at 2/3 pay for any other qualifying reason under EPSLA. An employee may choose to supplement their paycheck with available paid leave hours. Payment is not to exceed \$511 per day or \$5,110 in the aggregate for self-care. An employee who takes emergency paid sick leave for any other qualifying reason under EPSLA is entitled to be paid two-thirds of that amount, up to \$200 per day or \$2,000 in the aggregate.

Emergency Paid Sick Leave will be utilized prior to other leaves that may be available. Intermittent Emergency Paid Sick Leave may be authorized with approval of the department head.

(B) Expanded Family and Medical Leave Act:

The Expanded Family and Medical Leave Act is available for employees who are unable to work (or telework) to take care of children due to school or childcare closings. Prior to approval of this leave, every effort will be made to allow the employee to work from home. The Bill expanded application of the Family and Medical Leave Act to cover employees who have been employed for the previous 30 days. This expansion of FMLA allows up to 12 weeks of paid time off for an employee caring for a son or daughter if the school or place of care of the son or daughter has been closed. In the event that the employee takes time off for a school closing, the first 10 days is unpaid, but the employee may elect to use Emergency Paid Sick Leave (2/3 pay), as stated above, or with available paid leave hours. The remaining leave must be paid at 2/3 of the employee's hourly salary up to \$200 per day and \$10,000 in the aggregate.

An employee may choose to supplement their paycheck with available paid leave hours. Please note that these benefits and requirements as outlined in federal law are intended to be limited in time. They are intended to expire at the end of the year, December 31, 2020. Pursuant to federal law, these benefits do not vest, will not be paid out upon separation and may not be carried over from year to year except as required by federal law.

Intermittent Expanded Family and Medical Leave will not be authorized.

**See Appendix A** for a list of emergency responders and healthcare providers exempt from the *Expanded Family and Medical Leave Act* under this policy.

**Article II. UTILIZATION OF PAID LEAVE DURING A PUBLIC HEALTH EMERGENCY**  
*Board adopted 3/18/2020. County Administrator Jessica Seibert declared this policy to be active on March 18, 2020.*

**Section 1. Policy**

Conditions may occur where a disease, such as influenza, respiratory illness or other contagious disease, has been declared by the World Health Organization (WHO), Centers for Disease Control (CDC), or Minnesota Department of Health (MDH) to be a public health emergency, indicating widespread human infection. When one or more of the above declarations have been enacted, the County Administrator shall have discretion to declare this policy as active.

If the County Administrator declares this policy to be active, exceptions to the collectively bargained paid leave benefits and related county policies would be permitted to the benefit of employees, as follows:

- A. Full-time employees who have exhausted all paid leave will be allowed to go into the negative of up to 15 days of paid leave (up to a maximum of 120 hours, unless a greater amount is approved at the discretion of the County Administrator) for absence from work due to an infection of the public health emergency or to care for an immediate family member due to an infection of the public health emergency. Pro-rated for part-time employees, see attached form. Refer to the policy manual or applicable contract for definition of immediate family member under the sick leave provision.
- B. Full-time employees may use any available paid leave (and go into the negative up to 120 hours), in the event where a child's school or place of daycare has been closed due to public health emergency and their presence is required to provide care for the family member. Pro-rated for part-time employees, see attached form.
- C. Up to a maximum of 120 hours negative balance may be arrived at in combination between reasons (A) and (B) above, but shall not exceed 120 hours when combined for a full-time employee. Pro-rated for part-time employees.

All other provisions of the collective bargaining agreements remain intact, including but not limited to those pertaining to paid leave benefits.

**Section 2. Scope**

This policy applies to all County employees and is only in effect upon declaration by the County Administrator and it will remain in effect until the County Administrator declares it to be inactive. In making the decisions to invoke and end this policy, the County Administrator will consult with the Directors of Public Health & Human Services and Human Resources.

**Section 3. Responsibilities**

Employees will receive a copy of this policy at the time that a declaration is made by the County Administrator that the policy is being activated. Supervisors will be asked to discuss the policy with their employees.

#### Section 4. Background

Among prevention strategies associated with influenza and respiratory illnesses, some of the best ways to prevent infection is to avoid being exposed to the virus that causes it. The Minnesota Department of Health strongly encourages people to stay home if they are feeling sick, especially if they are experiencing influenza-like or respiratory symptoms associated with widespread transmission.

Unique circumstances may exist during a declared public health emergency that our collectively bargained agreements and policies do not provide adequate guidance. An example of this may be an immediate family member's school or care provider being closed due to a declared public health emergency.

#### Section 5. Procedures

An employee can go into the negative up to 15 days (120 hours) of paid leave who meet the criteria below. The actual number of paid leave hours will be based on the employee's usual work schedule exclusive of overtime and may not exceed 120 hours, unless a higher level is approved by the County Administrator.

- A. County Administrator has declared activation of this policy consistent with a public health emergency declaration by the World Health Organization, Centers for Disease Control or by the Minnesota Department of Health; and
- B. Employee has an immediate family member affected as a result when a school or place of care has been closed due to public health emergency and their presence is required to provide care for the family member; or
- C. Employee is experiencing symptoms consistent with the public health emergency, or is caring for an immediate family member experiencing these symptoms; and
- D. Employee is within the time period the County Administrator has declared this policy to be active; and
- E. Employee has exhausted all of his/her accumulated sick leave, vacation leave, personal leave, PTO, and compensatory time; and
- F. Employee has not already received the maximum balance allowed under this policy; and
- G. Employee has requested the paid leave hours to go into the negative in writing using the attached form.

The negative hours will automatically be taken from the employee's future accruals. This shall be accomplished by employees receiving half their paid leave accrual for available use while the other half is applied towards the advanced paid leave hours. Once the negative hours are paid back, all leave accruals will again be credited to the employee's balance at their full accrual rate. In the event the employee separates from Aitkin County before the negative hours have been repaid, the county will deduct the value of the remaining hours (number of hours owed times the employee's hourly rate of pay at separation) from the employee's last pay check.



[THIS SECTION INTENTIONALLY BLANK – SEE FORM ON NEXT PAGE]

**Aitkin County**

**Request for Negative Sick Leave (or PTO) during a declared Public Health Emergency**

Name (print): \_\_\_\_\_ Department: \_\_\_\_\_

I am requesting negative sick leave (or PTO) accrual because:

- I am experiencing symptoms consistent with the declared public health emergency, or am needed to care for an immediate family member experiencing these symptoms; or my child's school or daycare has been closed and I am needed to provide care; *and*,
- I am within the period the County Administrator has declared this policy to be active; *and*
- I have exhausted all of my accumulated sick leave, vacation leave, personal leave, PTO, extended sick leave, and compensatory time; *and*
- I have not already received the maximum allowed of 120 hours (or pro-rated hours, if a part-time employee) based on my regular work schedule.

The number of negative sick leave hours I am requesting is:

Select one:

- A maximum of 120 hours. I normally work full-time, 40 hours per week on average, excluding overtime, or 80 hours per pay period.
- A maximum of \_\_\_\_\_ pro-rated hours based on Policy / Union Contract. I normally work part-time. E.g. A maximum of 87 hours for an employee who works 29 hours per week on average, or a maximum of 60 hours for an employee who works 20 hours per week on average.
- Other, specify: A maximum of \_\_\_\_\_ hours (not to exceed 120 hours for full-time employees, or pro-rated for part-time employees).

I agree that the actual number of hours within the maximum specified above will be limited to the actual number of hours needed for this purpose and that they may not be accumulated, transferred, or used for any other purpose.

I agree that negative hours will automatically be taken from my paid leave (vacation/sick or PTO) accruals. This shall be accomplished by having half of my paid leave accruals available for use while the other half is applied towards the advanced paid leave hours. Once the negative hours are paid back, all leave accruals will again be credited to my balance at the full accrual rate.

I agree that if I separate from Aitkin County employment before the negative hours are fully paid back, Payroll will deduct the value of those hours (number of hours owed times my hourly rate of pay at separation) from my last pay check(s). I agree to immediately pay any additional amount owed that is not covered by the final payroll withholding to Aitkin County.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_  Approved  Denied, reason \_\_\_\_\_  
 Department Head: \_\_\_\_\_  Approved  Denied, reason \_\_\_\_\_

Internal Use Only: HR/Payroll Comments:

[Full Paid leave accruals: \_\_\_\_\_ Vac, \_\_\_\_\_ Sick, \_\_\_\_\_ PTO]

[Half applied towards pay back: \_\_\_\_\_ Vac, \_\_\_\_\_ Sick, \_\_\_\_\_ PTO]

### **Article III. SCHEDULE CHANGES AND WORKING REMOTELY FROM HOME**

#### Section 1.

Department Heads will make arrangements to ensure critical/essential functions will continue. Telecommuting and working from home is not appropriate for all positions, and no employee is guaranteed the opportunity to work from home. Based on business need, staff will be given assignments and may be required to have Virtual Private Network (VPN) access in order to work from home or another remote location when assigned by their supervisor. This may include staff who are subject to quarantine. Staff may be reassigned to perform other duties remotely as needed. Schedules, approved leave, and other situations may require changes or adjustments based on essential business needs.

Any work done remotely must meet business needs, follow the Aitkin County Personnel Policies, Remote Access Agreement, and any applicable departmental policies, and be approved in advance by the Supervisor, Department Head, and/or designee. (Remote Access requires approval of IT and the County Administrator.)

### **Article IV. SENDING EMPLOYEES HOME WHO APPEAR TO BE SICK**

*Board adopted 3/18/2020. Revised below.*

#### Section 1

- A. To minimize the spread of the COVID-19 virus, supervisors may send employees home who exhibit COVID-19 symptoms at work, after consultation between the employee, supervisor or department head, HR Director, and a health care professional. To be eligible for emergency paid sick leave, a health care professional must be consulted. If the employee does not wish to contact a healthcare provider, they may consult with an Aitkin County Public Health Nurse who will conduct a screening of symptoms prior to making a final determination. When the public health nurse screening is utilized, the employee is not eligible for paid emergency sick leave, but may utilize their accrued time as stated below. See also Appendix B.
- B. Aitkin County Public Health Nurses or healthcare providers who conduct the screening will state to the employer whether their assessment indicates the employee can remain at work or should go home.
- C. Remote work may be available to employees who are sent home, but are still well enough to work, or the employee may use paid leave until authorized by an Aitkin County Public Health Nurse or healthcare provider to return to work. For the purposes of this section (c), paid leave is defined as comp time, PTO, vacation, sick leave, or personal leave. Return to work will be dependent on duration and severity of the employee's symptoms, and could be 7 calendar days or more. This return-to-work determination will be made in consultation with the employee, supervisor or department head, HR Director and a health care provider (or public health nurse as noted in Section 1A above). Household members who work for Aitkin County may also be required to isolate for 14 calendar days (includes incubation period).

**Article V. POST-TRAVEL MONITORING**

*Board adopted 3/18/2020. This revised policy will be in effect until declared inactive by the County Administrator.*

Section 1

- A. Non-essential out-of-state travel is not recommended. Employees who travel out-of-state by airline will be required to remain at home for 14 calendar days after return, for post-travel monitoring. Every effort will be made to allow for remote work. If remote work is not an option, the employee shall utilize paid leave balances. For the purposes of this section (b), paid leave is defined as comp time, PTO, vacation, or personal leave. Utilization of sick leave is not authorized under this section (b), unless or until the sick leave utilization criteria contained in policy or collective bargaining agreement language is met.
- B. Department heads may make exceptions to this post-travel monitoring policy in instances where employees need to drive out-of-state and they will be in limited contact with others.

**Article VI. NOTIFYING OTHER EMPLOYEES OF A CONFIRMED CASE OF COVID-19**

Section 1

As recommended by the CDC, if an employee is confirmed to have COVID-19, Aitkin County will inform fellow employees of their possible exposure to COVID-19 in the workplace, but protect privacy as required by state and federal law. Aitkin County will not identify by name an individual who has contracted the disease. Employees exposed to co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure. Aitkin County will work closely with healthcare providers and rely on guidance from federal and local authorities about transmission risk and containment.

**Article VII. WORKERS COMPENSATION**

Section 1

COVID-19 will be treated the same as other illness or injury. If an employee contracts COVID-19 from exposure at work, the supervisor must be notified and a First Report of Injury will be filed and submitted. The insurer will review the information to make a compensability determination.

BY: Aitkin County COVID-19 Unified Command Center

William Pratt, Chair	Date
<i>Aitkin County Board of Commissioners</i>	

Jessica Seibert	Date
<i>Aitkin County Administrator</i>	

**Appendix A**  
**EMERGENCY RESPONDER AND HEALTHCARE PROVIDER LIST**

Emergency responders and healthcare providers are critical to the State's response to COVID-19. The MN Governor's Executive Order 20-02 and US Department of Labor issued guidance on the definition these, see Appendix C.

List of emergency responders and healthcare providers exempt from the Expanded Family and Medical Leave Act under this policy include:

- Aitkin County has opted not to exempt any job classifications from the FFCRA paid emergency sick leave provision.
- Aitkin County has opted to exempt all job classifications from the FFCRA Expanded Family and Medical Leave at this time because child care is available for workers in the Critical Sectors, covering the majority of county employees. In situations where child care services are not available to the employee and telework is deemed not viable, the County Administrator may authorize use of the expanded Family and Medical Leave on a case-by-case basis.

**Appendix B**  
**FFCRA AND ORDER 20-02 DEFINITION OF EMERGENCY RESPONDER AND**  
**HEALTHCARE PROVIDER**

FFCRA definition of emergency responder and healthcare provider [as of 4/8/2020]:

**57. Who is an emergency responder?**

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 anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to 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, 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. This also includes any individual whom 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.

To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt emergency responders from the provisions of the FFCRA.

**56. Who is a "health care provider" who may be excluded by their employer from paid sick leave and/or expanded family and medical leave?**

For the purposes of Employees who may be exempted from Paid Sick Leave or Expanded Family and Medical Leave by their Employer under the FFCRA, a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

This definition includes any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services support the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the highest official of a State or territory, including the District of Columbia, determines is a health care provider necessary for that State's or territory's or the District of Columbia's response to COVID-19.

To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt health care providers from the provisions of the FFCRA.

MN Governor's Executive Order 20-02 definition of emergency workers:

11. Emergency workers (including providers of healthcare, emergency medical services, long-term and post-acute care; law enforcement personnel; personnel providing correctional services; public health employees; firefighters and other first responders; and court personnel) are critical to the State's response to COVID-19. During the Closure Period, and subject to paragraph 12, schools are directed to provide care to, at a minimum, district-enrolled students aged 12 and under who are children of emergency workers. In providing this care, schools must practice hygiene and social distancing best practices. Schools are not required to provide this care during previously scheduled breaks reflected on a school-board approved calendar. I encourage schools and school districts to also provide extended care—before and after school hours—to students who are children of emergency workers. MDE will provide further guidance to schools and school districts about this provision.