

STATE OF ALABAMA     )  
  )  
MARSHALL COUNTY     )

**RESOLUTION OF THE MARSHALL COUNTY PERSONNEL BOARD**  
**REGARDING THE COVID 19 PANDEMIC**

**WHEREAS**, on March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based upon the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama, which has been revised and updated up through July 29, 2020, and which extends the state of emergency until further notice; and

**WHEREAS**, in response to the state of emergency declared by the Governor, on March 16, 2020, the Marshall County Commission closed the Marshall County courthouses and county buildings to the public; and

**WHEREAS**, to ensure the functioning of county government, county employees continue to report for work and perform such duties as assigned by their respective appointing authorities; and

**WHEREAS**, on March 19, 2020, the State Health Officer ordered that certain social distancing measures be implemented on a statewide basis to prevent the spread of COVID-19 and ordered, among other measures, that all individuals maintain a minimum, consistent six-foot distance between persons; and

**WHEREAS**, the Marshall County Personnel Board, pursuant to Act No. 82-206 Section 4, is authorized promulgate rules and regulations by which Marshall County Employees shall be governed; and

**WHEREAS**, the Marshall County Personnel Board, pursuant to Act No. 82-206 Section 4, has adopted its Policies and Procedures, which were last revised July 23, 2018; and

**WHEREAS**, the Marshall County Personnel Board Policies and Procedures provides, in section 11.1.1, that the appointing authority will establish the actual work schedule for his/her employees in accordance with the needs of the department; and

**WHEREAS**, the Marshall County Personnel Board Policies and Procedures provides, in section 11.7.4 and/or 11.7.5, that when considered necessary for the safety of its employees due to emergencies, the Marshall County Commission may authorize the closure and/or late arrival or early departure times for the County Courthouse and affiliated offices as well as administrative leave; and

**WHEREAS**, the Marshall County Personnel Board Policies and Procedures further provides, in section 11.7.4, that when the County Commission authorizes an emergency closing, non-essential, classified employees may be granted paid administrative leave; and

**WHEREAS**, the Marshall County Personnel Board Policies and Procedures further provides for Family Medical Leave under Section 11.9.1, et seq., which provides for job-protected leave for certain specified reasons and under certain specified conditions; and

**WHEREAS**, the Marshall County Personnel Board Policies and Procedures further provides, in Section 1.1.5 provides that the provisions of the Marshall County Personnel Board Policies and Procedures are not intended to be inclusive of all the guidelines that may be necessary at an operational level and the Marshall County Personnel Board Policies and Procedures may be supplemented by such administrative guidance as deemed by an appointing authority to be necessary for efficient and effective operations in his/her department.

**NOW THEREFORE**, premises considered, the Marshall County Personnel Board finds as follows:

a. This resolution is intended to provide guidance to the Marshall County appointing authorities and personnel director in dealing with personnel matters connected to the declared state of emergency related to the COVID-19 pandemic.

b. During times of declared emergencies, the Marshall County Personnel Board Policies and Procedures, read as a whole, provides and allows appointing authorities to further define the conditions for and use of leave under the FMLA in order to allow the employees to use job-protected leave due to COVID-19 and COVID-19 exposure in such a way as to protect other FMLA leave as much as possible for the employee, to-wit, the following Temporary FMLA Policy will be put into effect until 12/31/20:

Once an employee has exhausted their Emergency Paid Sick Leave, they must use any accrued vacation, sick, compensatory or personal leave due to a COVID-19 related absence concurrently with their FMLA leave. If the employee does not have accrued leave to use, the employee will be given up to an additional 12 weeks of unpaid FMLA leave. This leave will be in addition to any existing FMLA leave that employees are eligible for due to other reasons that are not COVID-19 related. The additional 12 weeks of unpaid FMLA leave does not apply to Individuals on Expanded FMLA leave (Item # 5 Below)

### **Emergency Paid Sick Leave**

#### **Eligibility**

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

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 symptoms of COVID–19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID–19 precautions.

The 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.

### **Amount of Paid Sick Leave**

*All eligible full-time employees will have up to two weeks (80 hours) of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.*

The employee may use emergency paid sick leave before using any other accrued paid time off for the qualifying reasons stated above.

*For employees with varying hours, one of two methods for computing the number of hours paid will be used:*

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

### **Employee Status and Benefits During Leave**

While an employee is on leave, the county will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the Personnel or Payroll department.

If the employee contributes to a life insurance or disability plan, the county will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the

employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

**Carryover**

Paid emergency sick leave and the additional FMLA leave for COVID-19 related absences will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

**Job Protections**

No employee who appropriately utilizes emergency paid sick leave or FMLA leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

c. Nothing in this resolution shall limit an employee's rights under the Families First Coronavirus Response Act, the Emergency Family and Medical Leave Expansion Act, or the Emergency Paid Sick Leave Act.

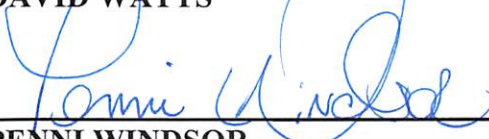
Approved this the 14<sup>th</sup> day of September, 2020.

  
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CHARLES W. WHISENANT, Chairman

  
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BEN GAMEL

  
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MARTHA HANDSCHUMACHER

  
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DAVID WATTS

  
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PENNI WINDSOR