

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED SPECIAL MEETING AGENDA
FRIDAY, APRIL 10, 2020
9:00 A.M.
COMMISSION CHAMBERS
COUNTY ADMINISTRATION BUILDING**

REVISED



*Deb Hadcock, Chair District 3
Gary Drewes, Vice Chair District 5*

*Ron Rossknecht, Commissioner District 1
Lloyd LaCroix, Commissioner District 2
Mark DiSanto, Commissioner District 4*

Agenda disclaimer: The preferred practice of the Board is to proceed thru the agenda in the order it is published. From time to time, agenda items may be disposed of quickly leaving a gap in the meeting agenda prior to the next advertised agenda item start time. To utilize time effectively in those circumstances, the Board may move items up on the agenda to fill those gaps.

*Welcome to the April 10th, 2020 Board of Commissioners Special Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas are located at the back of the Chambers.*

1. Call to Order
2. Moment of Silent Reflection
3. Pledge of Allegiance
4. Review and Approve Agenda
5. Items From Emergency Management
 - a. COVID-19 Update - Director Dustin Willett
6. Items From Human Resources
 - a. *Proposed Remote Work Policy
7. Any and all other business related to the COVID-19 virus

Items may include but are not limited to the following:

 - *• County Employees – Positions necessary to support county functions
 - *• Implementation of Furlough Options
 - Suspension of performance pay
 - Suspension of reclassifications and promotions
 - County operations update
 - 2020 Budget Reductions including non-mandated
 - 2020 Revenues
8. Future Board of Commissioners special meeting dates
 - a. Friday, April 17th @ 9 a.m.
 - b. Friday, April 24th @ 9 a.m.
9. Adjourn

Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and need accommodations, please notify the Commissioners' Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.

Scan the code to access the agenda packet online.





Memorandum

DATE: April 10, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Proposed Remote Work Policy

We have an opportunity to implement a policy aimed at broadening and strengthening the ability for some County employees to work outside the traditional County office setting. The proposed Remote Work policy attached to this memo creates a framework under which Pennington County departments and offices may be able to grant non-traditional work arrangements to qualifying County employees.

The policy is not intended to replace traditional workplace tasks, simply supplement the method in which they may be completed. It also does not in any way establish an employment contract of any type, written or implied, between the County and employee.

There are three (3) components to this proposed policy; 1st is the Remote Work policy, 2nd is the Temporary Remote Work Agreement form, and 3rd is the Remote Work Home Office Safety Checklist to be completed by the employee and provided to their Department Head or Elected Official. Items 2 and 3 are to be completed prior to the beginning of a remote work arrangement, and retained by the department utilizing the agreement.

A suggested motion could be as follows:

1. I move to establish a County Remote Work Policy for immediate use as described herein and reflected in the attached documents.

I will be present at the April 10, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read "Jon Morrill", is written over the typed name.

Jon Morrill
Human Resources Director
Pennington County

Remote Work Policy and Procedure

(For immediate implementation; policy number to be determined)

Objective

Remote work allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Pennington County considers remote work to be a viable, flexible option when both the employee and the job are suited to such an arrangement. Remote work may be appropriate for some employees and jobs but not for others. Remote work is not an entitlement. It is not a County-wide benefit. It in no way changes the terms and conditions of employment with Pennington County. Remote work arrangements may also be suitable in cases of declared emergency or other facility closures. As outlined in the following document, the responsible Department Head or Elected Official should partner with Human Resources to determine suitability and establish guidelines for remote work arrangements. Remote work may not alter the essential job functions of the employee, or in any way reduce or diminish the productivity expectations of the County.

Procedures

Remote work can be informal, such as working from home for a short-term project, or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest remote work as a possible alternate arrangement.

Any remote work arrangement made will be on a temporary basis and may be discontinued at will and at any time at the request of either the employee or the County. Every effort should be made to provide a thirty (30) day notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a remote work arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal remote work arrangements must be employed with Pennington County for a minimum of six (6) months of continuous, regular employment and must have a satisfactory performance record.

Before entering into any remote work agreement, the employee and Department Head or Elected Official, with the assistance Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability.** The employee and Department Head or Elected Official will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful remote workers.
- **Job responsibilities.** The employee and Department Head or Elected Official will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.
- **Equipment needs, workspace design considerations and scheduling issues.** The employee and Department Head or Elected Official will discuss the physical workspace needs, ensuring data security, and agree upon the location for the remote work.

- **Tax and other legal implications.** The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Department Head or Elected Official agree, and Human Resources concurs, a remote work agreement will be prepared and signed by all parties, and an approved work from home period will commence.

Evaluation of the remote work employee's performance during assignment will include regular interaction by phone and e-mail between the employee and the manager; and regular face-to-face meetings or teleconferences to discuss work progress and problems. The remote work agreement may be altered at any time by the Department Head or Elected Official. Evaluation of a remote work employee's performance will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the remote work employee and Department Head or Elected Official will be agreed to as part of the discussion process. The Department Head or Elected Official and remote work employee will communicate at a level consistent with employees working at the office, or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

On a case-by-case basis, Pennington County will determine, with information supplied by the employee and the Department Head or Elected Official, the appropriate equipment needs (including computer hardware, software, phone and other office supplies) for each remote work arrangement. If requisite equipment (i.e. laptop, etc.) is unavailable, a remote work arrangement may not be possible immediately.

Human Resources and Information Technology will serve as resources in this matter. Equipment supplied by the County will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the County, will be maintained by the employee. Pennington County accepts no responsibility for damage or repairs to employee-owned equipment. Pennington County reserves the right to make determinations as to appropriate equipment and supplies, subject to change at any time. Equipment supplied by the County is to be used for business purposes only. The remote work employee must sign an inventory of all Pennington County property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all County property will be returned to the County, unless other arrangements have been made.

Pennington County will supply the remote work employee with appropriate basic office supplies (pens, paper, etc.) as deemed necessary and agreed to by the Department Head or Elected Official. Pennington County will also reimburse the remote work employee for pre-approved business-related expenses, such as phone calls and shipping costs, which are reasonably incurred in carrying out the employee's job.

The remote work employee will establish an appropriate work environment within his or her home for work purposes. Pennington County will not be responsible for costs associated with the setup or operation of the employee's home office, such as remodeling, furniture, lighting or internet access; nor for repairs or modifications to the home office space.

Security

Consistent with the County's expectations of information security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary County and citizen/customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Remote work employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Pennington County will provide each remote work employee with a recommended safety checklist that will be completed prior to the beginning of the work at home assignment. Injuries sustained by the remote work employee in a home office location and in conjunction with the completion of his or her regular work duties are normally covered by the County workers' compensation policy. Remote work employees are responsible for notifying the County of such injuries as soon as practicable by notifying their department and submitting a completed first report of injury form (FROI). The remote work employee is liable for any injuries sustained by visitors to his or her home worksite, or for injuries to themselves if not incurred while performing work for Pennington County.

Remote work is not designed to be a replacement for appropriate child care. Although an individual employee's work schedule may be modified to accommodate child care needs; the focus of the arrangement must remain on job performance and meeting business demands. Prospective remote work employees are encouraged to discuss expectations of remote work with family members or other household members prior to entering a remote work agreement.

Time Worked

Remote work employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Pennington County's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the remote work employee's Department Head or Elected Official. Failure to comply with this requirement may result in the immediate termination of the remote work agreement.

Ad Hoc Arrangements

Temporary remote work arrangements may be approved for circumstances such as inclement weather, emergency declarations which cause disruptions in regular work arrangements, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the County and with the consent of the employee's health care provider, if appropriate.

All informal remote work arrangements are made on a case-by-case basis, focusing first on the business needs of the County.

Temporary Remote Work Agreement

Employee Information

Name: _____ Hire date: _____

Job title: _____

Department: _____

FLSA status: Exempt Nonexempt

This temporary telecommuting agreement will begin and end on the following dates:

Start date: _____ End date: _____

Temporary work location: _____

Employee schedule: _____

The employee agrees to the following conditions:

The employee will remain accessible and productive during scheduled work hours.

Nonexempt employees will record all hours worked and meal periods taken in accordance with regular timekeeping practices.

Nonexempt employees will obtain supervisor approval prior to working unscheduled overtime hours.

The employee will report to the employer's work location as necessary upon directive from his or her supervisor.

The employee will communicate regularly with his or her supervisor and co-workers, which includes a weekly written report of activities.

The employee will comply with all Pennington County rules, policies, practices and instructions that would apply if the employee were working at the employee's regular work location.

The employee will maintain satisfactory performance standards.

The employee will make arrangements for regular dependent care and understands that remote work is not a substitute for dependent care. In pandemic circumstances, exceptions may be made for employees with caregiving responsibilities.

The employee will maintain a safe and secure work environment at all times.

The employee will allow the County and its representatives to have access to the remote work location for purposes of assessing safety and security, upon reasonable notice by the County.

The employee will report work-related injuries to his or her manager as soon as practicable.

Pennington County will provide the following items: _____

The employee will provide the following items: _____

The employee agrees that Pennington County materials will not be used by anyone other than the employee and only for business-related work. The employee will not make any changes to security or administrative settings on Pennington County tools or resources. The employee understands that all tools and resources provided by the County shall remain the property of the County at all times.

The employee agrees to protect County tools and resources from theft or damage and to report theft or damage to his or her manager immediately.

The employee agrees to comply with Pennington County's policies and expectations regarding information security. The employee will be expected to ensure the protection of proprietary County and citizen information accessible from their home offices.

Pennington County will reimburse employee for the following expenses:

(Employee will submit expense reports with attached receipts in accordance with Pennington County's expense reimbursement policy).

The employee understands that all terms and conditions of employment with the County remain unchanged, except those specifically addressed in this agreement.

The employee understands that their Department Head or Elected Official retain the right to modify this agreement for any reason at any time.

The employee agrees to return County tools, resources and documents within five days of termination of employment if separation occurs prior to the end of the temporary remote work agreement.

Employee signature: _____ Date: _____

Dept. Head/Elected Official signature: _____ Date: _____

Human Resources signature: _____ Date: _____

Remote Work - Recommended Home Office Safety Checklist - To be completed by employee working remotely. No inspection or verification by department personnel required.

General		Yes	No
1	Workspace is away from noise, distractions, and is devoted to your work needs?		
2	Workspace accommodates workstation, equipment and related material?		
3	Floors are clear and free from hazards?		
4	Phone lines and electrical cords are secured under a desk or along wall out of the walking path, and away from heat sources?		
5	Temperature, ventilation and lighting are adequate?		
6	Rugs or chair mats do not pose a trip hazard?		
Fire Safety		Yes	No
7	There is a working smoke detector in or near the workspace area?		
8	A home multi-use fire extinguisher, which you know how to use, is readily available?		
9	Walkways aisles and doorways are unobstructed?		
10	Workspace is kept free of trash, clutter and flammable liquids?		
11	Portable heaters are located away from flammable items?		
12	You have an evacuation plan so you know what to do in the event of a fire?		
Electrical Safety		Yes	No
13	Sufficient electrical outlets are accessible?		
14	Computer equipment is connected to a surge protector?		
15	Electrical system is adequate for office equipment?		
16	All electrical plugs, cords, outlets, and panels are in good condition? No exposed/damaged wiring?		
17	Equipment is placed close to electrical outlets?		
18	Extension cords and power strips are not daisy chained and no permanent extension cord is in use?		
19	Equipment is turned off when not in use?		
Computer Workstation		Yes	No
20	Work chair is suitable for productive work?		
21	Your back is adequately supported by a backrest?		
22	Your feet are on the floor or adequately supported by a footrest?		
23	There is sufficient light for reading?		
24	The computer screen is free from noticeable glare?		
25	The top of the screen is at eye level as to provide good posture?		
26	There is space to rest the arms while not keying?		
Other Safety/Security Measures		Yes	No
27	Files and data are secure?		
28	Work materials and equipment are in a secure place?		
29	You have an inventory of all County-provided equipment in the office including serial numbers?		

Employee Signature: _____ Date: _____

Employee Printed Name: _____

Supervisor Acknowledgement _____ Date: _____

Supervisor Printed Name: _____



Memorandum

DATE: April 10, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Temporary Families First Coronavirus Response Act (FFCRA) Policy

Recent Federal legislation, the Families First Coronavirus Response Act (FFCRA or HR 6201), temporarily provides Emergency FMLA (EFMLA) and Emergency Paid Sick Leave (EPSL) benefits to eligible County employees. The legislation is in effect from April 1, 2020 through December 31, 2020. This proposed policy will be in effect for the same period as the legislation. It will sunset at the expiration of applicable legislation.

Attached to this memo are: the proposed policy, a list of exempted positions, and application forms for County employees to request either or both of the EPSL and EFMLA, and a document from the SD Dept. of Labor which explain the benefits and eligibility guidelines in more detail. The list of exempted positions is a fluid document, meaning positions may be added or removed as conditions change.

I'm seeking approval of the Board to implement the attached policy, employee list and request forms.

A suggested motion could be as follows:

1. I move to establish a Temporary Families First Coronavirus Response Act Policy and related documents as outlined in this memo, with effective dates to mirror current and future related legislation.

I will be present at the April 10, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,


Jon Morrill

Human Resources Director
Pennington County

Families First Coronavirus Response Act (HR 6201) – Pennington County Policy

This shall be a temporary policy. It shall be in effect from April 1, 2020 through December 31, 2020, unless extended by the United States Secretary of Labor or the Pennington County Board of County Commissioners.

The Families First Coronavirus Response Act (FFCRA or H.R. 6201) takes effect on April 1, 2020. It contains two primary employment provisions; which expand eligibility for Family and Medical Leave Act (FMLA) leave and make emergency paid sick leave available to specific workers. These provisions will remain in effect through Dec. 31, 2020.

Emergency FMLA Eligibility – Expanded (Section 3102)

Under the FFCRA, all public sector employees qualify to request and use FMLA leave if they:

- Have been employed by the County for at least 30 calendar days,
- Are unable to work remotely or report to their worksite, and
- Have one of the following qualifying reasons under this Act to take FMLA leave:
 - They must care for their child who is younger than 18 whose school or place of care is closed.
 - They must care for their child because the usual care provider is unavailable due to a public health emergency.
 - They are subject to a federal, state or local quarantine or isolation order related to COVID-19.
 - They have been advised by a health care provider to self-quarantine due to COVID-19 concerns.
 - They are experiencing COVID-19 symptoms and seeking a medical diagnosis.
 - They are caring for an individual who is subject to a federal, state or local quarantine order or for someone who has been advised to self-quarantine due to COVID-19 concerns.
 - They are experiencing conditions substantially similar, as specified by the U.S. Department of Health and Human Services in consultation with the U.S. Department of Treasury and the U.S. Department of Labor.

The first 10 days of qualifying FMLA leave may be taken as unpaid leave, or the employee can substitute any accrued leave for the unpaid portion. The County may not require employees to use accrued leave if the employee decides to take unpaid leave during those 10 days of leave.

Under this provision, the County will provide paid leave for qualifying FMLA for up to ten (10) additional weeks of leave at a rate that is capped at \$200/day and \$10,000 in total.

Further, the County will make reasonable efforts to restore employees who return from approved FMLA leave to their same or an equivalent position. If those efforts fail, the County will make reasonable efforts to contact the employee if an equivalent position becomes available during the next year.

The Secretary of Labor has the authority to exclude certain healthcare providers and emergency responders from coverage under the Act. The County will maintain a list of excluded positions.

Emergency Paid Sick Leave (Section 5102)

Under this provision, full-time employees are eligible to take up to 80 hours of paid leave if the employee:

1. Has been ordered by the government to quarantine or isolate because of COVID-19.
2. Has been advised by a health care provider to self-quarantine because of COVID-19.
3. Has symptoms of COVID-19 and is seeking a medical diagnosis.
 - Paid sick leave must be paid at the employee's regular rate of pay*, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above.
4. Is caring for someone who is subject to a government quarantine or isolation order or has been advised by a health care provider to quarantine or self-isolate.
5. Needs to care for a son or daughter whose school or child care service is closed due to COVID-19 precautions.
6. Is experiencing substantially similar conditions as specified by the US Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.
 - Employees taking leave for reasons 4-6 above may be compensated at two-thirds** their regular rate of pay, or minimum wage, whichever is greater.
 - *Part-time employees are eligible to take paid emergency sick leave for one of the above reasons, as well, but on a prorated basis.*

Under this policy, all County employees, not formally excluded (see excluded position list), are eligible for paid emergency sick leave as established by the FFCRA regardless of how long they have worked for the County. Pay during the emergency leave will be calculated based on the employee's regular rate* but is limited to a maximum of \$511/day and \$5,110 in total. Where the emergency sick time is for employees to be caregivers, it is based on 2/3** of the regular rate and limited to a maximum of \$200/day and \$2,000 in total.

Under this policy, emergency paid sick leave is available in addition to other forms of existing County paid leave. Employees may not be required to use other paid leave before using the sick time provided by this law. Employees may not be required to find someone to cover their hours as a condition for taking paid sick time. The County may not retaliate against any employee who takes leave in accordance with the act. The County may not retaliate against an employee who files a complaint or participates in a proceeding related to the act—including a proceeding that seeks to enforce the Act.

The law directs the United States Secretary of Labor to establish emergency temporary standards to protect healthcare workers under OSHA and expand which hospitals and other medical facilities are subject to such standards.

The Department of Labor will provide a model notice for use by County offices to advise employees of the emergency family and medical leave and emergency paid sick leave provisions. Each office or department will be required to display the notice in a conspicuous place. These notices have been distributed and posted. Example posting included with this policy.

20200409 - Pennco Exempt Position List- COVID-19

Dept	Position	Essential under which provision
Auditor	Auditor	Other Government Operations and Essential Functions
Auditor	Chief Deputy	Other Government Operations and Essential Functions
Auditor	Deputy Auditors	Other Government Operations and Essential Functions
Buildings & Grounds	Dept. Director	Other Government Operations and Essential Functions
Buildings & Grounds	Asst. Director	Other Government Operations and Essential Functions
Buildings & Grounds	Office Manager	Other Government Operations and Essential Functions
Buildings & Grounds	Admin. Asst.	Other Government Operations and Essential Functions
Buildings & Grounds	Project Manager	Other Government Operations and Essential Functions
Buildings & Grounds	Foreman/Supervisor	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Tech I, II or III	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Specialist -Construction	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Specialist -Plumbing	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Specialist -HVAC	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Specialist -Electrical	Other Government Operations and Essential Functions
Buildings & Grounds	Bldg Specialist -Corrections	Other Government Operations and Essential Functions
Buildings & Grounds	Custodial Maintenance Tech	Other Government Operations and Essential Functions
Buildings & Grounds	Custodian	Other Government Operations and Essential Functions
COM	Commission Office Manager	Other Government Operations and Essential Functions
COM	Commissioners	Other Government Operations and Essential Functions
Emergency Mgmt	Director-EM	Law Enforcement/Public Safety/First Responders
Emergency Mgmt	Deputy Director-EM	Law Enforcement/Public Safety/First Responders
Equalization	Director of Equalization	Other Government Operations and Essential Functions
Equalization	Deputy Director of Equalization	Other Government Operations and Essential Functions
ESCC	Director-ESCC/911	Law Enforcement/Public Safety/First Responders
ESCC	Deputy Director of Operations	Law Enforcement/Public Safety/First Responders
ESCC	Deputy Director of Technology	Law Enforcement/Public Safety/First Responders
ESCC	Training Supervisor	Law Enforcement/Public Safety/First Responders
ESCC	QA Supervisor	Law Enforcement/Public Safety/First Responders
ESCC	Administrative Assistant	Law Enforcement/Public Safety/First Responders
ESCC	Radio Technician	Law Enforcement/Public Safety/First Responders
ESCC	Senior Radio Technician	Law Enforcement/Public Safety/First Responders
ESCC	Dispatch Supervisor	Law Enforcement/Public Safety/First Responders
ESCC	Assistant Dispatch Supervisor	Law Enforcement/Public Safety/First Responders
ESCC	Dispatcher 1	Law Enforcement/Public Safety/First Responders
ESCC	Dispatcher 2	Law Enforcement/Public Safety/First Responders
ESCC	Dispatcher 3	Law Enforcement/Public Safety/First Responders
ESCC	Telecommunicator 1	Law Enforcement/Public Safety/First Responders
ESCC	Telecommunicator 2	Law Enforcement/Public Safety/First Responders
Fire	Fire Administrator	Law Enforcement/Public Safety/First Responders
HHS	Director-HHS	Other Government Operations and Essential Functions
HHS	Assistant Director-HHS	Other Government Operations and Essential Functions
HR	Human Resources Director	Other Government Operations and Essential Functions
HWY	Highway Foreman	Transportation and Logistics
HWY	Office Manager	Transportation and Logistics
HWY	Assistant Superintendent	Transportation and Logistics
HWY	Superintendent	Transportation and Logistics
Information Technology	Director of IT	Information Technology
Information Technology	Assistant Director of IT	Information Technology

20200409 - Pennco Exempt Position List- COVID-19

Dept	Position	Essential under which provision
Information Technology	IT Sr Systems Analyst - Hardware	Information Technology
Information Technology	IT Systems Analyst - Hardware	Information Technology
Information Technology	IT Specialist III - Hardware	Information Technology
LE	Psychologist	Healthcare/Public Health
LE	Computer Tech	Information Technology
LE	HR Generalist	Other Government Operations and Essential Functions
LE	Employment Manager	Other Government Operations and Essential Functions
PDO	Attorney	Law Enforcement/Public Safety/First Responders
PDO	Office Manager	Law Enforcement/Public Safety/First Responders
PDO	Legal Secretary	Law Enforcement/Public Safety/First Responders
PDO	Staff/Administrative Assistant	Law Enforcement/Public Safety/First Responders
PDO	Investigator	Law Enforcement/Public Safety/First Responders
PDO	Paralegal	Law Enforcement/Public Safety/First Responders
PDO	Social Worker	Law Enforcement/Public Safety/First Responders
Planning & Zoning	Interim Director Planning & Zoning	Other Government Operations and Essential Functions
Planning & Zoning	Code Enforcement Officer	Other Government Operations and Essential Functions
Register of Deeds	Register of Deeds	Other Government Operations and Essential Functions
Register of Deeds	Chief Deputy Register of Deeds	Other Government Operations and Essential Functions
SAO	Chief Deputy State's Attorney	Law Enforcement/Public Safety/First Responders
SAO	Director of Victims Assistance	Law Enforcement/Public Safety/First Responders
SAO	Office Manager	Law Enforcement/Public Safety/First Responders
SAO	State's Attorney	Law Enforcement/Public Safety/First Responders
SO	Accountants	Financial Services
SO	Nurse Practitioner	Healthcare/Public Health
SO	Medical Director	Healthcare/Public Health
SO	Charge Nurse	Healthcare/Public Health
SO	Registered Nurse	Healthcare/Public Health
SO	Paramedic	Healthcare/Public Health
SO	Licensed Practical Nurse	Healthcare/Public Health
SO	Emergency Medical Technician	Healthcare/Public Health
SO	Medical Technician	Healthcare/Public Health
SO	Detox Technician I or II	Healthcare/Public Health
SO	Housing Director	Healthcare/Public Health
SO	Clinical Director	Healthcare/Public Health
SO	Clinical Supervisor	Healthcare/Public Health
SO	Addiction Counselors	Healthcare/Public Health
SO	Mental Health Counselors	Healthcare/Public Health
SO	Sheriff	Law Enforcement/Public Safety/First Responders
SO	Chief Deputy	Law Enforcement/Public Safety/First Responders
SO	Commander	Law Enforcement/Public Safety/First Responders
SO	Captain	Law Enforcement/Public Safety/First Responders
SO	Lieutenant	Law Enforcement/Public Safety/First Responders
SO	Sergeant	Law Enforcement/Public Safety/First Responders
SO	Corporal	Law Enforcement/Public Safety/First Responders
SO	Deputy Sheriff I or II	Law Enforcement/Public Safety/First Responders
SO	Correctional Officer I or II	Law Enforcement/Public Safety/First Responders
SO	Booking Technicians	Law Enforcement/Public Safety/First Responders
SO	Control Room Operators	Law Enforcement/Public Safety/First Responders

20200409 - Pennco Exempt Position List- COVID-19

Dept	Position	Essential under which provision
SO	Transport Officers	Law Enforcement/Public Safety/First Responders
SO	Crime Intelligence Analyst	Law Enforcement/Public Safety/First Responders
SO	Forensic Computer Analyst	Law Enforcement/Public Safety/First Responders
SO	Teachers I or II	Other Government Operations and Essential Functions
SO	24/7 Program Coordinator	Other Government Operations and Essential Functions
SO	24/7 Technician	Other Government Operations and Essential Functions
SO	Building Service Technicians I or II	Other Government Operations and Essential Functions
SO	Staff Assistant I, II, III, IV	Other Government Operations and Essential Functions
SO	Office Manager	Other Government Operations and Essential Functions
SO	Mechanic	Public Works
SO	Fleet Supervisor	Public Works
Treasurer	Treasurer	Other Government Operations and Essential Functions
Treasurer	Chief Deputy Treasurer	Other Government Operations and Essential Functions
Treasurer	Office Manager	Other Government Operations and Essential Functions



Pennington County
130 Kansas City St.
Rapid City, SD 57701
TEL: 605-721-6112

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (HR6201) LEAVE OPTIONS

Employee: _____ Date: _____

I am requesting to use Paid Sick leave under the Families First Coronavirus Response Act (HR 6201) for one of the following reasons (please select one):

1. I am subject to a federal, state or local quarantine or isolation order due to COVID-19. The quarantine period is scheduled to end _____. Date and body issuing order: _____

You are eligible for up to 80 hours of Paid sick at your regular rate of pay without using your accruals. *

2. I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The quarantine period is scheduled to end _____. Date and body issuing order: _____

You are eligible for up to 80 hours of Paid sick at your regular rate of pay without using your accruals. *

3. I am experiencing symptoms of COVID-19 and seeking a medical diagnosis. I have/have not been in contact with a physician. You are eligible for up to 80 hours of Paid sick at your regular rate of pay without using your accruals. *

4. I am caring for an individual who is subject to an order as provided in (1) or has been advised as per (2). The quarantine will end _____. You are eligible for up to 80 hours of paid sick time at 2/3 of your regular rate of pay without using your accruals. **

5. I am caring for a son or daughter because the school or place of care for the child has been closed, or the childcare provider is unavailable, due to COVID-19 precautions. The anticipated need to care for my son or daughter will end _____. Name and address of closed facility: _____

You are eligible for up to 80 hours of paid sick time at 2/3 of your regular rate of pay without using your accruals. **

6. I am experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and the Secretary of Labor. You are eligible for up to 80 hours of paid sick time at 2/3 of your regular rate of pay without using your accruals. **

7. I am sick and unable to perform my regular job responsibilities and I DO NOT meet any of the conditions set forth in 1-6 above. I will provide a doctor's note upon my return if required. I expect to return to work on _____.

You are eligible to use your accrued paid sick time and any other accrued leave you have available until exhausted.

8. I do not meet any of the requirements above, but would like to take a leave of absence from work because I do not feel safe at work because of the coronavirus. I would like to use accrued vacation and/or personal leave and then go on an unpaid leave. I am requesting leave until _____ and will keep the County updated of any changes.

I authorize the Pennington County Auditor/Payroll employees to use my accrued leave accruals to ensure 100% pay for leave reasons 4-6 above. Accrued Sick Leave hours will be used first, and accrued vacation hours when sick leave has been exhausted.

Employee Signature _____ Date _____

Department Head/Elected Official Signature _____ Date _____

Human Resources Approval _____ Date _____

*Capped at \$511 a day for maximum of \$5110 ** Capped at \$200 a day for maximum of \$2000

Request for Emergency Leave under the Family and Medical Leave Act & Pursuant to the Families First Coronavirus Response Act (HR6201-FFCRA)

(Effective April 1, 2020 – December 31, 2020)

Pennington County

130 Kansas City St., Rapid City, SD 57701

605-721-6112

Department Head/Elected Official Name and Contact:

Employee's job title: _____ Regular work schedule: _____

INSTRUCTIONS to the EMPLOYEE: Please complete before giving this form to your department leadership; once completed, give to your Human Resources Representative.

Your name (Print):

First Middle Last

Address: Street City State Zip

Phone number () _____

Eligibility for Leave-Detail:

Name of "Son or Daughter"* _____

Date of Birth of Son or Daughter: _____

School or Daycare's name and business address:

_____:

Telephone: () _____ Fax: () _____

Approximate date of closure due to Corona Virus : _____

Probable duration of closure: _____

Amount of Leave Requested:

Number of Weeks or Days of Leave Seeking: _____

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Type of Leave for First 10 days:

_____ I would like the first 10 days to be unpaid

_____ I would like to use sick ___ vacation_____ or personal___ time during the first 10 days

_____ I am applying for Paid Sick Leave under HR 6201 for the first 10 days (2/3 of my regular rate at maximum of \$200 a day or \$2000 total).

I understand that paid leave for the remaining 10 weeks of the 12 week leave will be at 2/3 of my regular pay not to exceed \$200 a day for a maximum payment of \$10,000. After I have received the maximum payment under this leave I elect to use my vacation _____ sick _____ personal time _____ and/ or go on unpaid leave _____.

I understand that the Employer can establish reasonable notice procedures in order for me to continue receiving the leave benefits and that I will promptly notify my Employer when my child’s school or daycare re-open or I no longer need this leave.

Comments:

I certify that I am unable to work (or telework) because I am caring for a son or daughter who is under the age of 18 years.

Signature of Employee

Date

Signature of Department Head/Elected Official

Date

Signature of Human Resources

Date

*"Son or daughter" is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person taking the place of a parent.

The employee’s job under the Emergency FMLA is “job-protected”. Upon an employee’s return from leave, employers must restore the employee to their previous position or an equivalent position when possible.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (ACT): WHAT DOES IT MEAN FOR EMPLOYERS?

The information provided does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available are for general informational purposes only.

The Act was signed into law on March 18, 2020 and takes effect April 1, 2020. This Act is in response to the COVID-19 outbreak. The information provided below summarizes some of the key provisions impacting employers.

EMERGENCY FAMILY AND MEDICAL LEAVE (FMLA) EXPANSION ACT (SECTION 3102)

- Employees of employers with fewer than 500 employees, who have been on the job for at least 30 days, have a right to take job-protected leave under FMLA for up to 12 weeks if they meet the following condition:
 - They are caring for a child (under the age of 18) if the school or place of care for the child has been closed, or the childcare provider of the child is unavailable, due to COVID-19 precautions.
- The first 10 days of leave may be unpaid, though an employee could choose to use accrued vacation days, personal leave, or other available paid leave for unpaid time off. Following the 10-day period, employees would receive a benefit from their employers that will be at least two-thirds of their normal pay rate.
- The family leave pay is capped at \$200 per day and \$10,000 in total.
- Employers of health care providers or emergency responders may elect out of providing paid family leave to these employees.
- Employers generally need to restore an employee to the position held or its equivalent when the employee returns from leave; however, an exception exists for employers with fewer than 25 employees if certain conditions are met.
- The U.S. Department of Labor has authority to exempt from the paid family leave requirement employers with fewer than 50 employees if the requirement to provide leave would jeopardize the viability of the business.

EMERGENCY PAID SICK LEAVE ACT (SECTION 5102)

- Employers with fewer than 500 employees must provide employees with two weeks of paid sick leave that is:
 - Paid at the employee's regular rate if (in connection with COVID-19) the employee:
 - is subject to a quarantine or isolation order;
 - has been advised to self-quarantine;
 - is experiencing symptoms; or,
 - Paid at two-thirds the employee's regular rate if (in connection with COVID-19) the employee:
 - is on leave to care for an individual who is subject to an isolation order or who is a quarantined employee; or
 - is on leave to care for a child (under the age of 18) if the school or place of care for the child has been closed or the childcare provider of the child is unavailable, due to COVID-19 precautions.
 - Full-time employees can receive up to 80 hours of sick leave, while part-time employees are eligible for leave based on their scheduled or normal work hours in a two-week period.
 - Paid sick leave is calculated based on the employee's regular compensation but is capped at \$511 per day for employees who fall into the first three categories above and at \$200 per day for those in the two care-related categories.

- Employers of health care providers or emergency responders may elect out of providing paid family leave to these employees.
- Paid sick time does not carry over from one year to the next.
- Employers cannot require employees to find a replacement to cover the hours during which the employee is using paid sick time.
- The U.S. Department of Labor has broad authority under this Act to exempt from the paid family leave requirement employers with fewer than 50 employees if the requirement to provide leave would jeopardize the viability of the business.
- Employers that already have existing paid leave policies must also provide employees with this emergency paid sick time and cannot require employee use other paid leave provided before using this paid sick leave.
- Employers are required to provide notice, a model of which will be provided by the U.S. Department of Labor.
- Employers may not discharge, discipline or in any other manner discriminate against an employee who takes leave under the Act or who has filed a complaint or instituted any proceedings under or related to the Act, or who has testified or is about to testify in any proceedings under or related to the Act.
- An employer could be subject to civil penalties for a violation of paid sick leave requirements.

The U.S. Department of Labor has indicated it will be providing further guidance on how employers can comply with the Act. We will be updating this page with additional resources as information becomes available.



Memorandum

DATE: April 10, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Implementation of Furlough Options

The COVID-19 outbreak has led to dramatic changes in County business operations and will most likely lead to financial challenges across the County. Fiscal responsibility in light of these changes is required to ensure continued operation in a manner that serves the needs of our citizens and employees.

The Board of County Commissioners has already implemented spending, hiring and travel restrictions; all to reduce anticipated financial pressure to come. In the interest of continuing full employment where able and to support prior decisions, additional actions are required to limit additional expenses this year.

In that light, it is recommended that the County allow for temporary furloughs of current employees as appropriate or necessary to be determined by each office or department to support required business operations. The furloughs could be completed through a reduction in weekly work hours for non-exempt County employees, up to a full furlough from all weekly work hours for non-exempt or exempt County employees. Please note: a partial reduction in weekly work hours for exempt employees would not reduce the financial burden for those employees. Under FLSA rules, exempt employees would continue to be paid for the entire week.

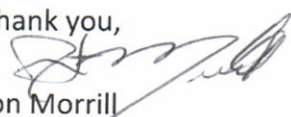
Attached are two draft temporary furlough letters, one for reduced work hours and a second for a full release from work hours.

Suggested motion could read as shown below:

1. Effective April 10, 2020, I move to implement the furlough options outlined in this memo and demonstrated in the attached examples.

I will be present at the April 10, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,


Jon Morrill
Human Resources Director
Pennington County



Pennington County Human Resources

County Administration Building • 130 Kansas City Street, Suite 150
Rapid City, SD 57701 • Phone: (605) 721-6112

www.pennco.org

Date

Employee name

address

Re: Notice of Furlough-Reduced Work Schedule

Dear XXXX:

We regret to inform you that because of the current level of work available as a result of COVID-19, we have opted to place you on a reduced-hours furlough (temporary partial layoff) during the next several weeks. You are not authorized to work during the specified furlough periods without advance written authorization from your Department Head or Elected Official. Work restrictions include all business-related phone calls or emails. Your weekly work schedule will be reduced by XX hours to allow a weekly total of XX work hours; and will be as follows until further notice: Mon – Thur, 8 am – 5 pm, Fri, 8 am – noon. Regular lunch breaks of 1 hour will continue on days where you are scheduled from 8 am – 5 pm.

The length of this furlough is unknown at this time. We will do our best to provide current information as we allow employees return to work. Furlough length may vary by department/office. This is not a reflection of importance to the County, simply based on the quantity and urgency of work required.

Furloughs are a County-initiated short-term temporary unpaid leave of absence. The furlough period and provisions may be changed or terminated at the sole discretion of the County, and does not create any employment contract, express or implied.

During this period:

1. You will retain your seniority with the County and contributions to SDRS will continue without interruption.
2. If you participate in County benefits programs, the County will continue to pay the County regular contribution of your health insurance. You will be expected to continue to pay the employee portion of your health insurance.
3. You may be eligible for unemployment benefits during this time. We recommend contacting the South Dakota Reemployment Assistance Division for further information and to apply. They can be reached at www.raclaims.sd.gov or by phone at 605-626-3179. In addition to regular state unemployment benefits, you may also be eligible for federal CARES Act unemployment benefits. The SD

Reemployment Assistance Division will be able to provide details on this program as well.

4. You will not be allowed use accrued vacation time or sick time while this furlough is in effect. However, leave time will continue to accrue during the reduced-hours furlough period.
5. It is important to us that your transition into furlough and back to the regular 40-hour work goes as smoothly as possible. Therefore, if you have any questions or concerns regarding these transitions, contact your immediate supervisor or the Human Resources Department.

We very much appreciate all of your contributions to the County this year. We wish you all the best during this unprecedented time and are looking forward to your return to a full-time work schedule following this furlough period.

Best regards,

Department Head or Elected Official
and HR Representative



Pennington County Human Resources

County Administration Building • 130 Kansas City Street, Suite 150
Rapid City, SD 57701 • Phone: (605) 721-6112

www.pennco.org

Date

Employee name and address

Re: Notice of Furlough

Dear XXXX:

We regret to inform you that because of the current level of work available as a result of COVID-19, we have opted to place you on furlough (temporary layoff) during the next several weeks. You are not authorized to work during the furlough without advance written authorization from your Department Head or Elected Official. Work restrictions would include all business-related phone calls or emails.

The length of this furlough is unknown at this time. We will do our best to provide current information as we allow employees return to work. Furlough length may vary by department/office. This is not a reflection of importance to the County, simply based on the quantity and urgency of work required.

Furloughs are a County-initiated short-term temporary unpaid leave of absence. The furlough period and provisions may be changed or terminated at the sole discretion of the County, and does not create any employment contract, express or implied.

During this period:

1. You will retain your seniority with the County. Contributions to SDRS will cease until your return to work.
2. If you participate in County benefits programs, the County will continue to pay the County regular contribution of your health insurance, and will also temporarily pay the employee portion of your health insurance. Your portion of benefit premiums will require repayments upon your return to work. If you do not return to work the County will deduct any premiums in arrears that are due from your final check.
3. You may be eligible for unemployment benefits during this time. We recommend contacting the South Dakota Reemployment Assistance Division for further information and to apply. They can be reached at www.raclaims.sd.gov or by phone at 605-626-3179. In addition to regular state unemployment benefits, you may also be eligible for federal CARES Act unemployment benefits. The SD Reemployment Assistance Division will be able to provide details on this program as well.

4. You will not be allowed to use accrued vacation time or sick time while this furlough is in effect. Additional leave time will not accrue during the furlough period.
5. It is important to us that your transition into furlough and back to work goes as smoothly as possible. Therefore, if you have any questions or concerns regarding these transitions, contact your immediate supervisor or the Human Resources Department.

We very much appreciate all of your contributions to the County this year. We wish you all the best during this unprecedented time and are looking forward to your return to work following this furlough period.

Best regards,

Department Head or Elected Official
and HR Representative



Memorandum

DATE: April 10, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Suspension of Performance Step Increases and Reclassifications or Promotions for Remainder of 2020

The COVID-19 outbreak has led to dramatic changes in County business operations and will most likely lead to financial challenges across the County. Fiscal responsibility in light of these changes is required to ensure continued operation in a manner that serves the needs of our citizens and employees.

The Board of County Commissioners has already implemented spending, hiring and travel restrictions; all to reduce anticipated financial pressure to come. In the interest of continuing full employment where able and to support prior decisions, additional actions are required to limit additional expenses this year.

In that light, it is recommended that the discretionary performance step increases be suspended for the remainder of 2020. This would produce potential savings to the County of up to \$350,000. The annual single step pay increases for employees would continue in the current year. It's also recommended that all employee reclassifications and promotions be suspended for the remainder of 2020. Both suspended actions would be reviewed prior to the beginning of CY 2021 to determine if the suspensions would need to continue into the new year, or could end as of Dec 31, 2020.

Suggested motions could read as shown below:

1. Effective April 10, 2020, I move to suspend all performance step pay increases for the remainder of 2020, with a Board review to be completed prior to 2021 to evaluate the need to continue the suspension into 2021.
2. Effective April 10, 2020, I move to suspend all reclassifications and promotions for the remainder of 2020, with a Board review to be completed prior to 2021 to evaluate the need to continue the suspension into 2021.

I will be present at the April 10, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read "Jon Morrill", is written over a white rectangular background.

Jon Morrill

Human Resources Director
Pennington County