

RESOLUTION

NO: 2020-12-288

LIVINGSTON COUNTY

DATE: December 14, 2020

COVID-19 Related Resolution Approving Temporarily Authorizing a Livingston County Health Department FLSA Exempt Employee to Accrue Temporary Special Flex Time and Additional Compensation for Hours Worked – Health Department

WHEREAS, pursuant to Resolution 2020-03-079 the Board of Commissioners has previously authorized that 18 full-time exempt positions at Livingston County Health Department be temporarily reclassified to permit payment of overtime due to the COVID-19 Pandemic; and

WHEREAS, due to the COVID-19 Pandemic, beginning March 8, 2020 the Director of Personal Preventative Health, a FLSA exempt position, also began working after hours and on weekends; and

WHEREAS, the management of the Livingston County Health Department is recommending that the Board of Commissioners temporarily authorize the Director of Preventive Health position to, in addition to her salary, temporarily be eligible to accrue straight time flex time for those hours approved by the Health Officer to be worked over 40 in the workweek and that any payout of these special accrued flex time hours shall be computed and paid out on a fixed pay basis; and

WHEREAS, existing funds are available to support this request using COVID response grant funds received from MDHHS; and

WHEREAS, at the request of the Board of Commissioners to assure fiscal prudence, the Michigan Employment Retirement System of Michigan (MERS) has confirmed to the County, in writing, that flex time accruals or payouts are not mandatorily computed in the final average compensation of an MERS eligible division employee for retirement purposes and, rather, may be excluded from the final average compensation formula at the option of the County; and,

WHEREAS, this request is temporary and retroactive to March 8, 2020. Unless extended by written resolution of the Board of Commissioners, this authorization will automatically terminate when the COVID-19 Pandemic is over, or December 31, 2021, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is sooner.

THEREFORE BE IT RESOLVED that due to the extraordinary circumstances of the COVID-19 Pandemic, the Livingston County Board of Commissioners hereby authorizes the FLSA Exempt Director of Personal Preventative Services at the Livingston County Health Department to temporarily, in addition to her salary, accrue temporary special flex time on a straight time basis for those hours approved by the Health Officer to be worked over 40 in the applicable workweek. This temporary special flex time will be paid out annually, or at the date of retirement or the date of cessation of employ (whichever first occurs), at the rate of \$54.02 (subject to Board-approved cost of living adjustment) subject to the following express conditions and requisites:

- A. Funding for the temporary special flex time and any payout of flex time payments will be provided by grant funds eligible for this purpose; and
- B. That, pursuant to MERS written confirmation, that no sums derived from the temporary special flex time accrual or payout will be included in final average compensation calculation for purposes of MERS or for any other County benefit plan. The employee will be required to execute a written acknowledgement of such condition and his/her acceptance of same; and,
- C. The temporary special flex time may not be used by an employee to take time off so as to extend his/her retirement date or final day of employ. Such special flex time is payable on a lump sum basis only.

BE IT FURTHER RESOLVED that this authorization will be retroactive to the first full payroll period after March 8, 2020 and shall automatically terminate when the COVID-19 Pandemic is over, or December 31, 2021, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is soonest.

BE IT FURTHER RESOLVED that the Board of Commissioners authorize any budget amendment to effectuate the above.

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MOVED:
SECONDED:
CARRIED: