

RESOLUTION

NO: 2021-12-192

LIVINGSTON COUNTY

DATE: December 13, 2021

Resolution Reauthorizing and Modifying Temporary COVID-19 Leave Benefits for Eligible County Employees – County Administration

WHEREAS, in response to COVID-19 Pandemic, in March and April 2020 the Board of Commissioners proactively authorized and, to comply with law, subsequently modified the provision of temporary COVID-19 leave benefits for certain classes of eligible County employees which:

- (i). were afforded statutory coverage under the Emergency Paid Sick Leave Act (“EPSLA”) and/or,
- (ii) are classified as Livingston County Emergency Responders and/or Healthcare Providers excluded from coverage of the EPSLA (“County EPSLA Exempt Employees”)

See, Resolutions 2020-03-80 (superseded), 2020-04-83 and 2020-04-84; and

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”), enacted March 11, 2021, amended and extended the tax credits (and the availability of advance payments of the tax credits) for paid sick and family leave for wages paid with respect to the period beginning April 1, 2021, and ending on September 30, 2021 as to certain eligible employers who have voluntarily extended the expired EPSLA sick leave provisions. By law, EPSLA eligible employees could not carry over EPSLA leave from one year to the next and were not entitled to reimbursement for unused EPSLA leave upon termination, resignation, retirement, or other separation from employment; and

WHEREAS, in anticipation of the expiration of the EPSLA benefit and prior to ARPA, on December 23, 2020, the Livingston County Board of Commissioners passed Resolution 2020-12-306 which reauthorized the granting of the temporary COVID-19 leave benefit to eligible Livingston County employees through December 31, 2021, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is soonest; and

WHEREAS, County Administration is recommending the reauthorization of an temporary COVID-19 leave benefit to eligible Livingston County employees through December 31, 2022 due to: i. the continuation of the COVID-19 pandemic; ii. the fact that eligible County employees are continuing to experience the effects of COVID-19 as demonstrated by the continued and escalation in the usage rate for the expiring Livingston County emergency temporary COVID-19 leave benefit; iii. in recognition of the efforts and needs of the County Emergency Responders and Healthcare Providers; iv. to foster and support prudent health decisions by staff to avoid the workplace and seek necessary treatment when infected with COVID-19; and,

THEREFORE BE IT RESOLVED the Livingston County Board of Commissioners hereby reauthorizes for 2022 the grant of up to fourteen (14) calendar day regularly scheduled work period of paid Temporary COVID-19 to eligible Livingston County employees. This leave is non-cumulative with leave granted or utilized in calendar year 2020 and/or 2021 and is further subject to the terms and conditions of County Policy regarding eligibility and application of such leave benefit which shall include, but are not limited to

the prohibition to carry over County temporary COVID-19 leave from one year to the next and the provision that employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment. This re-authorization shall automatically terminate on December 31, 2022, or upon action by the Board of Commissioners terminating or amending this Resolution, whichever date is soonest.

BE IT FURTHER RESOLVED that if Congress does act to provide extended or replacement COVID leave benefits to eligible County employees, than the provision of leave for eligible County employees shall be exclusively governed by and subject to the requirements, terms, conditions and procedures provided by applicable law and/or appropriate collective bargaining agreement leave provisions (for unit employees) or County leave policies (for non-unit employees).

BE IT FURTHER RESOLVED that the eligibility for, application of, or procedures for grant or compensation of COVID-19 related compensation or leave may be modified by Administration to comply with changing circumstance, staffing requirements, and/or to comply with applicable law.

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

BE IT FINALLY RESOLVED that funding for expenses incurred under this policy will be covered by the American Rescue Plan Act of 2021.

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MOVED:
SECONDED:
CARRIED: